

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY
(FOURTH SESSION)

NCCA/TJ/PL/2025(63)

7TH AUGUST 2025

PAPER LAID

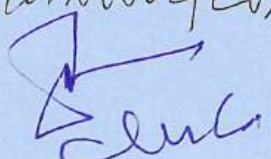
SUBJECT: REPORT OF A COMMITTEE

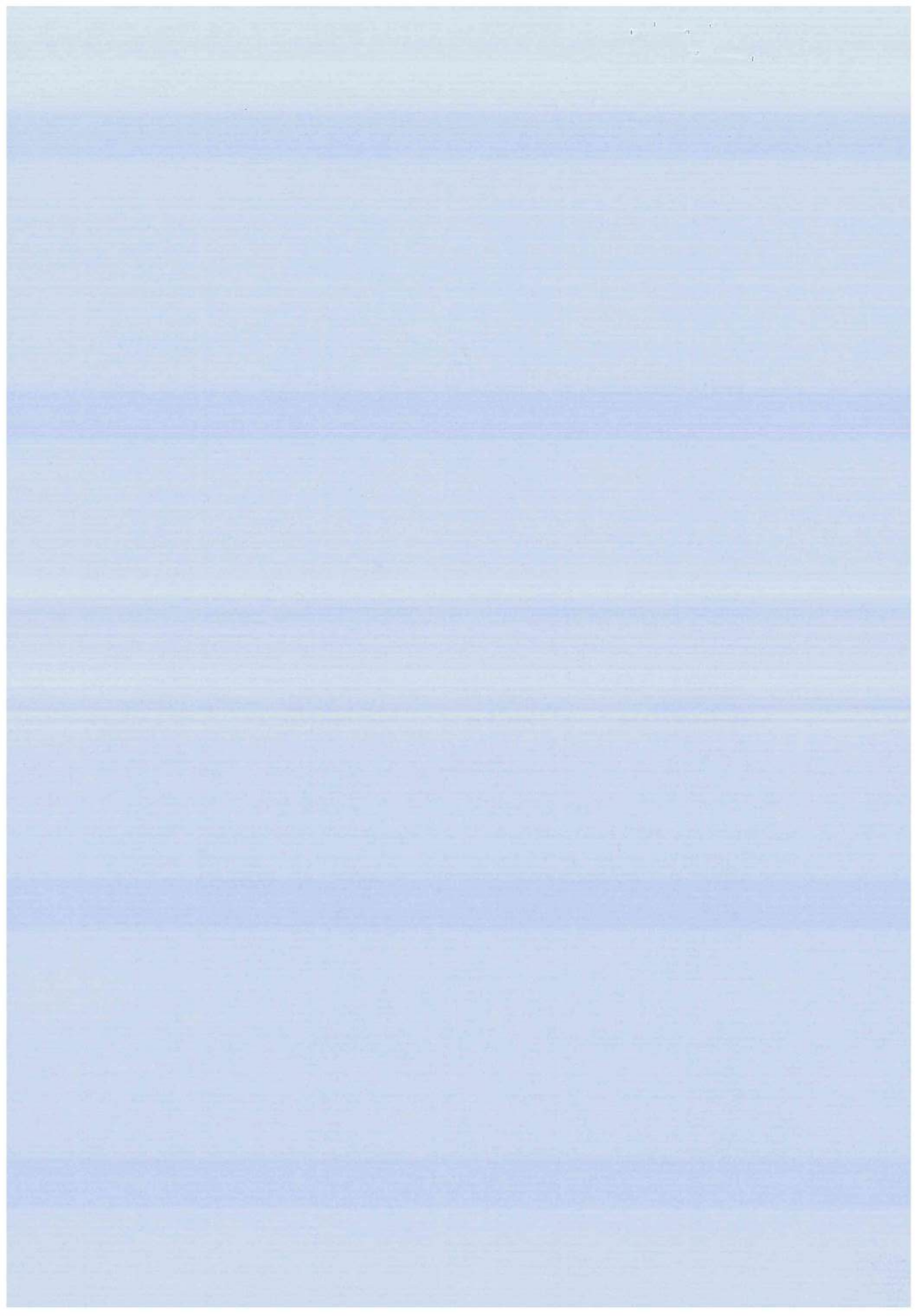
Pursuant to Standing Order 196 and 221, I beg to lay the following Paper on the Table of this Assembly, today Thursday 7th August 2025:

— THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON PETITION PRESENTED BY RESIDENTS OF KILIMANI, WESTLANDS, KILELESHWA, PARKLANDS AND SOUTH C ON ADHERENCE TO ZONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTEGRATED URBAN DEVELOPMENT MASTERPLAN (NIUPLAN), LACK OF PUBLIC PARTICIPATION, CONSTRUCTION OF NON-APPROVAL AND LACK OF FOLLOW UP INSPECTION TO ENSURE ADHERENCE TO QUALITY STANDARDS ON BUILDINGS IN NAIROBI CITY COUNTY.

(Chairperson, Sectoral Committee on Lands, Planning and Housing)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

*Papers laid on the
Table of the
Assembly on
7/8/2025 by the
Chairman of the
Planning Committee*




GOVERNMENT OF NAIROBI CITY COUNTY

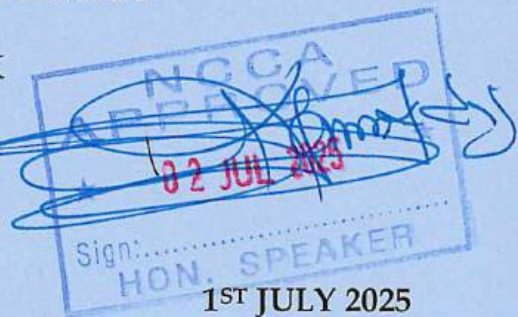


THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(FOURTH SESSION)



NCCA/TJ/PL/2025(63)

1ST JULY 2025

PAPER LAID

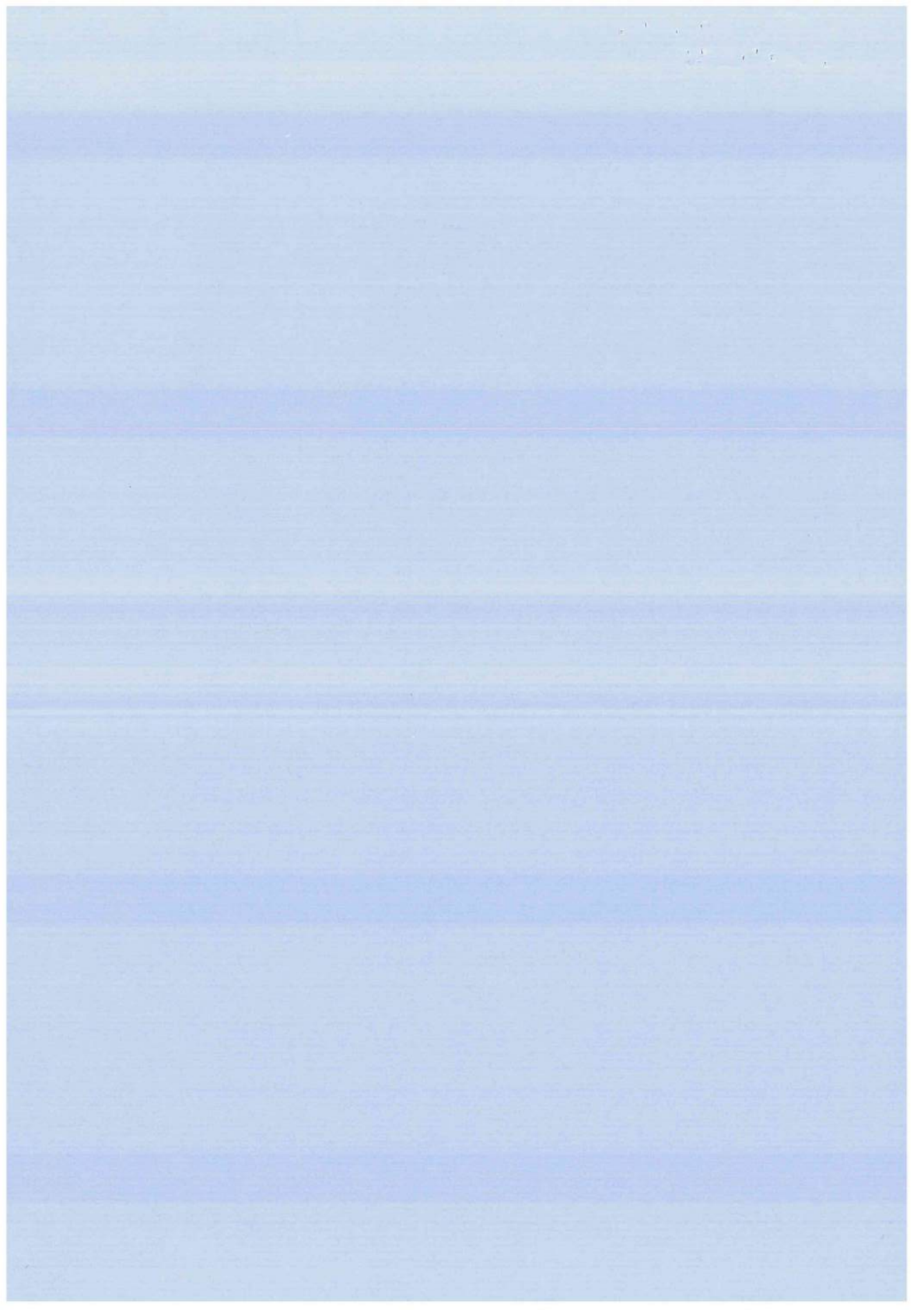
SUBJECT: REPORT OF A COMMITTEE

Pursuant to Standing Order 196 and 221, I beg to lay the following Paper on the Table of this Assembly, today Tuesday 1st July 2025:

- THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON PETITION PRESENTED BY RESIDENTS OF KILIMANI, WESTLANDS, KILELESHWA, PARKLANDS AND SOUTH C ON ADHERENCE TO ZONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTEGRATED URBAN DEVELOPMENT MASTERPLAN (NIUPLAN), LACK OF PUBLIC PARTICIPATION, CONSTRUCTION OF NON-APPROVAL AND LACK OF FOLLOW UP INSPECTION TO ENSURE ADHERENCE TO QUALITY STANDARDS ON BUILDINGS IN NAIROBI CITY COUNTY.

(Chairperson, Sectoral Committee on Lands, Planning and Housing)

Copies to:
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COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

FOURTH SESSION

REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING

ON

PETITION BY PRESENTED BY RESIDENTS OF KILIMANI, WESTLANDS, KILELESHWA, PARKLANDS AND SOUTH C ON ADHERENCE TO ZONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTEGRATED URBAN DEVELOPMENT MASTERPLAN (NIUPLAN), LACK OF PUBLIC PARTICIPATION, CONSTRUCTION OF NON-APPROVAL AND LACK OF FOLLOW UP INSPECTION TO ENSURE ADHERENCE TO QUALITY STANDARDS ON BUILDINGS IN NAIROBI CITY COUNTY.

Clerk's Chambers,
Nairobi City County Assembly
City Hall Buildings
NAIROBI.

JUNE 2025

1.0 PREFACE

The Sectoral Committee on Planning and Housing is established under Standing Order 209, and its mandate amongst others, as outlined under Standing Order 209 (6) is to:-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;*
- c) study and review all county legislation referred to it;*
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments): and*
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

Committee Membership

The Committee comprises the following Members:-

- | | |
|--------------------------------------|--------------------|
| 1. Hon. Alvin Palapala, MCA | - Chairperson |
| 2. Hon. Collins Ogenga, MCA | - Vice-Chairperson |
| 3. Hon. Peter Imwatok, MCA | |
| 4. Hon. Anthony Kiragu, MCA | |
| 5. Hon. Paul Kados, MCA | |
| 6. Hon. Waithera Chege, MCA | |
| 7. Hon. Geoffrey Majiwa, MCA | |
| 8. Hon. Fuad Hussein, MCA | |
| 9. Hon. Hashim Kamau, MCA | |
| 10. Hon. Thuo Fiunifu, MCA | |
| 11. Hon. Paul Ndungu, MCA | |
| 12. Hon. Nasra Nanda, MCA | |
| 13. Hon. Hannah Wanjiru Muriuki, MCA | |

14. Hon. Nyantika Ricardo, MCA
15. Hon. Lily Akoth Kidenda, MCA
16. Hon. Jane Wanjiru, MCA
17. Hon. Nicholas Juma, MCA
18. Hon. Peter Maina, MCA
19. Hon. Clement Kamaru, MCA
20. Hon. Francis Kimondo, MCA
21. Hon. Patrick Macharia, MCA
22. Hon. Tricer Jeptoo, MCA
23. Hon. Martin Wairobi, MCA

The Committee exercises oversight role on the work and administration of the Built Environment and Urban Planning.

In accordance with the Third Schedule of the Standing Orders, the Planning and Housing Sectoral Committee is mandated to cover subject areas relating to:

- (i) County planning and development;
- (ii) Statistics, land survey and mapping;
- (iii) Boundaries and fencing; and
- (iv) Housing and outdoor advertisement.

Hon. Speaker,

Pursuant to Standing Order No. 219, the Hon. Speaker read a Petition on behalf by residents of Kilimani, Westlands, Kileleshwa, Parklands and South C on adherence to Zoning Regulations in accordance with Nairobi Integrated Urban Development Masterplan (NIUPLAN), lack of public participation, construction of non-approval and lack of follow up inspection to ensure adherence to quality standards on buildings in Nairobi City County. The Petition was committed to the Sectoral Committee on Planning and Housing to inquire into the issues raised and report to the Assembly.

Hon. Speaker,

In order to address the matter raised in the Petition, the Committee requested the County Executive Committee Member responsible for Built Environment & Urban Planning and the Chief Officer Lands to submit responses and relevant information before making appropriate recommendations.


Mr. Speaker,

I wish to sincerely thank Members of the Committee for their hard work and dedication while inquiring into the matter. The Committee also wishes to sincerely thank the Offices of the Speaker, the Clerk of the County Assembly and the secretariat for their support.

Mr. Speaker,

It is my honour and pleasure on behalf of the Committee to present this Report of the Committee on Planning and Housing on the Petition by presented by residents of Kilimani, Westlands, Kileleshwa, Parklands and South C.

Thank You.

SIGNED

HON. ALVIN OLANDO PALAPALA, MCA

(CHAIRPERSON – LANDS, PLANNING AND HOUSING COMMITTEE)

DATE.....10.6.2025.....

2.0 INTRODUCTION

Pursuant to Standing Order No. 219, the Hon. Speaker read a Petition on behalf of residents of Kilimani, Westlands, Kileleshwa, Parklands and South C on adherence to Zoning Regulations in accordance with Nairobi Integrated Urban Development Masterplan (NIUPLAN), lack of public participation, construction of non-approval and lack of follow up inspection to ensure adherence to quality standards on buildings in Nairobi City County.

Pursuant to Standing Order No.221, the Petition was committed to the Sectoral Committee on Planning and Housing to inquire into the matter and report to the Assembly.

In the Petition, the Petitioners stated as follows:

- i. That Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the County Governments in the County Assembly;
- ii. That Article 42 of the Constitution further provides that every person has the right to a clean and healthy environment;
- iii. That the Constitution requires the government to take measures for the protection of the environment and proper use of natural resources for the benefit of the present and future generations;
- iv. That Article 69 (2) of the Constitution of Kenya requires the Government to work with relevant actors in conserving the environment and natural resources
- v. That before commencing any development, developers must seek approval from the County Government;
- vi. That the Constitution requires participation of the public in all decision- making process such as the Environmental Impact Assessment (EIA) process and that accurate information regarding any intended decision be provided to the public in a timely manner;
- vii. That Environmental Impact Assessment regulations require that owners of all projects under planning which EIA is required as well as NEMA to seek views of all persons that may be affected by the projects being planned;
- viii. That the National Construction Authority (NCA) is responsible for project regulation and issuance of site compliance certificates, mandatory construction site inspection for quality assurance purposes as well as enforcement of the Building Code;
- ix. That the County Government Act requires each City or Municipality to have land use plans for buildings as well as zoning locations of recreational and public facilities;
- x. That the Nairobi County Government has an existing Master Plan being the Nairobi Integrated Development Master Plan (NIUPLAN), 2014, which provides for zoning of various residential and commercial areas and number of storeys per each apartment to be developed;

- xi. That Kilimani, Kileleshwa, Westlands, South C and Parklands are among other areas in Nairobi City County that have witnessed massive and unabated spring up of Skyscrapers that are posing health hazard to the residents such as lack of natural lighting, insufficient airflow, noise pollution etc.;
- xii. That owners of these apartments currently under construction have not conducted public Participation and where done, not adequately done since no notice given to residents and are shambolic with hired goons
- xiii. That majority of these project owners have not obtained the necessary change of user and completion of the said projects are done with protection of rogue City County Planning officials, rogue National Construction Authority officials;
- xiv. That in order to evade protests from the residents and evade law, the contractors are have resulted to carry out their work past officials working being before 0800hrs and past 0500hrs Monday to Friday and throughout during weekends;
- xv. That Nairobi City County has been experiencing collapsing of a number of buildings under construction and even others already occupied due to lack of adherence of building code posing risks to the Nairobi residents;
- xvi. That developers on the said areas have gone to an extent of encroaching on public schools' land, public markets, recreational centers and riparian lands;
- xvii. That some of the apartments/constructions in question include: -
 - a. City Park Drive;
 - b. Kilimani Likoni Lane;
 - c. Kilimani Mbaazi Avenue behind Valley Arcade;
 - d. Kilimani Ndemi Road;
 - e. Riara Junction Opposite Junction Mall;
 - f. South C Mugoya;
 - g. Parklands Taza Lane;
 - h. Parklands City Park Drive;
 - i. Westlands Church Road;
 - j. Parklands Fifth Avenue; and
 - k. South B Kapiti Estate.
- xviii. That the petitioners confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response; and
- xix. That all the matters in respect of which the petition is raised are not pending before any court of law or constitutional body.

Consequently, the Petitioners prayed to the County Assembly to intervene and ensure the following:

- i. Investigations on operations of the developers of the foregoing constructions be done within Nairobi City County, in particular Sky Valley Kenya Co. Ltd, Blissful Residences Investment Ltd, and Ameey Homes Ltd, with a view of unearthing the

circumstances under which they got approvals and licenses to operate from Nairobi City County Government, NEMA and NCA;

- ii. Cancellation of all approvals and operating Licenses by non-compliant contractors;
- iii. After investigations, a recommendation be done to sanction, suspend, blacklist and take any other necessary legal action to punish law non-binding developers, contractors and all other relevant rogue officers from Government to curb such misfortune in future; and
- iv. Formulate and enact new and existing laws to the latter by relevant authorities to curb this menace.

Consequently, the Committee wrote to the County Executive Committee Member responsible for Built Environment and Urban Planning vide a letter Ref. NCCA/LPH/2024/047 dated 17th December 2024 requesting him to furnish a response to the issues raised in the Petition. Vide his letter Ref. NCC/CECM/BE&UP/ADM/18/210/2025 dated 7th February 2025 the County Executive Committee Member submitted the response to the petition.

3.0 SUBMISSIONS BY THE COUNTY EXECUTIVE COMMITTEE MEMBER

Adherence to Zoning Regulations

- i. That the County appreciates the active participation of the Petitioners in overseeing critical urban planning and development issues. That their vigilance contributes to the improvement of urban management and aligns with the County's goal of achieving a safe, inclusive and sustainable City;
- ii. That Nairobi, being the Capital City of Kenya serves as a vital economic and administrative hub for the country. Over the past 2 decades, the City has experienced exponential population growth fueled by rural-urban migration, economic expansion and increased foreign investments;
- iii. That as result, the demand for housing, commercial spaces and transportation infrastructure has surged placing significant pressure on the City's urban framework;
- iv. That Kileleshwa, Kilimani, Westlands, Parklands and South C were originally planned for low density residential areas have undergone dramatic transformations. Initially characterized by single family homes and lush greenery and anchored on the 1920 Zoning Ordinance. However, in 1978 and 2008, zone 3, 4 and 5 review, high-rise apartments were permitted;
- v. That the said areas are now characterized by highrise apartment complexes and commercial buildings which have largely been driven real estate investors seeking to capitalize on Nairobi's housing demand;
- vi. That construction in the said areas often outpaces the planning regulations leading to strain on infrastructure;

- vii. That based on the foregoing, the County conducted an assessment and made recommendations to direct policy guidelines for mitigation measures where developers found violating zoning regulations face appropriate sanctions including cessation orders and penalties as stipulated in the Physical and Land Use Planning Act, 2019 (PLUPA);

Construction of non-approved buildings

- i. That the County conducts regular inspection through the County Planning Compliance and Enforcement Department during implementation process to ensure compliance with approved plans.
- ii. That unauthorized deviations can lead to penalties or project suspension. Further, Certificate of Occupancy is only issued projects that meet all Regulations and fit for use;
- iii. That the County has enhanced monitoring and inspection efforts by deploying additional enforcement officers to identify and halt non-approved constructions. Developers constructing without proper permits are often subjected to immediate enforcement actions including demolition; and
- iv. That in the current approach of compliance and enforcement, the County is targeting the owners of buildings rather than workers on sites to ensure developers take legal responsibility of any violations; and

4.0 COMMITTEE'S OBSERVATIONS

- i. That the Petitioners raised significant and genuine concerns that affect conduct of development control in the County and threaten integrity and safety of real estate in the County. Further, the Committee observed that some developers fail to adhere to Physical and Land Use Planning Act, 2019 by not going through the approval process at the County;
- ii. That the County's Development Policy is currently undergoing review with the Development Control Policy having been subjected to public participation where views from the said areas were presented by the relevant Associations and their views were taken into account; and
- iii. That once in place, all developers will be required to adhere to the guidelines therein and the County will strictly enforce the provisions
- iv. That the County Assembly takes public participation seriously since it is a Constitutional and statutory requirement;
- v. That during building approvals the County should emphasize on public participation as a key governance issue in urban development and has always maintained its procedures. This should involve publications in daily newspapers and onsite notice informing the public on the development proposal pursuant to Sections 55 and 58 of PLUPA. In line with this provisions, stakeholder engagement is mandatory on development applications which require change of use compliance;

- vi. That there is need for the County to improve the public participation framework and approach to ensure better outreach and engagement of stakeholders during policy formulation and project approval processes; and
- vii. That although the County undertakes post approval inspections, the frequency is not adequate enough to deal with illegal developments in the County. To combat this, there is need for the County to recruit and deploy more officers to the Sub-County level.

5.0 RECOMMENDATIONS

Having examined the issues raised by the Petitioners and the submissions made by the County Executive, the Committee makes the following recommendations to the County Assembly:

1. That the County Executive Committee Member for Built Environment and Urban Planning conducts an audit of all public land in the County including parcels surrendered under PLUPA in view of formalizing ownership through title deeds;
2. That County Executive Committee Member for Built Environment and Urban Planning conducts an investigation to establish whether constructions at City Park Driver, Kilimani Likoni Road, Kilimani Mbaazi Avenue behing Valley Arcade, Kilimani Ndemi Road, Riara Junction opposite Junciton Mall, South C Mugoya, Parklands Taza Lane, Parklands City Park Drive, Westlands Church Road, Parklands 5th Avenue and South B Kapiti Road comply with County's Development Regulations, take necessary enforcement action where applicable and report to the County Assembly with three (3) weeks of approval of this report;
3. The County Executive Committee Member for Built Environment and Urban Planning to establish a dedicated enforcement team per Sub-county to conduct regular inspection visits for all ongoing developments in the County;
4. The County Executive Committee Member for Built Environment and Urban Planning implement technology based tools to track and document inspection progress in order to ensure accountability and transparency in inspection process;
5. That the County Urban Planning Technical Committee to make public participation and compulsory standard for developers while considering application of development approval process;
6. The Sectoral Committee on Lands, Planning and Housing to conduct regular site visits to construction sites to assess extent of compliance with County Development Regulations; and
7. The County Assembly to expedite consideration of Nairobi City County Development Control Policy that will put in place proper standards and procedures applicable to both government officers and developers alike.

XX

ANNEX I: Minutes

ANNEX II: Copy of Petition

MINUTES OF THE SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING HELD ON 10TH JUNE, 2025 AT 10.00 A.M. IN COMMITTEE ROOM FIVE (5), CITY HALL BUILDING.

PRESENT

- | | |
|--------------------------------------|--------------------|
| 1. Hon. Alvin Olando Palapala, MCA | - Chairperson |
| 2. Hon. Collins Omondi Ogenga, MCA | - Vice-Chairperson |
| 3. Hon. Antonny kiragu, MCA | |
| 4. Hon. Hannah Wanjiru Muriuki, MCA | |
| 5. Hon. Lily Akoth Kidenda, MCA | |
| 6. Hon. Jane Wanjiru, MCA | |
| 7. Hon. Peter Maina Mwangi, MCA | |
| 8. Hon. Patrick Mwangi Macharia, MCA | |
| 9. Hon. Francis kimondo kiragu, MCA | |
| 10. Hon. Martin Wairobi, MCA | |
| 11. Hon. Tricer Oyabei, MCA | |

ABSENT

1. Hon. Geoffrey Majiwa, MCA
2. Hon. Hashim Athman Kamau, MCA
3. Hon. Paul Ndung'u Irungu, MCA
4. Hon. Esther Waithera Chege, MCA
5. Hon. Fuad Hussein Mohammed, MCA
6. Hon. Clement Nganga Kamaru, MCA
7. Hon. Peter Imwatok Jateso, MCA
8. Hon. Paul Kados, MCA
9. Hon. Nasra shehan Nanda, MCA
10. Hon. Billy Ricardo Nyatika, MCA
11. Hon. Nicholas Juma Okwacho, MCA
12. Hon. Kamau Thuo Fiunifiu, MCA

SECRETARIAT

- | | |
|--------------------------|--------------------------|
| 1. Mr. Austine Inyundele | - Senior Clerk Assistant |
| 2. Mr. Benedict Ochieng' | - Clerk Assistant |
| 3. Ms. Rebecca mbwa | - Clerk Assistant |
| 4. Mr. John Kirai | - Fiscal Analyst |
| 5. Mr. Titus Kitetu | - Researcher |

MIN.001/NCCA/LPH/MARCH/2025

– PRELIMINARIES

The Chairperson called the meeting to order at Ten minutes past Eleven O'clock and opened the meeting with a word of Prayer. The Chair then welcomed Members present

to the meeting and took them through the agenda which was adopted for consideration having been proposed by Hon. Jane Wanjiru, MCA and seconded by Hon. Lily Kidenda, MCA as follows: -

1. Preliminaries (prayers and adoption of the agenda),
2. Briefing on Nairobi City County Budget Estimates FY 2025/2026
3. Tabling of the Nairobi City County Regularization of Unauthorized Development Bill, 2025
4. Consideration and adoption of the Committee's report on Petition by residents of Kileleshwa, Kilimani, South C and Parklands regarding adherence to Zoning Regulations in accordance with Nairobi Integrated Urban Development Masterplan (NIUPLAN), lack of public participation, construction of non-approval and lack of follow up inspection to ensure adherence to quality standards on buildings in Nairobi City County
5. Any Other Business,
6. Adjournment.

MIN.001/NCCA/LPH/10/JUNE/2025 – BRIEFING ON NAIROBI CITY COUNTY BUDGET ESTIMATES FY 2025/2026

The Committee was informed that the County Budget Estimates was Tabled in the Assembly on 30th April 2025 in accordance with the provisions of PFM, Act, 2012. The same was committed to the Committees for consideration and consultation with the relevant Sectors. Accordingly, the meeting was convened in order for the Committee to be given a brief on the contents of the documents by the Fiscal Analyst. The Chairperson invite the Fiscal Analyst to take the Members through the brief.

Presentation by the fiscal analyst

1. That the total County budget is proposed to equal Kshs. 48.98billion out of which Kshs. 34.72billion is meant for recurrent while Kshs. 14.26billion has been earmarked for development initiatives. With these allocations the development budget represents about 29.1% of the overall budget for the coming financial year. Comparing these intended allocations to the revised budget for the FY 2024-25 as contained in supplementary I there is proposed upward revision of the overall budget by about Kshs. 5.15billion;
2. That the tabled budget estimates for the FY 2025-26 has placed the allocations for the County Assembly at Kshs. 3.6billion being Kshs. 2.147billion for recurrent expenditure and Kshs. 1.455billion for development programmes;
3. That to finance the budget, the County anticipates to receive Kshs. 23.5billion as equitable share from the National Government, collect Kshs. 23.89billion as own source revenue, utilized previous year balance of Kshs. 1billion from the CRF and receive Kshs. 590million as conditional grant;
4. That a review of the approved CFSP, 2025 reveals that the budget ceiling for the County Government was set at Kshs. 46.47billion with recurrent budget ceiling being

Kshs. 32.49billion while Kshs. 13.98billion was earmarked for development expenditure ceiling. This means that the submitted Budget Estimate exceeds the CFSP ceiling by Kshs. 2.51billion;

5. That in the approved ADP for FY 2025-26, the Sector is comprised of 3 programmes namely; Lands, Urban Planning, Housing & Urban Renewal each with distinct mandate. Housing & Urban Renewal is mandated to provide access to decent Social & affordable housing, improve quality and standards of technical and construction works among others. The Lands sub-sector is mainly concerned with County Land Administration and Management services while Urban Development and Planning sub-sector is primarily responsible for Land Use Planning and facilitating physical development of the city;
6. That as at the end of the 3rd Quarter of the current financial year, the Sector absorbed Kshs.292 million of the Kshs.582 million revised amount set aside for recurrent expenditure and Kshs.732 million out of revised amounts of Kshs.1.36 billion for development budget; and
7. That full year report for FY 2023-24 indicates that the Sector performed poorly in its absorption of development budget as it only recorded a mere 27.43% out of a total revised development budget of Kshs.665 million. Conversely, the Sector recorded an impressive performance rate of its recurrent budget at 84.54% from the total revised recurrent amounts of Kshs.502 million.

Review of Priorities in the ADP for FY 2025-26 and CFSP 2025

- That in the approved ADP for FY 2025-26, Housing and Urban Renewal Sub Sector had intended to undertake to develop housing policy at Kshs.50 million, develop designs and bill of quantities at Kshs.5 million and carry out building inspections at Kshs.5 million. The Sector intended to renovate Kariokor offices at Kshs.6.4 million, renovate Harambee estate at Kshs.17.6 million and renovate Huruma estate at Kshs.64.7 million. Urban Planning and Lands had intended to GIS expansion at Kshs.20 million, security in City Hall Annexe at Kshs.20 million, repainting and repairing of the exterior walls and windows of City Hall Annexe at Kshs.30 million and purchase of generator for City Hall Annexe at Kshs.35 million.

Sector Budget Estimates for FY 2025-26

1. That in the FY 2025-26 budget estimates, Built Environment and Urban Planning Sector allocation totals to Kshs.1.26 billion with recurrent apportioned Kshs.645 million and Kshs.622 million allocation meant for development budget;
2. That in development budget, the Sector proposes an allocation to new projects such as purchase of 1no. Double cabin pickups at Kshs.10 million, renovation and furniture of land administration office at Kshs.15 million, renovation of Dandora Block B Office at Kshs.7 million among others. Further, proposed allocation for ongoing projects such as; County Valuation Board at Kshs.20 million, purchase 3no. of lifts at Kshs.40 million, construction of a perimeter wall at Huruma estate at Kshs.12.8 million among others.

The Sector also proposes an allocation to revamp stalled projects such as; renovation of Uhuru Estate at Kshs.10 million, renovation of Huruma Estate and reroofing of Kariokor Estate at Kshs.20 million each; and

3. That in the current FY 2024-25, Sector's revised development budget had sought to purchase double cabin vehicles at Kshs.10 million, purchase 5no. of lifts at Kshs.56 million, renovation of Rates and Cash Office block at Kshs.20 million, perimeter wall at Huruma flats at Kshs.30 million among others.

The Committee deliberated on the Estimates and resolve to hold a meeting with the County Executive Committee Member on Built Environment and Urban Planning on Thursday 12th June 2025 to deliberate on the Estimates, particularly on the following issues:

1. Clarification on the variance on recurrent expenditure in the Estimates and CFSP;
2. Reasons why some projects such as purchase of double cabin pickups keep recurring in annual budget documents;
3. Measure of enhancing revenue raising measures in the Sectors;
4. Effects of budget cuts to Sector programmes;
5. Absorption of budget; and
6. Adherence to the Assembly resolution on prioritization of ongoing and stalled projects before new ones; and procurement of goods and services in the first quarter of any year.

MIN.002/NCCA/LPH/10/JUNE/2025: TABLING OF THE NAIROBI CITY COUNTY REGULARIZATION OF UNAUTHORIZED DEVELOPMENT BILL, 2025

The Committee was informed that the Nairobi City County Regularization of Unauthorized Bill, 2025 was read for the first time in the Assembly on 3rd June 2025 and committed to the Committee for consideration and public participation pursuant to the Standing Orders. Accordingly, the Chairman requested the Clerk of the Committee to present the draft work plan for consideration.

Draft work plan

The Clerk of the Committee presented the following workplan:

Activity	Proposed timelines	Stakeholders	Responsible officers
Tabling of the Bill in the County Assembly	3 rd June 2025	-	PCA (L&P)
Tabling of the Bill in the Committee	10 th June 2025	-	Committee Secretariat
Placing of an advert for submission public participation and submission of memoranda	11 th June 2025 (Deadline for submission memoranda: 18 th June 2025)	The Public	Public Relations Office Committee secretariat

Physical public participation in 17 Sub-Counties	Wednesday 18 th and Thursday 19 th June 2025	<ul style="list-style-type: none"> - Members of County Assembly - Clerk Assistants - Hansard Reporters - PR - Sergeant-at-arms 	Committee Secretariat
Preparation and adoption of the Committee's report	Tuesday 24 th June 2025	Sectoral Committee on Lands, Planning and Housing	Secretariat
Tabling of the Committee's Report in the Assembly and second Reading of the Bill	Wednesday 25 th June 2025	County Assembly	Chairperson of the Committee
Committee of the Whole to consider the Bill	Thursday 26 th June 2025	County Assembly	Chairperson of the Committee
Transmission for Assent	Thursday 26 th June 2025	H.E the Governor	The Hon. Speaker and the Clerk

The Committee considered and deliberated on the draft work plan. It was agreed that it captures all the activities, except a workshop to consider the submissions from the public. The Chairperson informed the Committee that the Sector would facilitate the workshop. It was proposed that it be held from 20th to 24th June 2025. Therefore, the work plan was adopted with the addition of the item in workshop.

MIN.003/NCCA/LPH/10/JUNE/2025: CONSIDERATION AND ADOPTION OF THE COMMITTEE'S REPORT ON PETITION BY RESIDENTS OF KILELESHWA, KILIMANI, SOUTH C AND PARKLANDS

The Committee was informed that residents of Kileleshwa, Kilimani, Sounth C and Parklans presented a Petition to the Assembly regarding adherence to Zoning Regulations in accordance with Nairobi Integrated Urban Development Masterplan (NIUPLAN), lack of public participation, construction of non-approval and lack of follow up inspection to ensure adherence to quality standards on buildings in Nairobi City County. In their petition, they identified the following estates as the most affected by irregular development:

- a. City Park Drive;
- b. Kilimani Likoni Lane;
- c. Kilimani Mbaazi Avenue behind Valley Arcade;
- d. Kilimani Ndemi Road;

- e. Riara Junction Opposite Junction Mall;
- f. South C Mugoya;
- g. Parklands Taza Lane;
- h. Parklands City Park Drive;
- i. Westlands Church Road;
- j. Parklands Fifth Avenue; and
- k. South B Kapiti Estate.

Accordingly, the Petitioners prayed to the Assembly to intervene and ensure the following:

- i. Investigations on operations of the developers of the foregoing constructions be done within Nairobi City County, in particular Sky Valley Kenya Co. Ltd, Blissful Residences Investment Ltd, and Aamey Homes Ltd, with a view of unearthing the circumstances under which they got approvals and licenses to operate from Nairobi City County Government, NEMA and NCA;
- ii. Cancellation of all approvals and operating Licenses by non-compliant contractors;
- iii. After investigations, a recommendation be done to sanction, suspend, blacklist and take any other necessary legal action to punish law non-binding developers, contractors and all other relevant rogue officers from Government to curb such misfortune in future; and
- iv. Formulate and enact new and existing laws to the latter by relevant authorities to curb this menace.

The Committee deliberated on the same Petition at an earlier meeting and resolved that the CEC Member be requested to submit a response. Accordingly, the Committee received the said response. From the Petition and the response, the Committee made the following observations:

Adherence to Zoning Regulations

- i. That the Petitioners raised significant and genuine concerns that affect conduct of development control in the County and threaten integrity and safety of real estate in the County. Further, the Committee observed that there is need for developers to adhere to Zoning guidelines by following the approval process with the County;
- ii. That the County appreciates the active participation of the Petitioners in overseeing critical urban planning and development issues. That their vigilance contributes to the improvement of urban management and aligns with the County's goal of achieving a safe, inclusive and sustainable City;
- iii. That Nairobi, being the Capital City of Kenya serves as a vital economic and administrative hub for the country. Over the past 2 decades, the City has experienced exponential population growth fueled by rural-urban migration, economic expansion and increased foreign investments;
- iv. That as result, the demand for housing, commercial spaces and transportation infrastructure has surged placing significant pressure on the City's urban framework;

- v. That Kileleshwa, Kilimani, Westlands, Parklands and South C were originally planned for low density residential areas have undergone dramatic transformations. Initially characterized by single family homes and lush greenery and anchored on the 1920 Zoning Ordinance. However, in 1978 and 2008, zone 3, 4 and 5 review, high-rise apartments were permitted;
- vi. That the said areas are now characterized by highrise apartment complexes and commercial buildings which have largely been driven real estate investors seeking to capitalize on Nairobi's housing demand;
- vii. That construction in the said areas often outpaces the planning regulations leading to strain on infrastructure;
- viii. That based on the foregoing, the County conducted an assessment and made recommendations to direct policy guidelines for mitigation measures where developers found violating zoning regulations face appropriate sanctions including cessation orders and penalties as stipulated in the Physical and Land Use Planning Act, 2019 (PLUPA);
- ix. That the County's Development Policy is currently undergoing review with the Development Control Policy having been subjected to public participation where views from the said areas were presented by the relevant Associations; and
- x. That once in place, all developers will be required to adhere to the guidelines therein and the County will strictly enforce the provisions.

Public Participation

- i. That the County Assembly takes public participation seriously since it is a Constitutional and statutory requirement;
- ii. That during building approvals, the County should emphasize on public participation as a key governance issue in urban development and has always maintained its procedures. This should involve publications in daily newspapers and onsite notice informing the public on the development proposal pursuant to Sections 55 and 58 of PLUPA. In line with this provisions, stakeholder engagement is mandatory on development applications which require change of use compliance;
- iii. The County should improve the public participation framework to ensure better outreach and engagement of stakeholders during policy formulation and project approval processes.

Construction of non-approved buildings

- i. That the County conducts regular inspection through the County Planning Compliance and Enforcement Department during implementation process to ensure compliance with approved plans.
- ii. That unauthorized deviations can lead to penalties or project suspension. Further, Certificate of Occupancy is only issued projects that meet all Regulations and fit for use;
- iii. That the County has enhanced monitoring and inspection efforts by deploying additional enforcement officers to identify and halt non-approved constructions.

Developers constructing without proper permits are often subjected to immediate enforcement actions including demolition; and

- iv. That in the current approach of compliance and enforcement, the County is targeting the owners of buildings rather than workers on sites to ensure developers take legal responsibility of any violations; and
- v. The County Assembly, however is aware of gaps in the follow up inspections which compromise quality standards.

Therefore, in the report, the Committee was requested to consider the following draft recommendations for adoption:

1. That the County Executive Committee Member for Built Environment and Urban Planning conducts an audit of all public land in the County including parcels surrendered under PLUPA in view of formalizing ownership through title deeds;
2. That County Executive Committee Member for Built Environment and Urban Planning conducts an investigation to establish whether constructions at City Park Drive, Kilimani Likoni Road, Kilimani Mbaazi Avenue behind Valley Arcade, Kilimani Ndemi Road, Riara Junction opposite Junction Mall, South C Mugoya, Parklands Taza Lane, Parklands City Park Drive, Westlands Church Road, Parklands 5th Avenue and South B Kapiti Road comply with County's Development Regulations, take necessary enforcement action where applicable and report to the County Assembly with three (3) weeks of approval of this report;
3. The County Executive Committee Member for Built Environment and Urban Planning to establish a dedicated enforcement team to conduct regular inspection visits for all ongoing developments in the County;
4. The County Executive Committee Member for Built Environment and Urban Planning implement technology based tools to track and document inspection progress in order to ensure accountability and transparency in inspection process;
5. That the County Urban Planning Technical Committee to make public participation and compulsory standard for developers while considering application of development approval process;
6. The Sectoral Committee on Lands, Planning and Housing to conduct regular site visits to construction sites to assess extent of compliance with County Development Regulations; and
7. The County Assembly to expedite consideration of Nairobi City County Development Control Policy that will put in place proper standards and procedures applicable to both government officers and developers alike.

The Committee deliberated on the recommendations and adopted the report having been proposed by Hon. Francis Kimondo, MCA and seconded by Hon. Lily Kidenda, MCA

MIN.004/NCCA/LPH/10/JUNE/2025: AOB

1. The Committee was informed that the Sector had responded to its letter

requesting for submission of the Interim Development Control Policy. In the response, the Sector stated that a taskforce that was set up for the purpose of drafting the Interim Development Policy had concluded the work and the policy was before the County Executive Committee for consideration and would be submitted to the Assembly. Further, the Sector stated that arrangements are at an advanced stage on planning for a workshop to sensitize the Committee on the said Policy;

2. The Committee was informed that a response on the issues raised by the Committee in its invitation to the Urban Development Technical Committee and the same would be Tabled before the Committee prior to the meeting that is to be re-scheduled;
3. The Committee deliberated on the pending meetings with the CEC Member regarding Njiru, Dandora and Pumwani Majengo petitions and resolved that he be re-invited. However, it was resolved that the previous meeting with the Petitioners from Njiru was sufficient; and
4. The Committee deliberated on the aftermath of the site inspection visits to various sites in the County to establish adherence to development control guidelines. It was established that several of the them were in violation. Therefore, it was resolved that the CEC Member be requested to issue closure notice to all of them until the Committee concludes its report.

MIN.005/NCCA/LPH/10/JUNE/2025: ADJOURNMENT


There being no other business to consider, the Chairperson adjourned the meeting at 12.17 a.m. The date and venue of the next meeting would be communicated on notice.

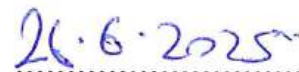
CONFIRMED AS A TRUE RECORD OF THE PROCEEDINGS

SIGNATURE

DATE

CHAIRPERSON


.....


.....

COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

THIRD SESSION

[PUBLIC PETITION PURSUANT TO STANDING ORDER 214]

BY KILIMANI, KILELESHWA, WESTLANDS, PARKLANDS AND SOUTH C RESIDENTS ON ADHERANCE TO ZONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTERGRATED URBAN DEVELOPMENT PLAN(NIUPLAN), LACK OF PUBLIC PARTICIPATION, CONSTRUCTION NON-APPROVAL AND LACK OF FOLLOW UP INSPECTION TO ENSURE ADHERANCE TO QUALITY STANDARDS ON BUILDINGS IN NAIROBI CITY COUNTY.

WE THE UNDERSIGNED Citizens of Kenya who are residents of Kilimani, Kileleshwa, Westlands, South C and Parklands in Nairobi County.

DRAW the attention of the County Assembly of Nairobi to the following: -

AWARE THAT, Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the County Governments in the County Assembly;

THAT WHEREAS, Article 42 of the constitution further provides that every person has the right to a clean and healthy environment;

THAT, the constitution requires the government to take measures for the protection of the environment and proper use of natural resources for the benefit of the present and future generations;

THAT WHEREAS, Article 69(2) of the Constitution of Kenya, 2010 requires the Government to work with relevant actors in conserving the environment and natural resources;

THAT, before commencing any development, developers must seek approval from the County Government;

BY KILIMANI, KILELESHWA, WESTLANDS, PARKLANDS AND SOUTH C RESIDENTS ON ADHERANCE TO ZONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTERGRATED URBAN DEVELOPMENT PLAN(NIUPLAN), LACK OF PUBLIC PARTICIPATION, CONSTRUCTION NON-APPROVAL AND LACK OF FOLLOW UP INSPECTION TO ENSURE ADHERANCE TO QUALITY STANDARDS ON BUILDINGS IN NAIROBI CITY COUNTY.

THAT WHEREAS, the Constitution requires participation of the public in all decision-making process such as the **Environmental Impact Assessment** process and that accurate information regarding any intended decision be provided to the public in a timely manner;

THAT WHEREAS, **Environmental Impact Assessment** regulations require that owners of all projects under planning which EIA is required as well as NEMA to seek views of all persons that may be affected by the projects being planned;

THAT WHEREAS, the **National Construction Authority (NCA)** is responsible for projection regulation and issuance of site compliance certificates, mandatory construction site inspection for quality assurance purposes as well as enforcement of the Building Code;

THAT WHEREAS, the **County Government Act** requires each City or Municipality to have land use Plans for buildings as well as Zoning locations of recreational and public facilities;

THAT WHEREAS, the **Nairobi County Government** has an existing Master Plan being Nairobi Integrated Development Master Plan (NIUPLAN), 2014, which provides for zoning of various residential and commercial areas and number of storeys per each apartment to be developed;

THAT, Kilimani, Kileleshwa, Westlands, South C and Parklands are among other areas in Nairobi City County that have witnessed massive and unabated spring up of Skyscrapers that are posing health hazard to the residents such as lack of natural lighting, insufficient airflow, noise pollution etc;

THAT WHEREAS, owners of these apartments currently under construction have not conducted public Participation and where done, not adequately done since no notice given to residents and are shambolic with hired goons;

THAT WHEREAS, majority of these project owners have not obtained the necessary change of user and completion of the said projects are done with protection of rogue City County Planning officials, rogue National Construction Authority officials;

THAT, in order to evade protests from the residents and evade law, the contractors are have resulted to carry out their work past officials working being before 0800hrs and past 0500hrs Monday to Friday and throughout during Weekends;

BY KILIMANI, KILELESHWA, WESTLANDS, PARKLANDS AND SOUTH C RESIDENTS ON ADHERANCE TO

THAT, Nairobi City County has been experiencing collapsing of a number of buildings under construction and even others already occupied due to lack of adherence of building code posing risks to the Nairobi residents;

THAT, developers on the said areas have gone to an extent of encroaching on public schools' land, Public Markets, recreational centers and riparian lands;

THAT, some of the apartments /constructions in question include;

- City Park Drive;
- Kilimani Likoni Lane;
- Kilimani Mbaazi Avenue Behind Valley Arcade;
- Kilimani Ndemi Road;
- Riara Junction Opposite Junction Mall;
- South C Mugoya;
- Parklands Taza Lane;
- Parklands City Park Drive;
- Westlands Church Road;
- Parklands Fifth Avenue; and
- South B Kapiti Estate.

THAT WHEREAS, the petitioners, confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

AND THAT, all the matters in respect of which the petition is raised are not pending before any court of law or constitutional body.

NOW THEREFORE, your humble Petitioners **PRAY** that the County Assembly of Nairobi City County intervenes and ensure that; -

- a) Investigations on operations of the subjects' developers be done within Nairobi City County in particular Sky Valley Kenya Co. Ltd, Blissful Residences Investment Ltd, and Ameey Homes Ltd with a view of unearthing the circumstances under which they got approvals and licenses to operate from Nairobi City County Government, NEMA and NCA;

BY KILIMANI, KILELESHWA, WESTLANDS, PARKLANDS AND SOUTH C RESIDENTS ON ADHERANCE TO ZONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTERGRATED URBAN DEVELOPMENT PLAN(NIUPLAN), LACK OF PUBLIC PARTCIPATION, CONSTRUCTION NON-APPROVAL AND LACK OF FOLLOW UP INSPECTION TO ENSURE ADHERANCE TO QUALITY STANDARDS ON BUILDINGS IN NAIROBI CITY COUNTY.

- b) Cancellation of all approvals and operating Licenses by Non-compliant Contractors;
- c) After Investigations a recommendation be done to sanction, suspend, blacklist and take any other necessary legal action to punish Law non-binding Developers, Contractors and all other relevant rogue officers from Government to curb such misfortune in future; and
- d) Formulate and enact new and existing laws to the latter by relevant authorities to curb this menace.

And we will forever pray.

Presented by;
Hon. Speaker.

On behalf of;

- The Residents of Kilimani, Kileleshwa, Westlands, South C and Parklands.

And by extension;

All residents of Nairobi County.



Gikunda Miriti & Co. Advocates,

Advocates, Commissioners of Oath & Notary Public

DAVID GIKUNDA MIRITI
LLM, LLB (UoN), Dip. KSL
CPS Kenya

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11th Floor
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Opp. Jevanjee Gardens

P.O Box 10397 -GPO
Code: 00100 Nairobi
Tel: +254 719 103 140
+254 722 765 221
Email: gikundamiritiadv@yahoo.com

FRANKLIN KIMATHI KAARIA
LLB (Hons) UoN, Dip. KSL

Our Ref: GMK/EKM/1036/024

Your Ref:

Date: 18th April, 2024

**THE CLERK,
NAIROBI COUNTY ASSEMBLY
P.O BOX 30075-00100
NAIROBI.**



Dear sir,

**RE: PETITION PURSUANT TO STANDING ORDER 208 OF NAIROBI
COUNTY ASSEMBLY STANDING ORDERS BY:
NICHOLAS NYAGA NJAGI,
GRACE KAMAU,
ERIC KITHINJI MWITI,
HARUN NGUMBA NGUGI,
HANNAH WANGARI KARANJA,
CAROLYNE RUTH,
ANTONINA LYAMBILA**

We refer to the above Petition dated 21st February, 2024 and served onto your office and our appointment to act for the parties dated 18th of March, 2024 and received in the Speakers offices on the 20th March, 2024.

We kindly seek to have our clients petition listed for hearing and relevant notices issued to the relevant people.

Kindly treat the matter as urgent and let us have the earliest date possible as the rights of individuals are being infringed by the delay.

Yours faithfully,

FOR: GIKUNDA MIRITI & CO. ADVOCATES

Copy to: client.



I Del
Kindly Review and advise
21/2/2024

THE CLERK,
NAIROBI CITY COUNTY
P.O BOX 45844-00100

Dear sir/Madam,

(PUBLIC PETITION PURSUANT TO STANDING ORDER 208 OF NAIROBI
COUNTY ASSEMBLY STANDING ORDERS)

BY RESIDENTS OF KILIMANI, KILELESHWA, WESTLANDS, PARKLANDS
AND SOUTH C REGARDING LACK OF ADHERANCE TO ZIONING
REGULATIONS IN ACCORDANCE WITH NAIROBI INTERGRATED URBAN
DEVELOPMENT PLAN (NIUPLAN) , LACK OF OR INADEQUATE PUBLIC
PARTICIPATION DURING DEVELOPMENTS/CONSTRUCTION WORKS
APPROVAL AND LACK OF FOLLOW UP INSPECTIONS TO ENSURE
ADHERANCE TO QUALITY STANDARDS

Kindly review and advise the present & the relevant s/o.
21/2/2024
Del
22/2/24

WE THE UNDERSIGNED citizens of Kenya and residents of the aforementioned localities within Nairobi County draw the attention of the County Assembly of Nairobi to the following;

AWARW THAT Article 185 of the constitution of Kenya, 2010 vests the legislative authority and over sight of the county government in the County Assembly;

THAT WHEREAS, Article 42 of the constitution guarantees every person in Kenya the right to clean and healthy environment, which includes the right to have the environment protected for the benefit of both present and future generation.

BY RESIDENTS OF KILIMANI, KILELESHWA, WESTLANDS AND SOUTH C REGARDING LACK OF
ADHERANCE TO ZIONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTERGRATED
URBAN DEVELOPMENT PLAN (NIUPLAN) , LACK OF OR INADEQUATE PUBLIC PARTICIPATION
DURING DEVELOPMENTS/CONSTRUCTION WORKS APPROVAL AND LACK OF FOLLOW UP
INSPECTIONS TO ENSURE ADHERANCE TO QUALITY STANDARDS

THAT WHEREAS the constitution requires the government to take measures for the protection of the environment and proper use of natural resources for the benefit of the present and future generations.

THAT WHEREAS people are required under article 69(2) of the constitution to work with the government and the relevant actors in conserving the environment and natural resources.

THAT WHEREAS ARTICLE 69(1) of the constitution requires the government to protect generic resources and biological diversity, encourage public participation in the management, protection and conservation of the environment as well as eliminate processes and activities that are likely to endanger the environment.

THAT WHEREAS ARTICLE 35 AND 69 (1) of the constitution requires participation of the public in all decision making processes such as the **Environmental Impact Assessment** process and that accurate information regarding any intended decision be provided to the public in a timely manner.

THAT WHEREAS the **Environmental Management and Coordination Act** establishes the National Government Management Authority (**NEMA**) which is responsible for reviewing all environmental impact assessment reports and deciding whether to issue the Environmental Impact Assessment Licenses for any project under planning stage for which **EIA** is required.

THAT WHEREAS EIA regulations require owners of all projects under planning for which EIA is required as well as **NEMA** to seek views of all persons that may be affected by the project being planned.

THAT WHEREAS the **National Construction Authority Act** creates National Construction Authority (**NCA**) which is responsible for project regulation and issuance of site compliance certificates, mandatory construction site

BY RESIDENTS OF KILIMANI, KILELESHWA, WESTLANDS AND SOUTH C REGARDING LACK OF ADHERANCE TO ZIONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTERGRATED URBAN DEVELOPMENT PLAN (NIUPLAN) , LACK OF OR INADEQUATE PUBLIC PARTICIPATION DURING DEVELOPMENTS/CONSTRUCTION WORKS APPROVAL AND LACK OF FOLLOW UP INSPECTIONS TO ENSURE ADHERANCE TO QUALITY STANDARDS

inspections for quality assurance purposes as well as enforcement of the **Building Code**.

THAT WHEREAS the **Physical Planning and Land use Act** require every county to have a Physical and Land use Development Plan which should enhance environmental protection and conservation, provide basis for infrastructure and service delivery, guide use and management of natural resources as well as identify zones for industrial, commercial, residential and social developments.

THAT WHEREAS the **County Government Act** requires each City or Municipality to have land use **plans, building and zoning** plans as well as location of recreational areas and public facilities.

THAT WHEREAS The City County of National has an existing **Master Plan** being **Nairobi Integrated Urban Development Master Plan (NIUPLAN), 2014** which provides for **zoning** of various residential and commercial localities and the number of storeys per each apartment.

THAT in violation of the zoning regulation residents of **Kileleshwa, Kilimani, Westlands, Parklands and South C** among others have witnessed massive and unabated spring up of Skyscrapers.

THAT in violation of the **regulations** and **building code** most of the apartments have no signage with approvals to indicate the nature/purpose of the building, owner, contractor, engineer and architect involved.

THAT where the residents including the petitioners have been able to discreetly obtain the information about the owners and/or contractors of each of the subject apartments they have raised concerns about the lack of adherence to the laws and regulations which protestations/concerns are ignored and/or dismissed by the developers and relevant government agencies.

BY RESIDENTS OF KILIMANI, KILELESHWA, WESTLANDS AND SOUTH C REGARDING LACK OF ADHERANCE TO ZIONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTERGRATED URBAN DEVELOPMENT PLAN (NIUPLAN) , LACK OF OR INADEQUATE PUBLIC PARTICIPATION DURING DEVELOPMENTS/CONSTRUCTION WORKS APPROVAL AND LACK OF FOLLOW UP INSPECTIONS TO ENSURE ADHERANCE TO QUALITY STANDARDS

THAT the owners of the subject apartments currently under construction have not conducted any **public participation** and where any have been done the same are **shambolic** with no adequate notice given to residents with clear indicators of venue, mostly held on **weekdays** when residents are at work with **hired goons** to shoot down any dissenting voices

THAT NEMA has also not been seeking views of the public/residents before issuing **Environmental Impact Assessment Licenses** which is a **mandatory** requirement under the law as the contractors collude with NEMA officials to get the licenses through the back door.

THAT majority of the owners have not obtained the necessary **change of user** and where the same are secured they do so after the completion of the construction through **collusion** with **rogue** city planning officials as a mere regularisation process.

THAT the owners of the apartments collide with **rogue National Construction Authority** officials to obtain project registration and site compliance certificates which officials never do site inspections for quality assurance purposes.

THAT in order to ward off protests from the residents including the petitioners and evade law enforcement officers the contractors carry out building works past officials working hours being before **0800hrs on Monday to Friday, after 1400hrs on Saturday and throughout the day on Sundays.**

THAT one of the contractors **Ameey Homes Ltd** has been going on with construction works under heavy police protection at parklands Taza plaza lane past official working hours and at night and weekends despite **restraining orders** from the **National Environment Tribunal** which found the **Nairobi County Secretary** and **5** senior county officials as well as **6** employees of the contractor **guilty of contempt of court.**

BY RESIDENTS OF KILIMANI, KILELESHWA, WESTLANDS AND SOUTH C REGARDING LACK OF ADHERANCE TO ZIONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTERGRATED URBAN DEVELOPMENT PLAN (NIUPLAN) , LACK OF OR INADEQUATE PUBLIC PARTICIPATION DURING DEVELOPMENTS/CONSTRUCTION WORKS APPROVAL AND LACK OF FOLLOW UP INSPECTIONS TO ENSURE ADHERANCE TO QUALITY STANDARDS

THAT in one of the apartments at **South C Mugoya** the 3rd floor collapsed onto a neighboring building indicating lack of adherence to the **building code** and that no site inspection quality assurance is undertaken by **National Construction Authority** and **City county planning officers**. The subject property was public land intended for a market but illegally converted to private land

THAT NIUPLAN, 2014 is still the existing planning framework and there have never been rezoning of the aforementioned residential/commercial localities but the owners who are linked to **Chinese Property Developers Association** who own **Sky Valley Ventures Kenya Co. Ltd** and **Blissful Residences Investment Limited** have been using **bribery, force, intimidation and gas lighting** to force the neighborhoods the petitioners included into submission while undertaking the new developments.

THAT the developers have been encroaching on **school properties, markets, recreation centers and forests** an example being downgrading of a river to a stream in order to justify construction of a **Mall and petrol station** adjacent **Arboretum** on **riparian land**.

THAT the sky crappers have exposed the neighborhood the petitioners included to health hazards e.g. lack of natural light, lack of sufficient air flows, lack of privacy and air/ noise pollution.

THAT the City County government has been making approvals for development of sky-scrappers without due consideration to zoning, infrastructure, environmental, health and social amenities.

THAT the developers have been sinking bore holes in their basement with no monitoring on quality, dept and sustainability which has led to the residents of the aforesaid localities including the petitioners to suffer due to effects of contaminated water.

BY RESIDENTS OF KILIMANI, KILELESHWA, WESTLANDS AND SOUTH C REGARDING LACK OF ADHERANCE TO ZIONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTERGRATED URBAN DEVELOPMENT PLAN (NIUPLAN) , LACK OF OR INADEQUATE PUBLIC PARTICIPATION DURING DEVELOPMENTS/CONSTRUCTION WORKS APPROVAL AND LACK OF FOLLOW UP INSPECTIONS TO ENSURE ADHERANCE TO QUALITY STANDARDS

THAT the construction of skyscrapers has put a strain on infrastructure with no room for sidewalks on roads with public schools and other public amenities and cutting down of centuries old trees replacing greenery and sunshine with darkness and congestion.

THAT some of the apartments/constructions workers in question include;

- City Park Drive Opposite Colleum.
- Kilimani Likoni Lane.
- Kilimani Mbaazi Avenue Behind Valley Arcade
- Kilimani Ndemi Road
- Riara Road Opposite Junction Mall
- South C Mugoya.
- Parklands Taza Lane
- Parklands City Park Drive
- Westlands Church Road
- Parklands Fifth Avenue
- South B Kapiti Estate (Across St Bakhita School)

THAT the petitioners confirm that the residents themselves included have severally raised the matter with the developers/contractors and relevant government agencies but their concerns and/or protestations have been ignored and/or out rightly dismissed.

THAT the in support of the petition, the petitioners on their own behalf and that of the concerned majority residents are ready and willing to provide material evidence including letters, phone messages/chats, social medial conversations and video records as well as sworn affidavits when called upon to do so by the honorable Assembly.

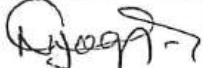

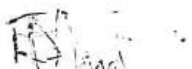




REASONS THREFORE your humble petitioners pray that the **County Assembly of Nairobi** intervenes and ensure that;

BY RESIDENTS OF KILIMANI, KILELESHWA, WESTLANDS AND SOUTH C REGARDING LACK OF ADHERANCE TO ZIONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTERGRATED URBAN DEVELOPMENT PLAN (NIUPLAN) , LACK OF OR INADEQUATE PUBLIC PARTICIPATION DURING DEVELOPMENTS/CONSTRUCTION WORKS APPROVAL AND LACK OF FOLLOW UP INSPECTIONS TO ENSURE ADHERANCE TO QUALITY STANDARDS

- a) In exercise of its oversight role do initiate **OPEN PUBLIC INVESTIGATIONS** into the operations of the subject developers within **Nairobi County** in particular **Sky Valley Ventures Kenya Co. Limited, Blissful Residences Investment Limited** and **Ameey Homes Ltd** with a view unearthing the circumstances under which they got the **approvals and licenses** from the **Nairobi City County Government, NEMA** and **NCA** to undertake the developments in violations of the constitution, relevant laws and regulations.
- b) The outcome of the investigations do form the bases for affirming and/ or cancellation of the subject **licenses and approvals**.
- c) The outcome of the investigation do form the bases for recommendation of sanctions, suspension, blacklisting and/ or punishment or sacking of the subject **developers/ contractors** and involved relevant **government officials** to fore-store such mischief in future.
- d) There is enactment of laws and formulation of registration to curb future mischief where developers /contractors in collusion with rogue government officials take advantage of existing laws and regulations to undertake illegal and unregulated developments with catastrophic environmental implications.
- e) Any and/or further orders or directions as the assembly may deem fit.

BY RESIDENTS OF KILIMANI, KILELESHWA, WESTLANDS AND SOUTH C REGARDING LACK OF ADHERANCE TO ZIONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTERGRATED URBAN DEVELOPMENT PLAN (NIUPLAN) , LACK OF OR INADEQUATE PUBLIC PARTICIPATION DURING DEVELOPMENTS/CONSTRUCTION WORKS APPROVAL AND LACK OF FOLLOW UP INSPECTIONS TO ENSURE ADHERANCE TO QUALITY STANDARDS

IN WITNESS THEREOF THE PETITIONERS DO AFFIX THEIR RESPECTIVE SIGNATURES

NO	NAME	ID NO	POSTAL ADDRESS	SIGNATURE
1.	NICHOLAS NYAGA NJAGI	21746325	16418-00100 NBI	
2.	GRACE KAMAU	33263423	72680-00100 NBI	
3.	ERIC KITHINJI MWITI	20550172	46302-00100 NBI	
4.	HARUN NGUMBA NGUGI	21822245	16076-00100 NBI	
5.	HANNAH WANGARI KARANJA	22928593	11702-00400 NBI	
6.	CAROLYNE RUTH	22317894	62298-00200 NBI	
7.	ANTONINA LYAMBILA	32162429	11702-00400 NBI	

BY RESIDENTS OF KILIMANI, KILELESHWA, WESTLANDS AND SOUTH C REGARDING LACK OF ADHERANCE TO ZIONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTERGRATED URBAN DEVELOPMENT PLAN (NIUPLAN) , LACK OF OR INADEQUATE PUBLIC PARTICIPATION DURING DEVELOPMENTS/CONSTRUCTION WORKS APPROVAL AND LACK OF FOLLOW UP INSPECTIONS TO ENSURE ADHERANCE TO QUALITY STANDARDS



NAIROBI CITY COUNTY
www.nairobi.go.ke

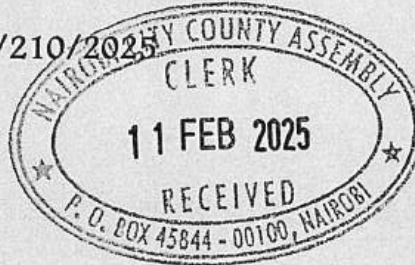
OFFICE OF THE GOVERNOR

County Secretary and Head of County Public Service

NCC/CECM/BE&UP/ADM/18/210/2025

7TH FEBRUARY, 2025

Clerk
Nairobi City County Assembly,
P.O BOX 45844-00100,
City Hall, Nairobi.



RE: RESPONSE TO PETITION PURSUANT TO STANDING ORDER 214

PUBLIC PETITION BY CHARLES NGANGA KIMANI ON REMOVAL OF ILLEGAL STRUCTURES ERECTED AROUND PLOT NO. CU469/443 AT UMOJA II MATATU STAGE IN NAIROBI CITY COUNTY

Reference is made to Letter Ref: NCCA/LPH/2024/047 dated 17th December 2024 on the above subject matter.

Attached herewith find responses from County Chief Officer - Urban Development & Planning in response to the under-listed public petitions:

1. By Charles Ng'ang'a Kimani on removal of illegal structures erected around plot no. CU469/443 at Umoja II Matatu stage in Nairobi City County;
2. By Kileleshwa, Westlands, Parklands and South C Residents on adherence to zoning regulations in accordance with Nairobi Integrated Urban Development Plan, Lack of Public participation, construction of unapproved developments and lack of follow-up on inspections to ensure adherence to quality standards on buildings in Nairobi City County.

GODFREY KUMALI

AG. COUNTY SECRETARY AND HEAD OF COUNTY PUBLIC SERVICE

Cc- H.E. Governor
Nairobi City County

H. E Deputy Governor
Nairobi City County

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BUILT ENVIRONMENT AND URBAN PLANNING

Office of the County Executive Committee Member

RESPONSE TO RESIDENTS' CONCERNS ON ADHERENCE TO ZONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTEGRATED URBAN DEVELOPMENT MASTER PLAN (NIUPLAN), LACK OF PUBLIC PARTICIPATION, CONSTRUCTION OF NON-APPROVAL AND LACK OF FOLLOW UP INSPECTION TO ENSURE ADHERANCE TO QUALITY STANDARDS ON BUILDINGS IN NAIROBI CITY COUNTY

We acknowledge receipt of your petition letter dated 20th November 2024 concerning Adherence to Zoning Regulations in Accordance with Nairobi Integrated Urban Development Plan (NIUPLAN), Lack of Public Participation, Construction of Non-Approval and Lack of follow Up Inspection to Ensure Adherence to Quality Standards on Buildings in Nairobi City County.

First and foremost, we commend your active participation in overseeing critical urban planning and development issues. Your vigilance contributes to the improvement of urban management and aligns with our collective goal of achieving a safe, inclusive, and sustainable city. Having reviewed the issues raised, we would like to respond to them as follows;

1. Adherence to Zoning Regulations (NIUPLAN) Background Information:

Nairobi, the capital city of Kenya, serves as a vital economic and administrative hub for the country. Over the past two decades, the city has experienced exponential population growth with an inelastic land fueled by rural-to-urban migration, economic expansion, and increased foreign investments. As a result, the demand for housing, commercial spaces, and transportation infrastructure has surged, placing significant pressure on the city's urban framework.

Key mentioned areas such as Kileleshwa, Kilimani, Westlands, and Parklands and South C originally planned as low-density residential areas, have undergone dramatic transformations. Initially characterized by single-family homes and lush greenery, and anchored on the current 1930 Zoning Ordinances however, the 1978 and 2008 zone 3, 4, & 5 review highrise apartments were allowed. These areas are now

dominated by High-Rise Apartment complexes and commercial buildings. These developments have been largely driven by real estate investors seeking to capitalize on Nairobi's housing demand. However, the pace of construction often outstrips planning regulations, leading to infrastructural strain and traffic congestion.

It's at this backdrop that the Nairobi City County Government through the department of Urban Planning and Development carried out the assessment, and came up with the recommendations that blend and direct the policy guidelines for mitigation measures.

A task force has been constituted to review all approved developments and ensure alignment with NIUPLAN's zoning requirements. Developers found violating zoning regulations will face appropriate sanctions, including cessation orders and penalties as stipulated in the Physical and Land Use Planning Act 2019. (PLUPA)

2. Public Participation

We acknowledge the concerns about inadequate public participation in planning processes. As a county, we are committed to complying with Article 10 of the Constitution of Kenya, which underscores public participation as a key governance principle. The urban planning department has always maintained its procedures on building approvals that entails vigorous processes involving public participation informed by newspaper advertisements in two daily newspaper publications /onsite notice informing public on the development proposal under sections 55 and 58 of the PLUPA 2019, which culminate in the issuance of the change of user approval (PPA2/DC 8), stakeholders engagements is mandatory on developments applications which require change of use compliance.

To improve inclusivity. A public participation framework is being reviewed to ensure better outreach and engagement with all stakeholders during policy formulation and project approval processes.

Notices for public consultations will be disseminated through multiple channels, including local media, online platforms, and community leaders, to ensure wider reach.

3. Construction of Non-Approved Buildings

In response:

Post-Approval Inspections: Regular inspections are undertaken by the Planning Compliance and Enforcement Department during the implementation process to ensure compliance with approved plans. Unauthorized deviations can lead to penalties or project suspension then finally the Issuance of Occupancy Certificate after project completion, an occupancy certificate is issued confirming the building

meets all regulations and is fit for use. We have heightened monitoring and inspection efforts by deploying additional enforcement officers to identify and halt non-approved constructions. Developers constructing without proper permits will face immediate enforcement actions, including demolition of non-compliant structures.

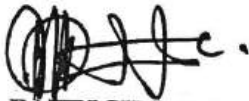
4. Follow-Up Inspections to Ensure Quality Standards

The department is aware of gaps in follow-up inspections, which compromise unauthorized and quality standards. To address this a dedicated inspection team has been established to ensure regular site visits for all ongoing developments. We are integrating digital tools to track and document inspection progress, ensuring accountability and transparency in the inspection process.

Way Forward

We are committed to addressing the issues raised and improving compliance with urban planning standards. Additionally, a review of existing policies and procedures is underway to enhance efficiency in approvals and enforcement.

We appreciate your continued engagement and urge all stakeholders to comply with legal and regulatory frameworks to safeguard Nairobi's urban future. Should you have any further concerns or require clarification, please feel free to reach us.



Cs, PATRICK MBOGO OGW
COUNTY EXECUTIVE COMMITTEE MEMBER
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