

Reality vs Regulation: Informal Practices of Spatial Development in Krasnodar, Russia¹

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Introduction

Urban development is generally considered solely as the prerogative of city planners, city authorities and major developers. Indeed, these actors largely influence the processes taking place in the city, since they have more power and resources to intervene in the urban space. At the same time, individuals and small businesses have almost no influence on the

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processes. This inequality of opportunities displaces private actors from influencing the spatial development trajectories of the city. There is a need to evaluate the demands of actors displaced outside the established institutional framework. The study of this non-systemic aspect of urban development is important for understanding the current city transformations.

The conflict between actors is especially aggravated in post-socialist cities, where for decades the state was the only actor of urban development. The current inclusion of individual citizens in this process takes place in the conditions of emerging and undeveloped institutions of urban planning and the market economy.

Krasnodar is one of the largest cities in Russia, it has a population around 1,04 million people. The city is the administrative capital of the Krasnodar Krai and is one of the largest cities in the Southern Federal District. Krasnodar krai is one of the leaders in Russia in terms of the number of informal housing units, about 30% of the region's residents purchased apartments under a shared construction agreement, in fact, live in informal housing units.²

At the same time, Krasnodar is one of a few fast-growing cities in Russia. High rates of population growth and economic development are faced with limited land resources, an increase in the burden on infrastructure, southern specifics, and imperfect mechanisms of urban regulation on both levels of the city and federal authorities. Thus, the uniqueness of Krasnodar in the context of the study of urbanization processes in Russia is of particular interest and relevance for the research.

In this study we observe the informal practices of territorial development and their role in the transformation of the urban environment of Krasnodar. The idea of informal area development practices will be conceptualized in the study. The purpose of the study – to systematize the types of informalities and patterns of spatial, morphological, and qualitative features of unauthorized construction objects.

The work is organized as follows: the first part presents theoretical and applied research on the issue; the second part presents the research methodology; the third part aggregates the main results of the empirical research; the final part describes the main conclusions of the work.

Background

Informal urban development has been under thorough study by urban researchers. However, traditionally it has been studied on the example of cities in the Global South [Guibrunet, Broto, 2015; Mohanty, 2019; Goncalves, Gama, 2020]. When researchers began to apply the existing theory of informality to the cities of the Global North, it became clear that there were different processes and causes behind the emergence of buildings and districts, that at first sight were similar in their morphological and functional characteristics [Alterman, Calor, 2020]. In Russia, where the patterns of urban development differ from the mainstream division into Global North and Global South, the issue of informal urban development has not been studied enough.

Causes and consequences of informal urbanization

Informal urbanization is a form of urbanization that does not obey formal rules and regulations, it is a quasi-urbanization created by local economic development and market conditions [Perlman, 1979; Mohanty, 2019]. It is

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In the research environment, informal urban development has traditionally been studied in the cities of the Global South. However, in the Eastern European context, informal urban development differs as land use regulation goes through the process of post-socialist transformation. Krasnodar is one of the biggest and fastest growing cities in Russia, where informal construction practices and bottom-up approaches in spatial redevelopment are widely spread despite the strict regulation of housing construction and precise tools for identification of informality. The work presents a step towards the discovery of this phenomenon. In the spotlight we put the exploration of inner synergetic inconsistency of legal relations, connecting economic, institutional, demographic, and sociopolitical context to understand the contradiction between formal and informal urban life. The research methods include spatial and regulatory documents analyses, in-depth interviews with different collective actors (city administration, activists, experts in urban development, locals living in informal). The core of the research – the machinery of the conflict behind the legalization process. Findings of this work illustrate a number of reasons behind the spread of informal settlements in Krasnodar and their role in urban development. While administrative power does not seek compromise with locals and migrants, the mistrust of others embodies itself as unguided and spontaneous urban development.

Keywords: informal urbanization; urban conflict; morphology of informal buildings; illegal construction

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2. The unified register of self-builders in test mode began its work in the Russian Federation on January 1 (2020) TASS. Available at: <https://tass.ru/nedvizhimost/7456741> (accessed 1 May 2022)

connected with the lack of legal relations between buildings and the land on which they are located, and is related to the lack of connection with formal urban regulation, planning, and design [Roy, AlSayyad, 2003]. Roy believes that informality is a political construct, and the state has the power to determine what is informal and what is not [Roy, 2005].

Urban informal urbanization can be considered in 3 main types of its manifestation: 1) free-standing unauthorized buildings; 2) informal settlements, favelas, or slums; 3) informal economy in service and production [Mohanty, 2019]. Each type has its own distinctive features, roots, and patterns.

However, by informal urbanization, we do not mean the opposition to 'formal' but the spectrum of informality manifested in the city. In order to show this diversity and heterogeneity of informality, Harris identified four thresholds that separate five modifications of informality [Harris, 2018]:

1. Latent. This is a 'potential' informality that may soon appear due to the introduction of new regulation. This regulation may apply either to a new territory or to types of economic activity (for example, a new regulation for leasing).
2. Diffuse. These are small, minor regulatory violations that are very difficult to track. At the same time, residents and other actors usually try to remain unnoticed by the state and city authorities, not to attract any attention. For example, the owner adds a room or rents out a basement without special permission. Other examples include asking to pay in cash to avoid paying taxes and organizing a business in a residential building despite the fact that only housing is allowed in zoning regulations. Authorities often ignore such violations deliberately, as it is too difficult to deal with them.
3. Embedded. This modification emerges after actions of a particular group of stakeholders become organized. This most often includes three aspects: "cooperation, physical concentration and popular legitimacy".
4. Overt. This modification appears as a result of a higher level of organization. At this stage informal settlements have leaders – chosen or self-proclaimed. Usually, this kind of organization is

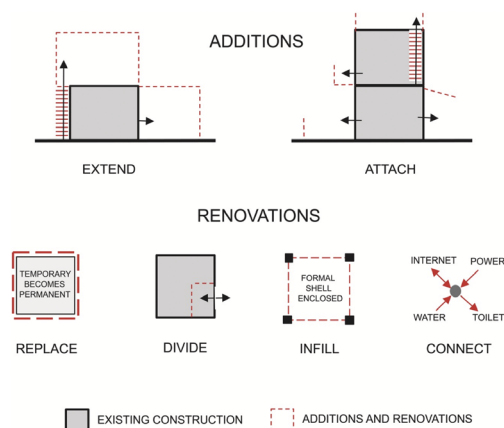
needed to resist the authorities trying to combat informality.

5. Dominant. This modification appears when the informal is so widespread that it becomes the dominant form of urban development. In this case, the authorities do not control the situation and rarely try to suppress the informal but look for ways to ensure coexistence with the informal, which often generates corruption. Within the framework of this study, we also study informality in its diversity, trying to typologize the studied cases of informal development.

Richard Harris links the emergence of informality with 4 factors, which he divides into two subgroups [Ibid.]: (1) Residents cannot or do not want to follow the established regulation. (2) The authorities cannot or do not want to enforce the regulation. As a result, areas of informal development often fall outside the framework of urban infrastructure and housing modernization programs, communication between residents of these territories and city authorities becomes very rare and weak, resulting in the lack of awareness of residents and authorities about each other's motives, needs and desires [Ndukui, 2013]. All this complicates further processes of inclusion of informal development areas in the life of the city.

Another important factor in the spread of this type of urbanization is the acute contradiction between the interests of local residents-developers and the authorities, as well as resistance to any external means of intervention and distrust to the actions of the administration [Ndukui, 2013]. In such conditions, usually either residents are unable or unwilling to obey formal rules, or the state is unable or unwilling to force residents to comply with its norms [Harris, 2018]. As a result, there is low involvement of residents in the modernization programs of informally built-up areas, ignorance of the desires and motives of the authorities [Ndukui, 2013]. Main reasons for difficulties in introducing these programs also include the lack of budget allocations, the politicization of the entire process, the lack of the necessary number of vacant land plots for resettlement of residents of informal buildings and landscaping [Ibid.], difficulties in legalizing property rights [Ibid.; Karbainov, 2014]. The reasons for the emergence and spread of informality in developing countries most often include rural-urban migration, 'spontaneous'

Fig. 1. Typology of incremental changes in informal buildings
Source: Dovey, Kamalipour, 2017.



urbanization, shortcomings in urban planning, lack of municipal control and resources to provide housing for the needy part of the population [Ibid.].

Informal urbanization is sustainable and is supported by economic benefits for various socio-economic groups: individual illegal construction of low-rise housing allows savings from 30% [Harris, 2001] to 50% [Burgess, 1977] of its usual cost. It is important to emphasize that such a behavior is typical not only for the poor, but also for everyone who seeks to maximize the benefits of their investments [Devlin, 2018], as well as for elites who directly influence the housing and labor market and offer the most favorable prices and rates [Banks et al., 2020].

City authorities can apply several types of strategies in relation to the informal:

- (1) try to eradicate illegal settlements and unauthorized construction by conducting 'forceful' intervention or negotiate;
- (2) ignore the fact of the existence of the informal and turn a blind eye to it;
- (3) encourage the emergence of informal;
- (4) pursue a policy of adaptation and legalization [Harris, 2018; Gonçalves, Gama, 2020].

Ananya Roy, believes that the simple formalization of the informal leads to a whole set of problems. She proposes two principles for urban policies in relation to informal areas: exclusion from regulation (regulatory exceptions) and exclusion from regularity (regularity exceptions). Example of the first principle is the introduction of a 5-year moratorium on land and urban planning codes changes to carry out basic infrastructure during this transition period, as well as to provide financial mechanisms with which it would be possible to modernize informal settlements to a state that meets the requirements of codes and regulations. That is, the key feature of such a

policy is the gradual introduction of regulation. But due to legalization, an obligation of regular payments is created, which often becomes the reason for the relocation of residents of informal settlements, as they do not have a stable source of income. Therefore, an example of the second principle is leveling the discrepancy of 'time cycles of payments' instead of increasing housing affordability.

Typology of informal buildings and the peculiarity of their existence in Russian cities

Informal buildings refer to a term that is often used in relation to different types of structures differing in their morphological and functional characteristics. Depending on the actions performed on the object, the changes can be divided into two main types (fig. 1). The first type is additions. This category includes extensions and additional premises attached to the initial structure, constructed to increase the area of the premises. The second type of change is renovation. This category includes replacement of temporary structures with permanent ones, use of buildings for other purposes, functional separation of buildings, illegal connection to urban communication systems [Dovey, Kamalipour, 2017].

In Russian legislation, both types of changes fall under the term "reconstruction", which is defined in the Urban planning Code as "changes in the parameters of a capital construction object, its parts (height, number of floors, area, volume), including changes with additions, reconstruction, expansion of the capital construction object, as well as replacement and (or) restoration of load-bearing building structures of the capital construction facility, except for the replacement of individual elements of such structures with similar or other elements that improve the performance of such structures and (or) the restoration of these elements" (Article 1 of the Urban Planning Code of the Russian Federation). Changing these parameters without notifying the authorities is a violation that puts the object in the category of unauthorized construction.

Based on the definition of unauthorized construction in Article 222 of the Civil Code of the Russian Federation, it is possible to identify the main criteria that render a construction illegal and unauthorized: a capital immovable structure is created on a site not designated for such purposes, or

Tab. 1. Hypotheses of study

Number	Formulation
<i>Hypotheses about the nature of unauthorized construction in Krasnodar</i>	
H1.1	Unauthorized construction in Krasnodar exists and it is spatially distributed in different parts of the city
H1.2	Differences in the strategies and tactics of actors in relation to urban public space, stemming from their motivations, beliefs and capabilities, contribute to the emergence of unauthorized construction. This can manifest as owners expressing disagreement with current legal regulations, while all interested parties have their own motives and opportunities for action.
<i>Hypotheses about the strategies and tactics of actors</i>	
General terms	
H2.1.	Lack of clear understanding among citizens regarding the key principles of land legislation [Kuznetsov, 2020]
H2.2.	Inconsistent legal framework (contradiction between the procedure for seizure and legalization of informal property)
Strategies	
H3.	The strategy of public authorities involves a mixed policy of ignoring, legalizing and counteracting, highlighting a lack of a well-developed decision-making algorithm
Tactics	
H4.1.	Economic compulsion. Local residents want to turn their land into an asset and a platform for entrepreneurial activity, but do not realize the need to take into account the rules and regulations
H4.2.	The existence of places where informal practices accumulate is linked to a perception of a low level of control (both administrative and social)
H4.3.	In areas where unauthorized construction is concentrated, distinct communities of property owners are being formed

created without the necessary permits (for example, for construction or commissioning) or with a significant violation of urban planning and building regulations and rules. A person who erects an unauthorized building does not have the right to own it and cannot dispose of it (sell, give, lease, make transactions). After the building is discovered and recognized as illegally erected, it is subject to demolition or brought into compliance with the necessary parameters and requirements. These actions must be carried out at the expense of the person who carried out the construction.

The actual use of the land plot must align with the type of permitted use (hereinafter referred to as the TPU) outlined in the town-planning regulations, specifically the Land Use Regulation Rules³, and must match the information recorded in Rosreestr (the State Registry of Property). However, local town-planning regulations may occasionally conflict with the data registered and published by the local Rosreestr office during the transfer or registration of ownership rights. Rosreestr issues TPU for the site based on the classifier of types of permitted use provided by the Ministry of Economic Development or local Land Use Regulation Rules, which creates room for confusion. Even in case of

a discrepancy between the TPU in the State Registry of Property and Land Use Regulation Rules, the Supreme Court of Russia recognizes the data in the State Registry of Property as legitimate since it is with it that the copyright holder and the local regulatory authority work. The impact of such contradictions on spatial planning and administration is still unclear in expert discussions, although it is recognized as a common problem.

Methodology

We define informal practices as the actions of actors in relation to real estate objects that meet one of the following conditions:

- (1) violating the established type of permitted use of the land plot;
- (2) exceeding relevant limiting parameters (for example, the percentage of built-up area, the height of the object, etc.)

The use of the term “practices” underscores the importance of studying not only the urban planning aspect of violations, but also the system of relationships and connections that this phenomenon generates. Krasnodar is a

3. rus. PZZ or Zoning Code.

Table 2. Information about informants

N°	Sex	Age	Background
Informant 1	female	31	Architect, previously worked in the city administration of Krasnodar
Informant 2	male	24	Employee of "Gorodskie Proekty" in Krasnodar, activist
Informant 3	female	61	Entrepreneur, social activist
Informant 4	female	37	Member of the Town Planning Council under the Governor of the Krasnodar Krai, public figure
Informant 5	female	45	Associate Professor at the Graduate School of Urbanism, not directly related to Krasnodar
Informant 6	female	30	Artist, born in Krasnodar, lives in Musicalny Microdistrict

vivid example of the clustering of informal practices in territorial development, which makes its study important in expanding the discussion about the causes of informality in Russia.

The definition of objects of unauthorized construction in Russian legislation and the practice of recognizing existing buildings and structures as such in Russian cities are almost entirely uncorrelated. Currently, objects built with violations continue to exist in different dimensions: legal/illegal statuses, having their own characteristics in the legal, economic and social context. That is why, we define our object of study through informality to take a deeper look at the phenomenon and understand the nature of the existence of objects that directly or indirectly violate urban planning legislation.

The aim of the study is to systematize the types of violations present in Krasnodar and investigate the role of informal practices in the territorial development and transformation of the urban environment.

Based on the previous studies reviewed earlier, we form the following hypotheses about the nature of unauthorized construction and informality in Krasnodar and about the strategies and tactics of actors, including the reasons for the emergence of informal practices (tab. 1).

The socio-economic situation and urban planning policy of Krasnodar were analyzed using official documents submitted provided by the city administration: the Strategy for the Socio-Economic Development of the Municipality of the City of Krasnodar Until 2030⁴, the General Plan⁵ and the Land Use

Regulation Rules⁶, which have been in force over the past 15 years⁷.

Further in the study, we highlight the most striking cases of informal practices in the city – the clustering territories of unauthorized construction. The identification of these territories is based on media materials and intracity observation through visual panoramas on Internet GIS resources (Google Maps, Yandex.Maps). To establish the type of informality, we analyzed the key urban planning documents of the city, including temporal aspects) at the scale of the designated territories. Additionally, media sources were consulted to gain deeper insights into the issues associated with the selected areas.

To test hypotheses and describe the conflict from different points of view, 6 in-depth structured interviews with the experts, activists and residents of Krasnodar were conducted. An interview guide was preliminarily compiled, including several options for a set of questions based on the characteristics of the social group to which the informant belongs (tab. 2).

The basic interview guide included five broad blocks of questions: (1) Getting to know the informant; (2) Inquiries about the situation with self-building in Krasnodar and the informant's perspective on this phenomenon; (3) Exploration of the role of urban policy in urban development; (4) Discussion about the reasons for the spread of informal practices; (5) Discussion of areas where objects of unauthorized construction concentrate: aspects of daily life, the policy pursued in relation to these cases.

4. Strategy for Socio-Economic Development of the Krasnodar Region until 2030 (2020) *economy.krasnodar.ru*. Available at: <https://economy.krasnodar.ru/upload/iblock/581/i2f914v1yplwv6l68ljfwqh02e05f6ap/Strategiya-2030-s-izmeneniyami-ot-23.12.2022-goda.pdf>.

5. General Plan of Krasnodar issued January 26, 2012.

6. Land Use Regulation Rules, issued January 30, 2007, p. 6 (as amended on March 28, 2019).

7. All the documents were accessed via the Federal Geo-Information System for Territory Planning.

Results

Socio-Economic Situation and Urban Planning and Development Regulation in Krasnodar

Krasnodar ranks first among the largest cities in Russia in terms of population growth. Comfortable climate conditions, cultural and economic opportunities make Krasnodar an attractive city to live in. The main reason for positive population dynamics is the high level of migration from other regions of Russia that has persisted for the last decades.

Uncontrolled population growth has resulted in the failure of the tools of urban planning and development that have been operating in the city. During 2012–2019 the residential construction amounted to 20,000 thousand square meters when the General Plan prognosed only 9,000 thousand square meters by 2025. This case is a unique example for Russian cities where the expected indicators stated in the strategic documents for residential development are usually unreasonably high.

Krasnodar has the second place after Moscow in Russia for residential space construction. New construction is mainly developing on peripheral areas for multi-unit buildings. These areas have a low level of transport accessibility and utilities development. Moreover, The city General Plan of 2012 prescribed a reduction of single-family's areas when in reality positive growth of such development was actually observed. This rapid housing construction leads to the emergence of point construction, a shortage of vacant land and an increase in the load on the scarce capacity of engineering infrastructure.

Natalia Zubarevich, an economist, notes that Krasnodar is one of the several Russian cities that have advantages in development with high population growth, the largest trade turnover per capita, maximum investment per capita and the volume of housing construction.⁸ The agglomeration of the city has the most significant development potential among other Russian cities. Rapid economic development increases the burden on the city's territorial resources and existing

infrastructure, which poses new challenges for the local urban planning system.

"This is the specifics of the southern regions where there are many tourists. Such unauthorized construction mainly takes place in the single-family's areas. The region temperature regime allows you to make construction not very expensive/ These are cities with high investment interest and limited land. Then the question is: who will do the unauthorized construction – individuals or large developers" [Informant 5].

In addition to the local specifics, the rules of both old and new Zoning Codes in Krasnodar, as everywhere in Russia, do not find a direct accordance with Land Development Plans⁹. The documents of urban planning may not follow the same logic and can even contradict each other.

"The General Plan and the Zoning Code did not match each other, the Zoning Code was brutally redrawn. After several cases the court decision was made regarding the General Plan in situations when the Zoning Code contradicted it. This helped the overall situation as the General Plan was redrawn less" [Informant 3].

Overall, the history of urban planning and development regulation in Krasnodar indicates that city governance tends to transform territories of single-family's areas to mid- and high-rise apartment buildings. Despite a great number of territories with permitted use for multi-unit buildings zones, unauthorized apartment construction in Krasnodar happened mainly on the territories with permitted use for single-family housing zoning. One of the reasons is the exclusion of small developers and private owners from the residential housing construction process due to high barriers to entry into the construction market and competition with large developers [Kosareva, 2013].

8. Zubarevich N. (2017) Designated agglomerations. Economist Natalya Zubarevich about the main barriers to the million cities development. *Vedomosti*. Available at: <https://www.vedomosti.ru/opinion/articles/2017/07/07/714602-naznachennye-aglomeratsii> (accessed July 2, 2022).

9. "Land Development Plan" (translation of «Градостроительный план земельного участка») – the official document for land development issued by the municipality to the owner of the land plot.

Fig. 4. Map of the selected cases in Krasnodar: Musicalny microdistrict, Airport district and Karasunskie Lakes
Source: Yandex. Maps.

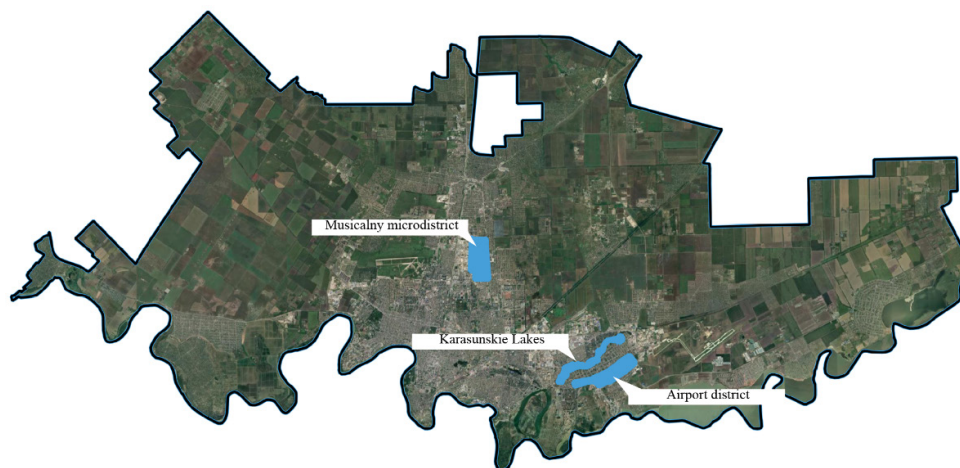
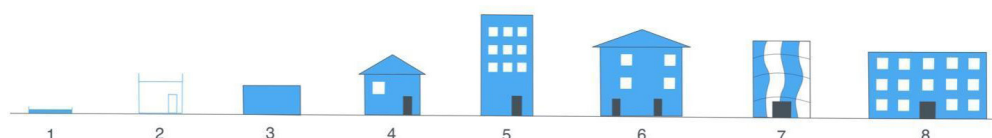


Fig. 2. Separate unauthorized buildings
Here: 1 – foundation, 2 – unfinished building, 3 – extension, 4 – single-family's individual residential housing, 5 – multi-unit apartment building, 6 – single-family's individual residential housing with signs of multi-unit apartment building, 7 – shopping or office center, 8 – hotel or hostel
Source: [Maltseva, 2022].



Selection of the cases

Krasnodar is full of objects with various types of violations, which makes such buildings unauthorized. Most of them are hardly recognizable since visually they may not stand out from neighboring sites. Despite this fact, the cases for the analysis in this work were selected through the reviewing of zoning and state property registries conformity, visual assessment of the urban space morphology from Panoramas images. Three concentrated areas were found: the Musicalny microdistrict, the Airport district and the Karasunskie Lakes, each of which vividly describe the practices of informality within the city (fig. 4).

Classification of unauthorized buildings

The following typology of the architectural morphology and incremental changes of unauthorized buildings in Moscow and Krasnodar regions [Maltseva, 2022] was made similarly to the work of Dovey and Kamalipour [2017] and is based on more than 5000 observations through the Yandex. Panorama¹⁰ (fig. 2).

We found that incremental changes in the Krasnodar region became a common way of adapting to the socio-economic needs and the need for more space for

residential areas. For example, the cases considered in this study represent not only territorial clusters of unauthorized construction in Krasnodar but also the key problems of the city. For example, the Musicalny microdistrict reflects a high demand for housing; the Karasunskie Lakes – a breachesdead weight of the ecological framework of the city; the Airport district – the need for small business realization: it is the place with the largest number of identified violations and multifunctional use of buildings with the hotel business concentration. The Karasunskie Lakes is also the most dynamic area from the view of incremental changes: houses can be joined, their function can be separated, and the facade – refurbished to the common formal appearance. The violation of the type of permitted landuse (“infill”), the division of the object into separate parts (“divide”) and extensions (“add”) were found in all the inspected areas in Krasnodar (fig. 3).

Analysis of unauthorized construction cases

The typology described in the last paragraph focuses on the morphological and functional characteristics of buildings that make them unauthorized or illegal. However, the unauthorized construction¹¹

10. Yandex. Maps Street Panoramas Web-service. Yandex (<https://yandex.ru/maps> accessed 5 May 2022).

11. rus. ‘samovol’noe stroitelstvo’.

Fig. 3. Additions and renovations of unauthorized buildings
Source: [Maltseva, 2022].



is a broader phenomenon in the Russian context. It can include violations of different nature: functional, legal status and architectural changes. In this work we focused on the violations connected with official documentation and incremental changes of buildings. This broadened the studied range of informal practices and included others mutually connected to urban development procedures.

We combined the Harris scale of modes of urban informality [Harris, 2018] and the typology of unauthorized construction by Maltseva [2022], adapting the result to the selected cases in Krasnodar (fig. 5). According to the scale, informal urbanization on Karasunskie Lakes was diffused (since it had an individualistic social character and wide narrow scope), in Airport district – embedded (group character, broad scope and moderate visibility), and in Musicalny microdistrict – dominant (societal social character, general scope, very high visibility and the fact of normalized informality). Below each case is described in a combination of findings from the interviews, document analysis and remote observations.

Case 1. Musicalny microdistrict

Musicalny microdistrict is a unique and simultaneously the most illustrative example of the spread of unauthorized development in Krasnodar. Its main form can be seen in a mix of multi-apartment unauthorized construction with single-family housing permitted here by zoning.

In the microdistrict, there are a minimum number of incremental changes (extensions, superstructures). In fact, these buildings are unauthorized construction with obvious technical, sanitary and fire violations. Some free-standing residential buildings were completely repurposed for a commercial function (retail or hospitality).

The violations present on the territory can be divided into three types (fig. 5; fig. 6):

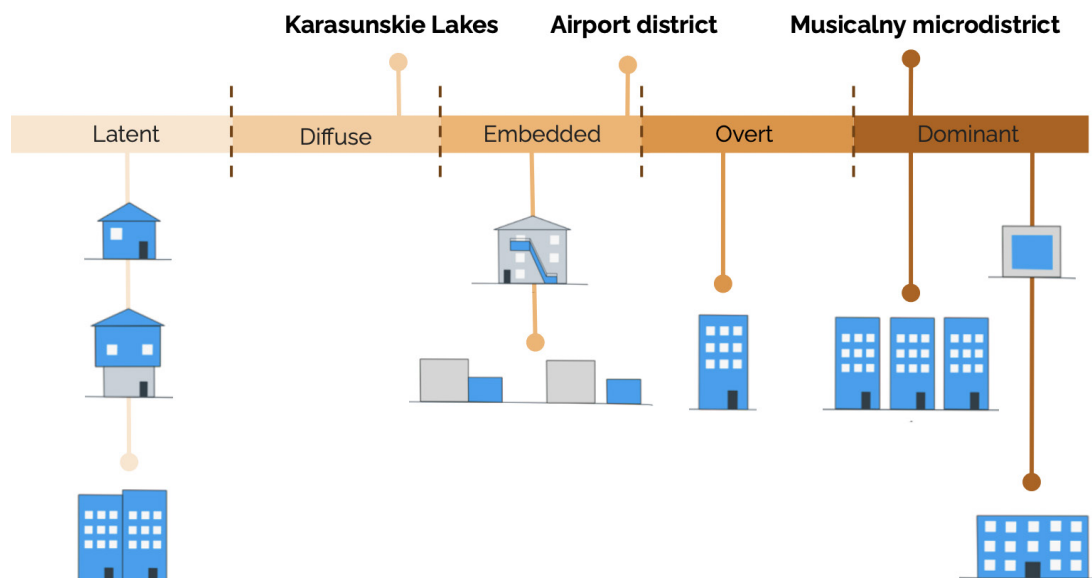
Type 1. Multi-apartment development in areas of single-family housing zoning;

Type 2. A significant excess of Urban Development Regulation (in terms of the percentage of built-up area allowed in any of the zones);

Type 3. The incongruity of the actual land use and the type of permitted land use in Rosreestr (often it occurs with two other types of violations, but in this case, zoning was subsequently changed to multi-apartment building).

In the early 2000s and during the next ten years, in the Musicalny microdistrict, Large-scale illegal multi-apartment construction was carried on the plots where only single-family housing development was permitted. These houses were not commissioned in the legal way and were functioning based on specific court decisions about recognizing the developer's ownership of buildings. Many buildings were acquired as a share of ownership rather than as a separate property. This limited the rights of many apartment owners and had negative legal consequences, as well as problems with

Fig. 5. Researched cases in Krasnodar located in the modes of urban informality scale by Harris [2018] and architectural morphology by Maltseva [2022]
Source: made by authors.



communications, maintenance of common areas and others.¹²

"There is nowhere to walk in Musicalny at all. Each piece of land becomes an impromptu park. At the same time, houses continue to be built even now, despite everything, there is less and less free land and spaces" [Informant 4].

It is important to note that a similar type of development was noted not only in the area itself, but also in the territories close to it, which indicates the presence of a certain trend towards the concentration and dissemination of these objects. There are more than 304 apartment buildings in the district, 30 of them are long-term construction or construction in progress. According to some estimates, at least 15 thousand people now live in the area.

The initial reason for issuing construction permits specifically for single-family housing construction, and not for multi-dwelling, was the high level of groundwater on the territory, which made high-rise construction in the area unsafe. However, the active mid-rise development that appeared in Musicalny, without taking into account the necessary infrastructure, eventually led to numerous problems: starting from the lack of normal storm sewerage, interruptions in heat supply and the lack of fire lanes and ending with a catastrophic shortage of schools and kindergartens.

"At some point, everyone suddenly realized that something terrible had happened. Authority officials have turned their attention to the neighbourhood. The most popular opinion was to demolish all the illegal housing. But where to get so much money for demolition and resettlement? In Krasnodar, I think this is impossible" [Informant 6].

According to construction regulations, distances (household gaps) between the long sides of residential buildings should be taken: for residential buildings with a height of 2–3 floors the distance should be at least 15 meters; for 4 floors – at least 20 meters; between the long sides and the ends of the same buildings with windows from living rooms – at least 10 m. In addition to the considered violations of urban planning regulations, other characteristics of unauthorized buildings are most clearly manifested in the area: lack of a building or commissioning permit, and violation of construction codes.

"Our native judicial system gave birth to Musicalny district. I assume that for 1 million sq. meters, handed over in 2010–2012, we had about 400 thousand unauthorized housing erected", says Former First Deputy Head of Krasnodar Frolov on the scale of the problem of unauthorized construction for Komsomolskaya Pravda.

12. Musical microdistrict of Krasnodar from a bird's-eye view (2021) 93.RU. Available at: <https://93.ru/text/gorod/2021/12/12/70312010/> (accessed June 24, 2022).



Fig. 6. Satellite image of Musicalny microdistrict and photos of the territory

Source: made and photographed by authors, OSM, Yandex.Maps.

“The whole of Krasnodar consists of ‘Musicalny neighborhoods’”
[Informant 3].

The constructed multi-apartment buildings did not meet the necessary parameters for obtaining an act of commissioning. Three scenarios were possible in this case: (1) the local authorities that issued the commissioning permit turned a blind eye to existing violations; (2) already at the stage of appealing the decision of the commission in a court, a decision to put the housing into operation was made; (3) the sale or rental of apartments began without an act on the commissioning of the building. Such violations are found not only in Musicalny. The problem of illegal high-rise housing construction is relevant for the peripheral areas of the city, a vivid example can also be seen in the village of Rossiyskiy, located even further from the center of Krasnodar.

Case 2. Karasunskie Lakes

The second territorial cluster of unauthorized construction is located in the coastal area of Karasunskie Lakes in the south-east of Krasnodar. The Lakes were formed on the site of the river Karasun and are of significant historical and natural value to the city. The length of the main coastal area is about 8 kilometers. On the left bank, there are single-family residential areas on the right bank of the lakes and

soviet and modern apartment building areas.

Multi-apartment buildings are the main morphological form of unauthorized construction in this area. The commercial functions there are often presented on the first floors of the buildings or in attached premises. Additionally, such functions are implemented in the form of detached buildings and additions to low-rise objects. Unfinished unauthorized buildings also were found on this territory.

Examples of violations can be divided into two types (fig. 5; fig. 7):

Type 1. Multi-apartment construction in the land use zone with permitted use for single-family housing development (violation of permitted use in Zoning Code and Rosreestr)

Type 2. Multi-apartment construction in the land use zone with permitted use for recreation purposes and in protected green areas.

In the first type, informality of construction is obvious as we can observe the direct violation of urban development regulation when real land use does not correspond to ones legalized by the Zoning Code or Rosreestr.

However, the second type is more complicated as it illustrates the inconsistency of the main documents of urban planning and development regulation – the General Plan and the Zoning Code which led to the conflict of interests between main city actors. During the period of these transformations, the land use zones from the General Plan were not transferred to the Zoning Code according to which a construction permit can be issued. Due to this inconsistency, instead of creating recreational areas according to the Plan, the high-rise apartment construction was implemented.

Interviewed experts highlight the bad quality of illustrations in old urban planning and development regulation documents when it was not possible to determine functional zones of particular land plots. The document was interpreted in a convenient way by interested parties. And thereby many developers started illegal construction deliberately with the hope of getting approval after the change of local government. Experts also prove the predominant role of inconsistency between the Zoning Code and the General Plan as a factor of unauthorized development because it gave an opportunity for patchwork changes in the permitted use regulation.

Fig. 7. Satellite image of Karasunskie Lakes and photos of the territory
Source: made by authors, OSM, Yandex.Maps, Yandex.Panorama.



“As everywhere else, electronic versions of General Plan and Zoning Code documents were in a raster format, so you saw land plots in blurred pixels when zoomed in. If this plot was less than 1 ha, then it was almost impossible to discern anything. Therefore, everyone interpreted it the way it was convenient for them” [Informant 1].

Interview insights showed that the deterioration of environmental requirements and the destruction of recreational areas in favor of housing construction is one of the most painful topics in Krasnodar. In the case of Karasunskie Lakes, the contradiction in urban development regulation caused public controversy, where public defenders and local residents defended the right to preserve the green area.

Case 3. Airport district

The Airport area is the most commercialized space of all researched. This is reflected in the number of detached hotels, apartment buildings, and single-family dwellings, which were repurposed for hotels and cafes. The

latter can combine several functions: residential and commercial. A cluster of apartment buildings can be constructed by joining houses and making commercial extensions. Buildings can become more ‘attractive’ over time, as expressed on their facades and signages.

In Russian legislation, the placement of any non-residential type of buildings is prohibited in areas of the permitted land use type as single-family housing zone (according to The State Registry of Property), and the implementation of hotel services is prohibited in areas of single-family housing development (according to the Zoning Code). Clustering of the objects with such characteristic types of violations is most clearly visible in this territory near the city airport.

These violations are combined in the following type: Non-residential types of buildings (e.g. commercial facilities) located in the areas of single-family housing development (fig. 5; fig. 8).

During the analysis of the existing land use of the territory, we detected objects of public facilities which are clustered and located singly within the boundaries of the

Fig. 8. Satellite image of the Airport District and photos of the territory
Source: made by authors, OSM, Yandex.Maps, Yandex.Panorama.



entire territory of the Airport area: these are social facilities (schools, kindergartens), offices, etc. The map of the distribution of the density of commercial objects in the territory showed that commercial objects (mainly shops and hotel facilities) are also quite often localized along the main street of the district – Fadeeva Street, along which citizens can get from the airport to the city centre. The existing land use of the territory is becoming more differentiated than it is reflected in the analytical materials of the General Plan of the city (the map of the scheme of the land use of the territory). New residential complexes are emerging here, which also contributes to the formation of new commercial facilities.

The zoning map of the General Plan still indicates the vector of territory uniformity development, mainly by objects of single-family dwellings. Some objects in these territories are often recognized as unauthorized construction, owners can be prosecuted for administrative responsibility, and unauthorized construction must be brought into compliance with the current regulations. At the same time, a partial solution to the problem could arise before

the object is declared illegal (for most of the objects that were considered until February–May 2021); for example, when the owners apply with a constructive and/or collective and substantiating proposal to change the functional zone during the development of the Master Plan zoning, as an answer to the gradual transformation of the territory and its increasing multifunctionality and real context of the place.

“When everything goes without requirements and regulations, that does not mean that one can and does not mean that one cannot. It means how it will turn out” [Informant 4].

Discussion

In the spotlight, we put the exploration of the inner synergetic inconsistency of legal relations connecting economic, institutional, demographic, and sociopolitical contexts. The case of the Krasnodar city is extremely important for the discussion due to the superior level of contradiction between formal and informal urban practices.

The research methods included spatial and regulatory document analyses, in-depth and express interviews with different collective actors (city administration, activists, experts in urban development, locals living in informal, legal, and institutionalized housing) and participatory observation. The core of the research relates to the machinery of the conflict behind the legalization process.

The findings of this work illustrate the set of reasons behind the spread of informal settlements in Krasnodar and its discrepancy for different social parties. While administrative power does not seek compromise with locals and migrants, the mistrust of others embodies itself as unguided and spontaneous urban development. It is not just an urban conflict anymore but a kind of feud.

The analysis of the theoretical aspects of the informal housing studies gave a deeper understanding of the trends and prerequisites for the development of self-construction in the southern cities of Russia, in particular in Krasnodar:

1. The observed cases from Krasnodar can be considered manifestations of informal urbanization.
2. Unauthorized construction can be seen as a separate form of urbanization. Due to the fact that unauthorized construction is associated with a violation of legislative norms, it can be evaluated in terms of the Richard Harris scale of manifestation of informal urbanization, as well as in terms of the morphological characteristics of buildings.
3. Due to the specifics of the subject of the research, the cases considered are not only related to the causes of informal urbanization, but also to such illegal mechanisms as corruption, inconsistency in regulations and control systems, and legal voids.

Economic compulsion

'Informal' real estate is in demand among residents, primarily because of the low cost, and not only because of the 'legal illiteracy' of the owners. With the rapid growth of the city's population against the backdrop of a rapid increase in the value of real estate and general macroeconomic processes, people are looking for options for financially affordable implementation of their needs. Buyers of such properties are ready to take on the risks of operating outside the legal field.

Adapting to the trend of mass housing construction, local residents want to turn their land into an asset, but they cannot legally enter the housing market, which is facilitated by the monopolized developer market and bureaucratic difficulties in obtaining permits.

There are widely used 'semi-legal' ways to implement construction initiatives. For example, there is a mechanic of constructing a public and business facility under the guise of a single-family dwelling, for which a building permit is not required, with subsequent transfer from a residential to a non-residential building.

"It often happens that they build one object, and then it turns out to be a completely different object. For example, they are building a single-family house where you do not need to obtain a building permit. There is a notification system: you bring a notification to the administration that you are going to build a single-family house and that's it. Then, with the help of a transfer from residential to non-residential, all such buildings are legally transferred to a commercial facility by the city commission. These commercial properties, of course, do not have parking, there are not enough connections, etc. In general, they create a lot of problems" [Informant 1].

We call this approach 'semi-legal' because of the fact that despite formally following the law and official procedures, developers use this mechanism for their own purposes. Before the start of construction, they are planning non-residential development on the site. However, counting on further legalization, they are building a commercial facility under the guise of a single-family dwelling – saves a lot of different resources.

"Legal chaos"

The stance on the resolution of 'unauthorized construction' has a tactical and situational character. There are inconsistencies in legal acts. The 'managers' themselves do not fully understand the connections within the system. On the one hand, informal practices are a conscious or unconscious opposition to the existing norms. On the other hand, one of the reasons for the emergence of these informal practices is the non-optimality and

groundlessness of the documents establishing the regulations.

“They didn’t pay attention to the consistency of the General plan. Changes were made every week. There were changes in some pieces of the functional zoning map, but no one changed the communal and social infrastructure construction plans” [Informant 3].

As previously mentioned, in Russia over the past thirty years a certain structure of documents regulating urban planning processes has been developed. However, these documents do not always work within the framework of one integral system. As a consequence, the inconsistency between the General Plan and the Zoning Code plays a significant role in the emergence of ‘informality’ and ‘illegality’. A situation of legal uncertainty arises, in which actors begin to act based on their own views on the feasibility of fulfilling their needs.

“The General plan, the land use regulation rules and development did not correspond to each other, zoning rules were even more brutally redrawn. By the city commission decision, in cases where the rules for land use and development did not correspond to the General plan, they did it in favor of the General plan, which helped the situation a little, because it was less often redrawn” [Informant 3].

The action of reality against regulations is vividly illustrated in the case of Krasnodar. Residents definitely have a need for the construction of new apartments and individual housing, the development of recreational land plots, capitalization of development, and an increase in the cost of the housing stock. Spatial planning documents should consider these needs and stimulate urban development in accordance with them. In this sense, the General plan is intended to act as a social ‘contract’ of many collective actors with public authorities – the result of a compromise and the most optimal image of the future, including the necessary residential development and recreational areas for residents. This is a direct indication of defects in the control system. Without monitoring the implementation of territorial planning documents, which would allow tracking changes in urban development in relation to the General plan and the nature of the

response of the zoning rules to these changes, it is impossible to establish an effective management system.

The spread of informal urban development practices signals that the existing regulation is inefficient and does not take into account the real needs of city residents. In this sense, the possibility of ignoring the procedure for public hearings and public discussions, provided for by amendments to the Urban Planning Code of the Russian Federation [2022], significantly aggravates the situation, depriving residents of the ability to respond to initiatives to change land use conditions. In this case, there is no transparent, legally formalized platform for dialogue between various actors of urban development. Public authorities assume the sole right to determine the rules of the game, relieving themselves of the obligation to seek compromises and respond to grassroots initiatives. It is also worth emphasizing that this problem was quite acute even when public hearings were an obligatory part of the urban planning process.

“The awareness of residents is bad: they have very poor information, people are in complete apathy that public hearings and public discussions do not work – everyone perceives this as a stop-cock, not a dialogue or sending their comments and suggestions to make the document better. They are trying to abandon this document altogether, in the position ‘we are against it, we don’t need anything’” [Informant 5].

Residents in general do not feel confident that they can influence anything, as in many respects they do not have a sufficient level of awareness of the rules of the game, waiting for the fair execution of guarantees from the public authorities.

In addition, ‘non-systematic’ is not limited to inconsistencies between the two main urban planning documents (the General plan and the rules for land use and development). Information about land plots and constructed objects is stored in the Unified State Register of Real Estate (hereinafter referred to as the EGRN). And this system encounters several problems. Firstly, there are problems with the prompt updating of property information. Secondly, in contrast to the unified list of types of permitted use of land plots and capital construction projects contained in the urban planning regulations of the Land

Regulations, the EGRN uses free-form descriptions of real estate purposes. Lastly, there is a discrepancy between the type of permitted use specified in the Unified State Register of Real Estate Registration and the land use rules. In this case, the real estate rights holder may mistakenly consider the construction or reconstruction of an object to be legal, based on the information of the EGRN, which is contrary to the urban planning regulations of the territory.

Legal voids

The difficulty of the legalization process, due to the imperfection of the norms and rules of this procedure, often leads to 'postponing the issue' of transferring such housing into the legal field. And in some cases (Musical microdistrict), the process of legalization is practically impossible due to previously established forms of ownership. Attempts to seize land plots in the ownership of the city for the construction of the necessary infrastructure were met with resistance from residents. As a result, the presence of problems in the legal status of the territory and buildings, in fact, the basic ones, does not allow solving the problems related to making the area habitable.

"Before the Pandemic, a very important decision was made that at least roads should be constructed. The problem is that the vast majority of roads belong to homeowners, and the city cannot repair them. Before the Pandemic, they wanted to take the roads to the balance of the city. Either signatures were needed, or courts, but the pandemic began, and it was all over" [Informant 6].

Low culture of involvement of residents and low awareness of residents about the possibility of their influence on the development of urban planning processes

It is easier for residents to violate the rules than to follow established norms. This is also due to the rapid pace of transformation of urban regulation documents, which still "do not keep up with demand" and do not have time to meet changing conditions. The notification system about the changes has not been established – many citizens (especially in connection with the recent abolition of certain forms of citizen participation in urban development processes) remain

excluded from the decision-making process at the municipal level.

At the same time, it cannot be claimed that the population is completely excluded from urban activism. According to informants, there are public organizations in Krasnodar that come up with various city initiatives. Based on our observations, a significant part of the proposals relates to the improvement, preservation and development of recreational spaces. Meanwhile, more global urban planning decisions (including plans for the location of new buildings and infrastructure development) remain practically outside the process of grassroots activism.

Conflict between residents and authorities

The renovation, modernization and integration of informal development territories are hampered not only by the actions or inaction of the authorities but also by the resistance of the inhabitants of such territories. The issue becomes political and is closely related to the densely established distrust of the inhabitants of informal buildings towards the authorities. Their fears that interaction with the authorities will lead to the loss of housing or other negative consequences (fear of being deceived) further complicate matters.

"People do not trust the authorities and do not believe that they can influence" [Informant 3].

Distrust of the authorities is one reason why the process of transforming informal development into an urban fabric is deeply rooted. Due to the fact that people are afraid to lose their property and do not realize the cause-and-effect relationships in public authority initiatives, the process of bringing the territories into an optimal state suitable for life is stalled. Paradoxically, residents are not ready to agree to necessary property and legal procedures that would allow road network construction in the Musicalny microdistrict. It is especially difficult to explain why such a level of distrust of the authorities is shown by people who previously bought property in unauthorized construction from unreliable developers with minimal guarantees show such a high level of distrust towards authorities. The current situation allows us to conclude that there is a higher level of trust in business representatives than in public authorities.

The coalition nature of relations between the government and developers

There is a coalition nature of the relationships between the government and developers, which can go beyond established public norms and rules. Despite the presence of mandatory standards for infrastructure provision in development, there is still a lack of implementation of legally established requirements.

Developers are one of the actors in the spread of the phenomenon of 'informal practices'. At the same time, 'small developers' are almost excluded from the process of legal development in the city. Against the background of the lack of consistency in making urban planning decisions, the will of individual decision makers acquires an important, and often decisive, role.

As a result of the study, informal housing practices were analyzed. Studied cases made it possible to trace the causes of the emergence of the informality. The causes are similar to some cases in other countries (especially in the Global South). At the same time, Krasnodar has some specific aspects of the development of informal urban practices. Unauthorized construction is a reaction to urgent requests from citizens. It is necessary not to fight "informality", but to look at the problems and barriers that stand in the way of creating a shared multidimensional reality for all the actors.

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