

Contracting for Vertical Public Space: A Comparative Analysis of 11 Mixed-Use, Mixed- Ownership Projects

James T. White & Nir Y. Mualam

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Book Goals

(Forthcoming (2026))

To explore a unique type of mixed-use development;

To examine how public and private interests mesh in urban environments.

To add new knowledge to extant theories of vertical urbanisation and value capture.

To explore comparatively the tools used to enable this type of mixed use.



PLANNING PUBLIC SPACE IN THE VERTICAL CITY

A comparative study of mixed-use policymaking,
property development and the practice
of vertical allocation

Edited by
Nir Mualam and James T. White

UCLPRESS

What is being studied?

Co-location

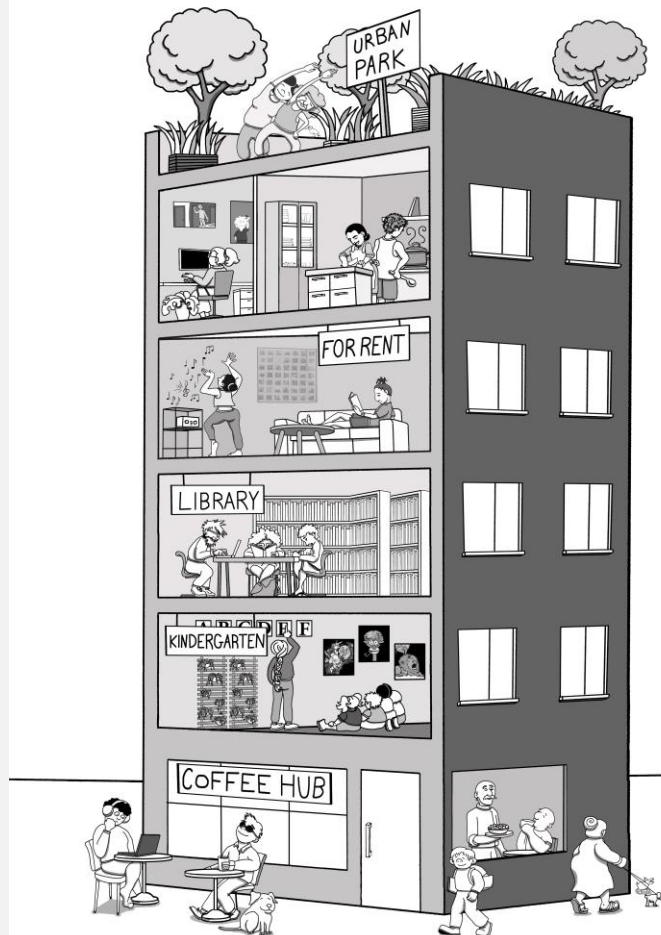
“Vertical Allocations”

“Creative Mixed Use”

Private-Public Partnerships



Creating **publicly accessible
floorspace** in mixed use (and at
times mixed-ownership) development



Artwork: E. Mendelson-Shwartz

Publicly Accessible floorspace?

Either privately owned and/or operated;
Or publicly owned and/or operated

As long as the public can gain access to
these space.

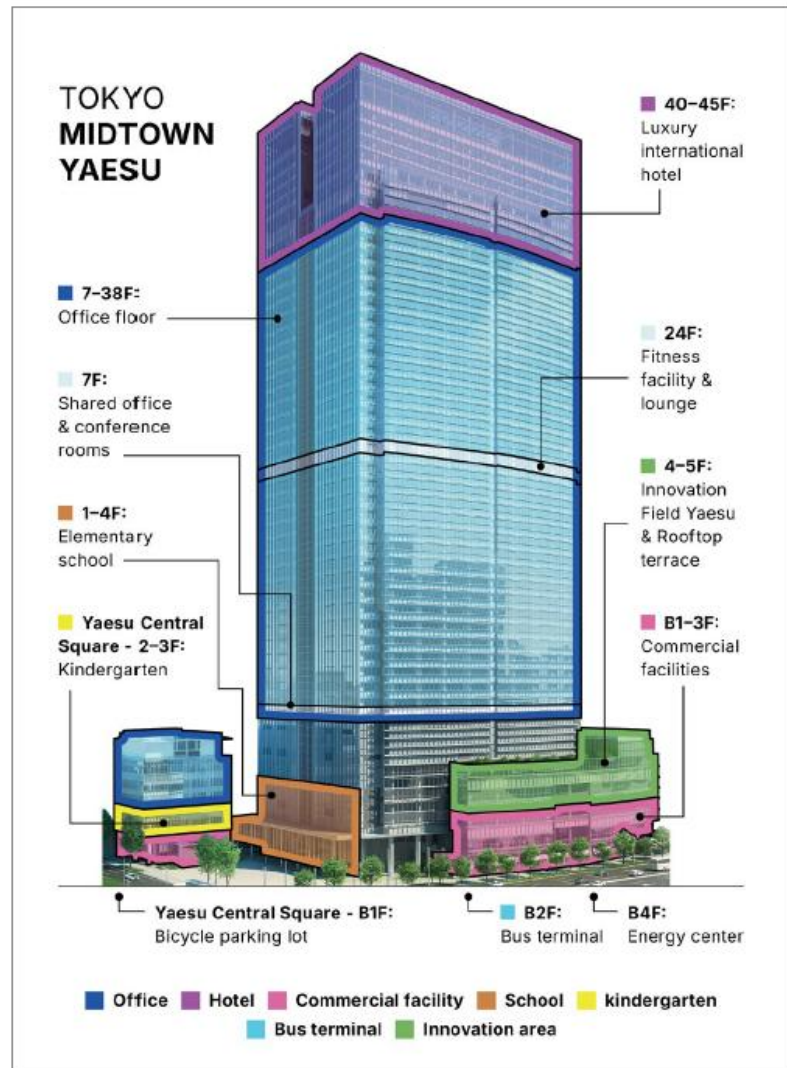
		Ownership	
		Public	Private
Operation / Management	Public	Publicly owned and operated	Privately owned and publicly operated
	Private	Publicly owned and privately operated	Privately owned and operated

Source: Adapted from Nemeth and Schmidt (2011)

How do cities create these vertical public spaces?

Public spaces are secured through diverse means, says the literature.

But what about co-located **publicly accessible floorspace**? Weaving public-private interests in the same project can be challenging.



The challenges of co-location

Creating functional spaces

Reducing nuisance

Making the public floorspace accessible to a range of users.

Allowing private actors and interests to make profit, build the project, secure private users' interests while making sure city-wide interests are protected still.

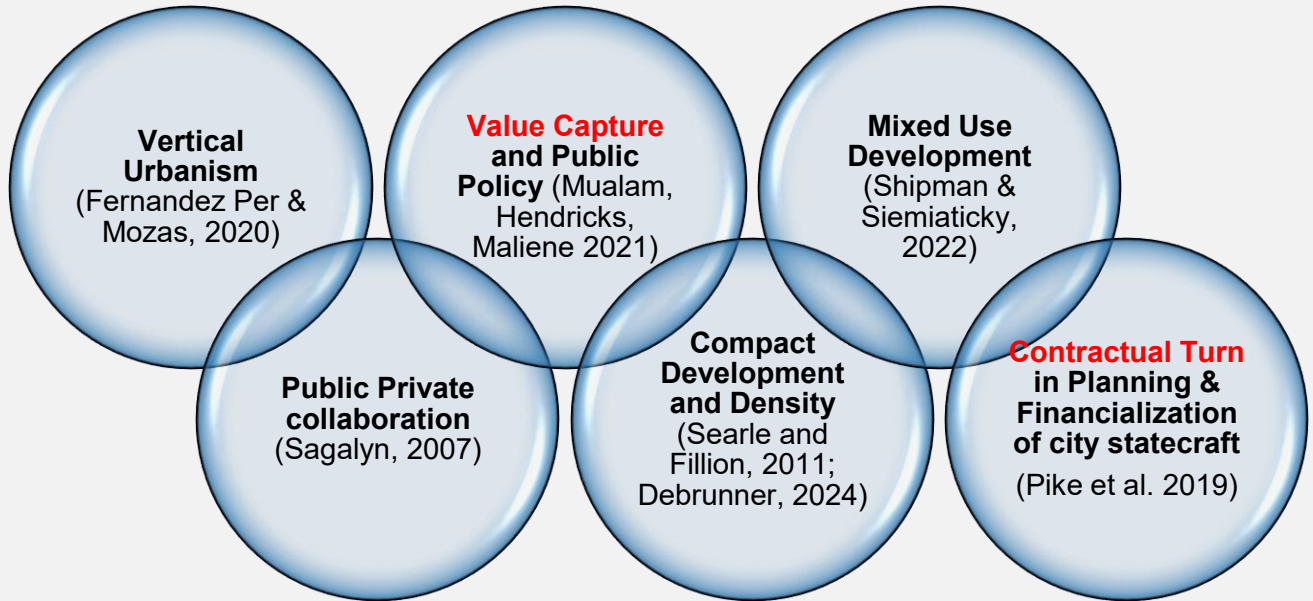


Contracts



Artwork: E. Mendelson-Shwartz

Existing themes and debates in the literature



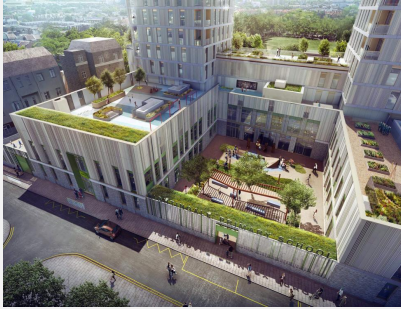
Key Questions

1. **Why and how** municipalities in different cities appropriate and/or use public floorspace in newly built multi-purpose structures?
2. What **policy tools**/regulation are available to help shape these new vertical environments?
3. To explore **what works** and what does not; **pros and cons**.
4. To search for **best practices** and compare across cities.

Methodology: Comparative Policy and case-study analysis



Case Studies



London: Nightingale the Otto



Zurich: Kalkbreite



Munich: Prisma Pasing



Brussels: Merchandises (CityGate)



Istanbul: Marmara Forum



Tel Aviv: Gindi



Toronto: Waterworks



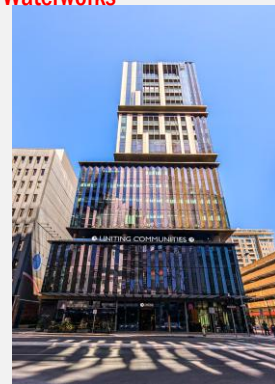
Sao Paulo: Jardim Edith



Tokyo: Midtown Yaesu



Seoul: Hapjeong District



Adelaide, U. City

Findings

A repertoire of contractual instruments through which public authorities and private actors formalize roles and redistribute rights and risks;

Mapping of Different Contractual Arrangements in the Planning Process – provides evidence about a **range of strategies** and **value capture** tools employed by city officials

Comparison of the cases provides fine-grained detail on how public floors are negotiated, financed, designed, owned, managed and actually used.

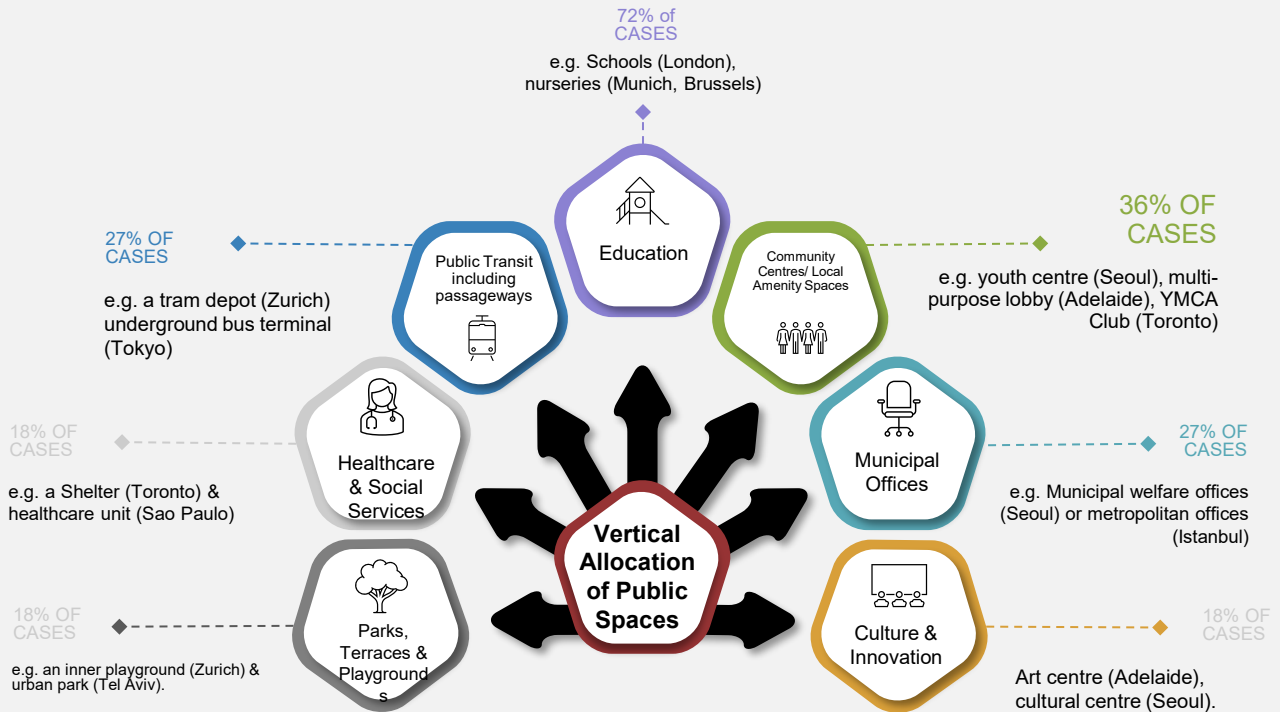
This “public in the private” vertical allocation model of development also accentuates debates on public space, infrastructure and **financialized urbanism**.

Can cities secure **public interests** this way? By **contracting out** provision of public amenities?



Findings

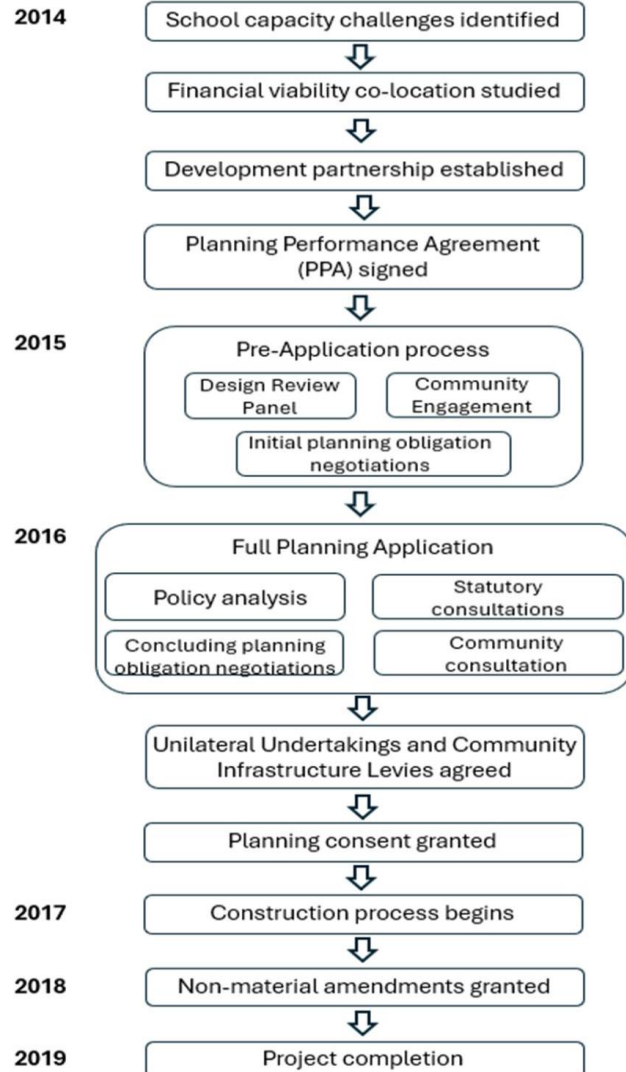
Different types of public facilities and infrastructure provided across the eleven case studies;



Findings: London

A repertoire of contractual instruments through which public authorities gain access to public floorspace;

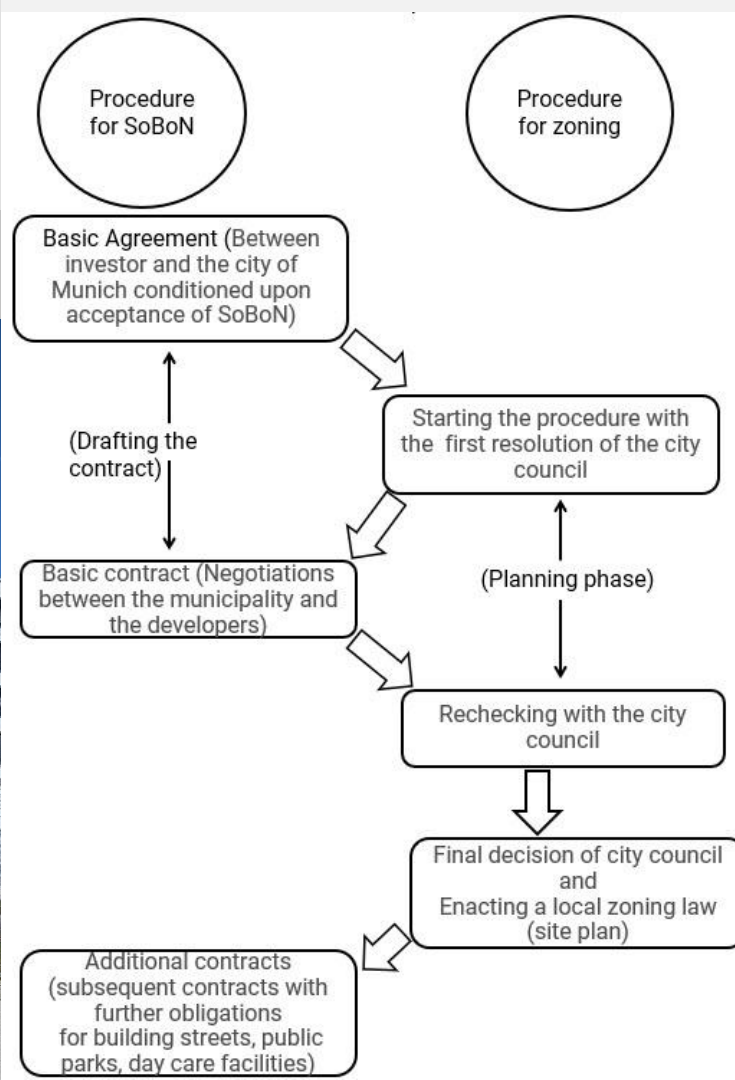
Negotiated development agreements and Unilateral Undertakings by developers



Findings: Munich

Contractual instruments through which public authorities gain access to public floorspace;

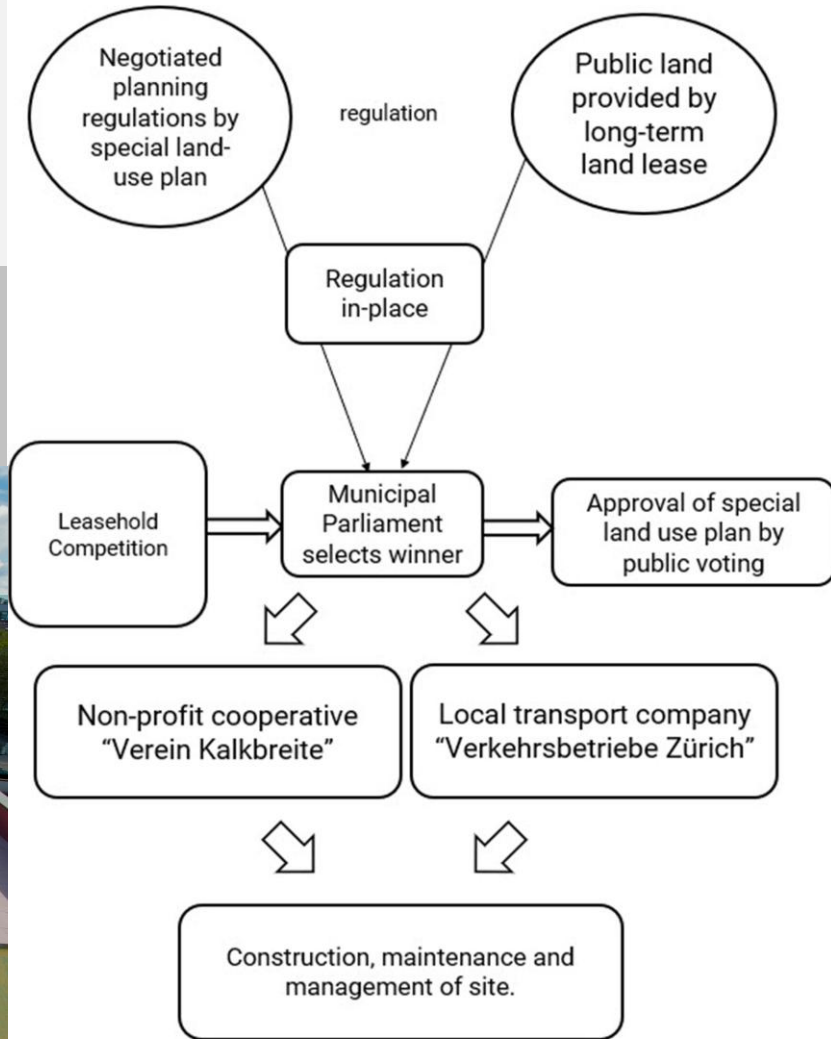
socially equitable land-use contracts under SoBoN regulations



Findings: Zurich

Contractual instruments through which public authorities gain access to public floorspace;

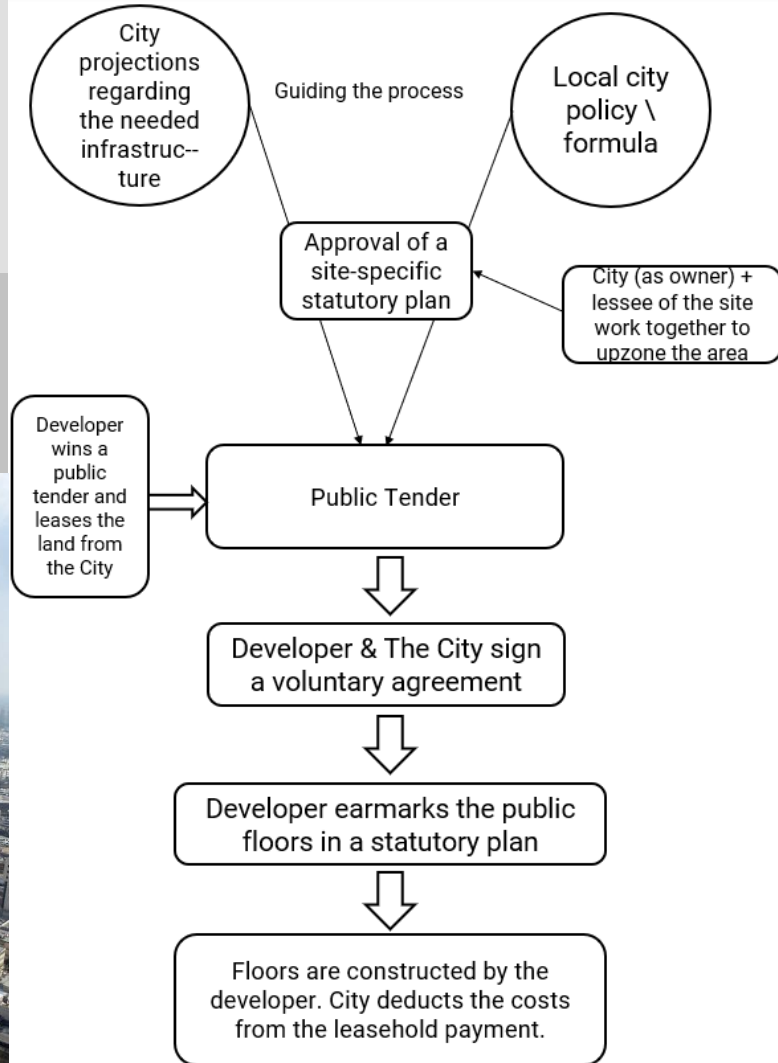
Public tender determines underlying contractual conditions; city leverages its own land assets and leases



Findings: Tel Aviv

Contractual arrangements through which public authorities gain access to public floorspace;

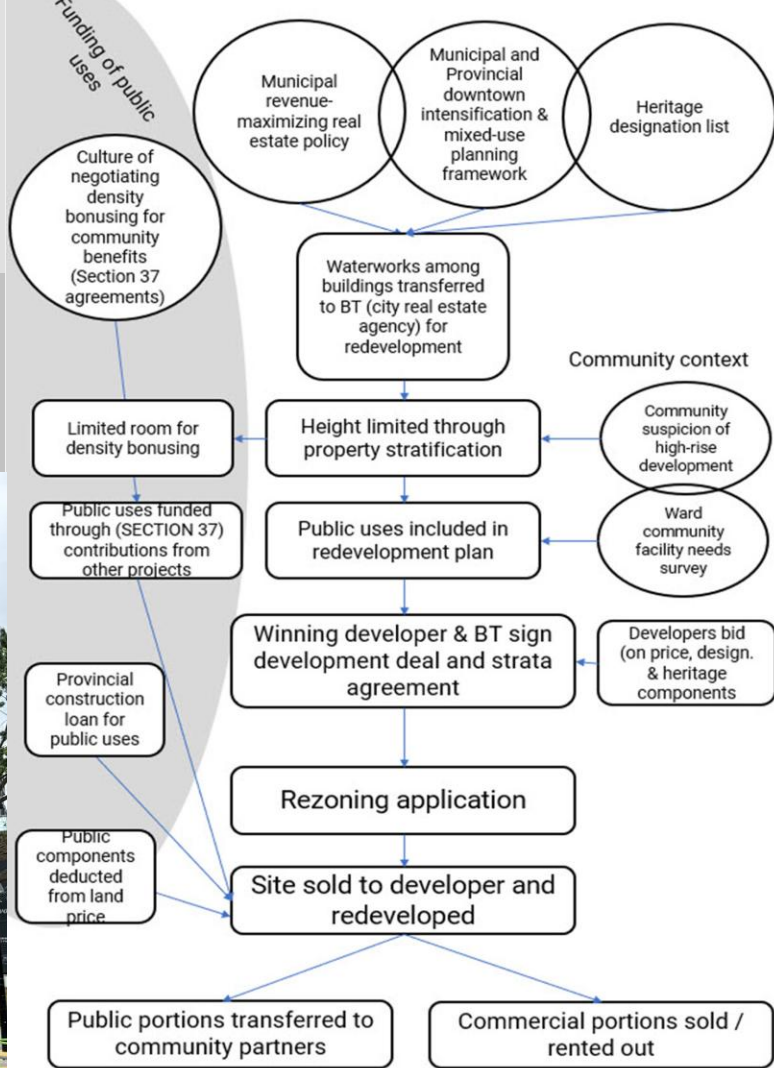
Lease-price offsets and ad hoc contracts; Developer builds, city owns and provides long-term leases



Findings: Toronto

Contractual arrangements through which public authorities gain access to public floorspace;

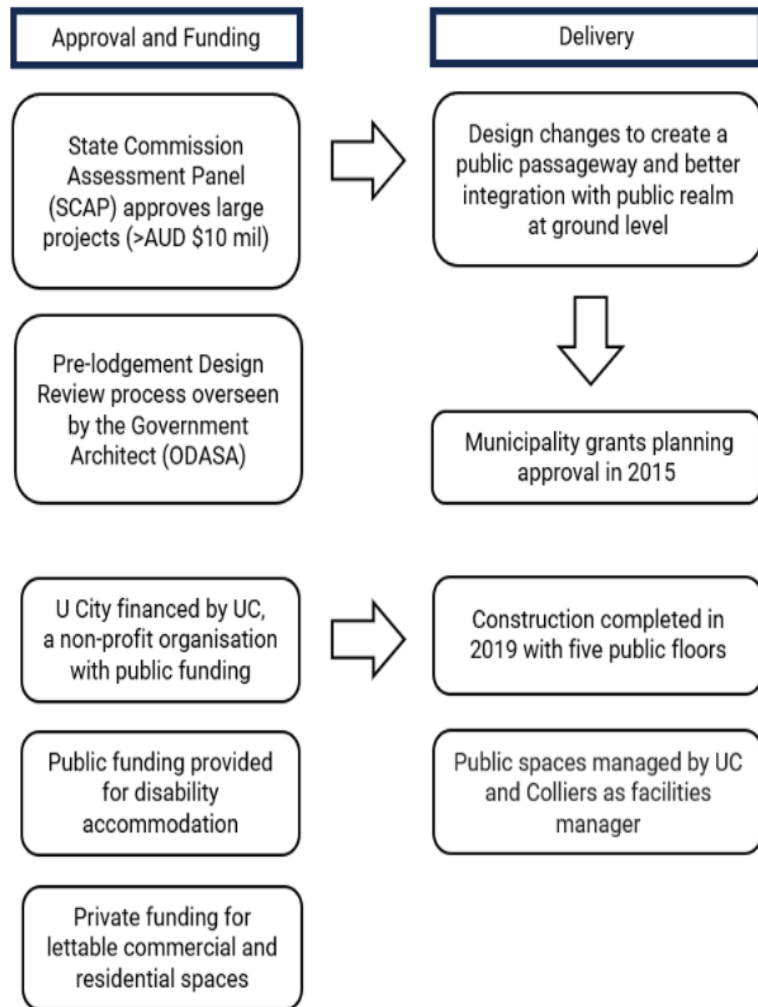
RFP-based deals leveraging in-kind contributions and multi-source (cash-contribution) funds from other projects.



Findings: Adelaide

Contractual instruments through which public authorities gain access to public floorspace;

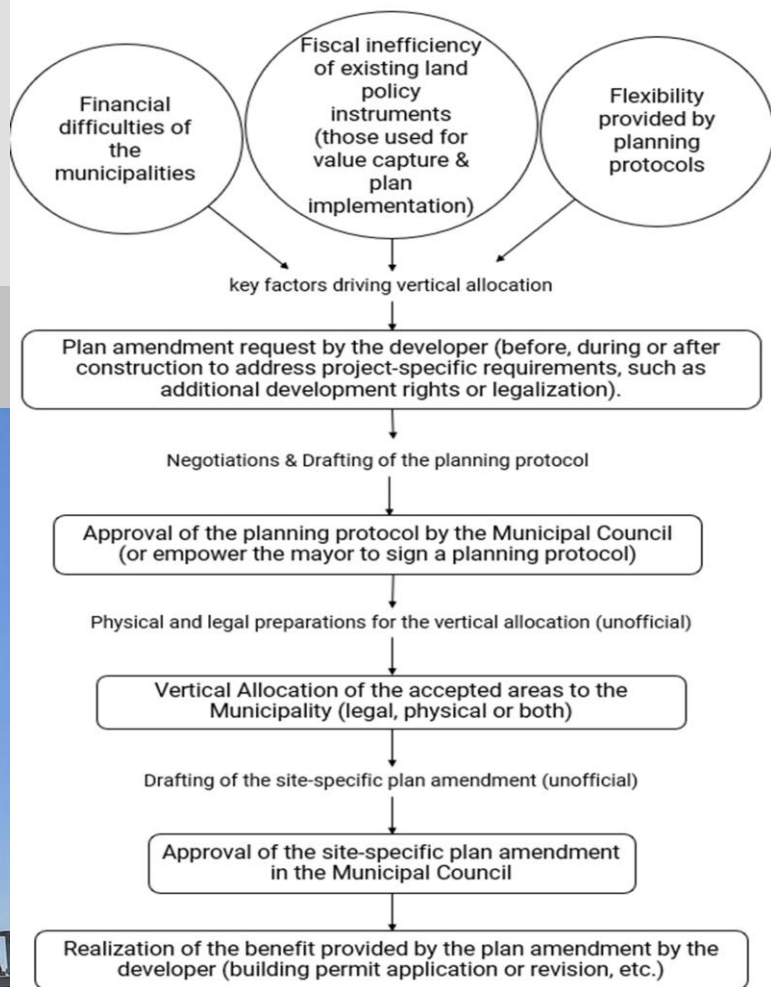
Mission-driven nonprofit delivery:
Voluntary arrangements to afford publicly accessible spaces in private development



Findings: Istanbul

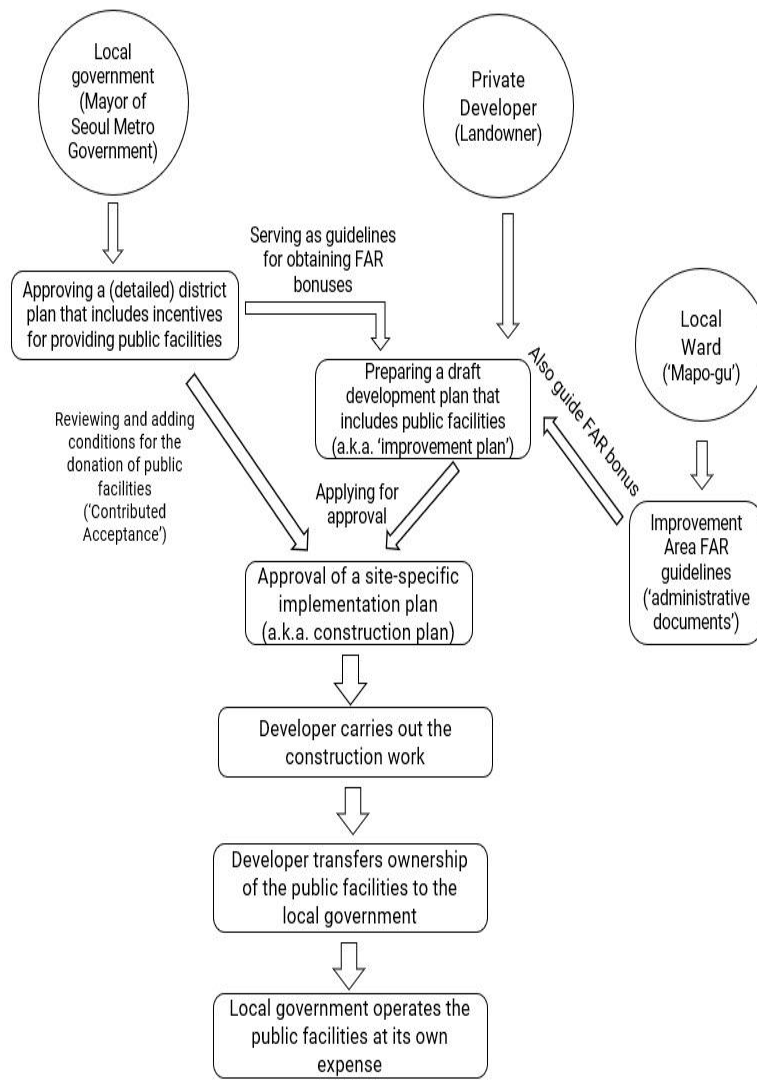
Contractual instruments through which public authorities gain access to public floorspace;

“Planning Protocols” to legalize unlawful development



Instruments through which public authorities gain access to public floorspace;

A photograph of a modern high-rise building with a glass facade. Red dashed lines and arrows highlight specific areas: "Apartments" with an arrow pointing to the upper floors, "Commercial Uses" with an arrow pointing to the middle section, and "Public Business Facility (offices)" with an arrow pointing to the lower section. A yellow dashed box is also visible at the bottom right.



Findings

Different land ownership and stewardship models driving public-private collaboration

- Public landownership played a vital role in a majority of cases.
- E.g., in Brussels, a regional public body (CityDev) owned the land, led the development and managed the integration of public uses;
- In London, a public-private development company was created by the London Borough of Hackney to negotiate with developers;

Leveraging Public Land	Non-profit Stewardship	Private-led Projects
São Paulo	Adelaide	Seoul
Zurich		Tokyo
Toronto		Istanbul
Tel Aviv		Munich
Brussels		
London		

Findings

Development process trajectories

- Across the cases, the initial push for allocating public floorspace overwhelmingly came from city governments;
- Although the approach taken by each city government varied.
- In some cases, there was clear evidence of a proactive public policy strategy rooted in **clear community needs and clear rules** for extracting **in-kind contributions**.
- In others, the development proceeded on a **case-by-case** basis as planners reacted to speculative real estate proposals and negotiated outcomes.

Rule-based negotiations	Negotiated deal-making	Proactive leadership	Post-hoc approval
<ul style="list-style-type: none">• Seoul (Hapjeong)• Tokyo (Midtown)• Munich (Prisma Pasing)• Brussel (Marchandises)	<ul style="list-style-type: none">• London (the Otto)• Tel Aviv (Gindi TLV)	<ul style="list-style-type: none">• Zurich (Kalkbreite)• São Paulo (Jardim Edith)• Toronto (Waterworks)• Adelaide (U.City)	<ul style="list-style-type: none">• Istanbul (Marmara)

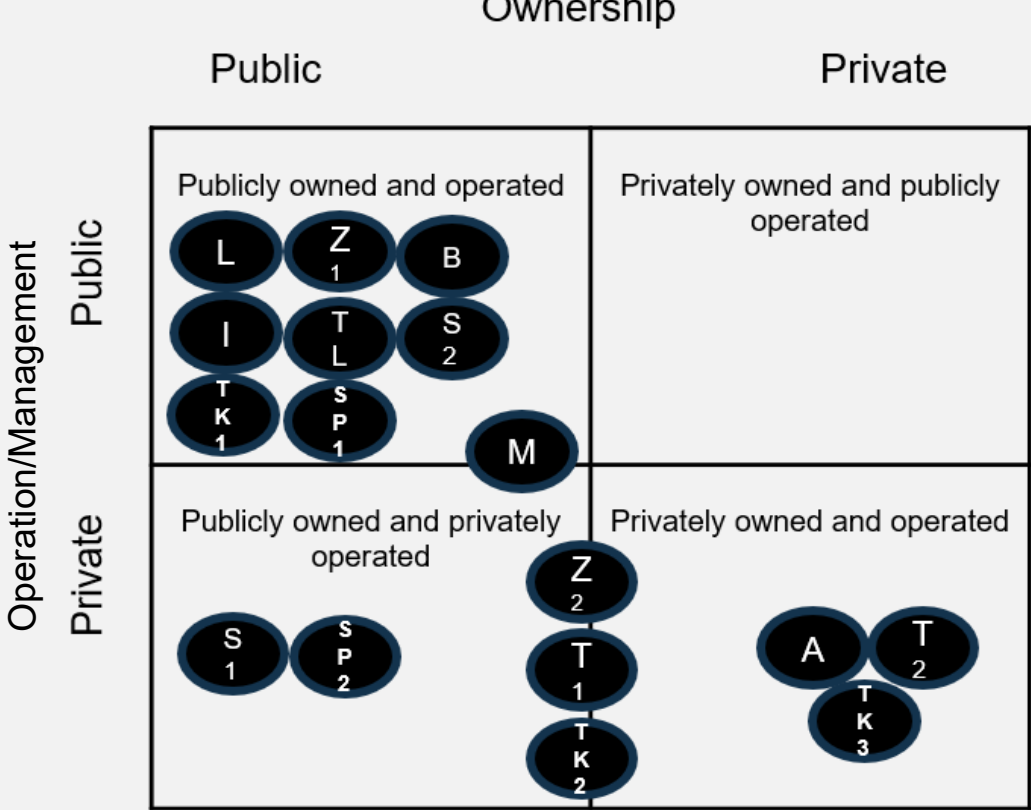
Findings

Incentives and value capture

- Most cities lean on on-site intensity tools (upzoning/FAR bonuses or equivalent) to pay for vertically allocated public floors;
- a smaller number (São Paulo, Toronto) routes money from elsewhere: off-site cash pools or supra-local funds, to ensure on-site public floors are constructed, without conferring a direct bonus on the host site.

	On-site upzoning or density bonuses?	Grants or subsidies?	Other LVC instruments?	Land or lease rights to developer
London	V (informal)		V (CIL and unilateral undertakings)	V
Zurich	V			V
Munich	V			
Brussels		V		V
Istanbul			V (Post hoc legalisation)	
Tel Aviv	V		V (Betterment levies paid by the developer)	V

Comparative matrix of publicly accessible space



Legend:

(A) U.City (Adelaide); (B) Marchandises daycare (Brussel); (I) Marmara project government offices (Istanbul); (L) Nightingale Primary School (London); (M) Paul Gerhardt Allee daycares (Munich); (S1) Hapjeong daycare (Seoul); (S2) Hapjeong offices and pedestrian passageways (Seoul); (SP1) Jardim Edith healthcare unit (São Paulo); (SP2) Jardim daycares and culinary school (São Paulo); (TL) Gindi TLV daycares, public park, school, and sports centre (Tel Aviv); (T1) Waterworks sheltered housing (Toronto); (T2) Waterworks YMCA (Toronto); (TK1) Midtown Yaesu's school and bicycle parking (Tokyo); (TK2) Midtown Yaesu's daycare and bus terminal (Tokyo); (TK3) Midtown Yaesu's shared building's spaces (Tokyo) ; (Z1) Kalkbreite tram depot (Zurich); (Z2) Kalkbreite, open space (Zurich)

Key Conclusions

- Across the cases, there were various similarities as well as contrasts in the ways that cities provide public spaces.
- At one end of the spectrum were large-scale and intensely market-driven megaprojects in Tel Aviv, Tokyo and Seoul, where towers of 37–44 storeys integrate schools, parks and transportation facilities through **complex incentive frameworks**. In these examples, public space provision is **traded for height**.
- At the other end of the spectrum are **more socially oriented** developments, like those in Zurich, Brussels and Munich, where modest mid-rise buildings embed daycares and community spaces via **rules-based obligations or long-term land leases**.
- **Outliers** such as Adelaide's U City and Istanbul's Marmara Forum underscore the diversity of approaches: the former driven by a non-profit mission, the latter by the post-hoc legalisation of an illegal build.

Key Conclusions

- The findings underscore the fundamental **tension** between **clarity** (achieved through formulae and non-negotiable pathways) and **flexibility** (achieved through negotiation).
- While many mandatory systems **establish the need** for public floorspace (e.g., via population-based demand for schools), the exact determination and size of the floorspace allocated **often reverts to negotiation**,
- This negotiation-heavy framework, **whether codified** with a rigid (e.g. Brussels and Munich) or **flexible formula** (e.g. Tel Aviv) or entirely case-by-case (e.g., Adelaide, Istanbul, Zurich, Tokyo), reflects the neoliberal reality where planning is increasingly market-dependent, blurring the lines between securing public interest and accommodating capital accumulation.

Thank You!

A big shout out to our co-contributors:

London Chapter: **Bilge Serin**

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Brussels Chapter: **Ines Paletuy**

Istanbul Chapter: **Ahmet Yilmaz**

Tel Aviv Chapter: **Cygal Pellach**

Toronto Chapter: **Yinnon Geva & Matti Siemiatycki**

Seoul Chapter: **Jinwon Jeon**

Tokyo Chapter: **Shigeru Fukushima**

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