

LOCAL OUTLINE PLAN JERUSALEM 2000

Chapter one

Policy Documents-Definition and Goals

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1.1 Policy Documents- Definition and Goals

The accepted legal structure of plans in Israel, including Outline Schemes¹, is that of plans granting rights to land. This granting of rights is in effect unlimited in time. Both legal practice and the economic system have created essential economic values attached to building rights and have in effect created an irreversibility to these rights.

There are many examples of disadvantages associated with the system in Israel. For example: During the sixties and the seventies, the planning system encouraged the evacuation and rebuilding of large areas including appreciable widening of roads and demolition of building of architectural and historical value. In contrast, the approach that has developed in Israel within the last decade, in which conservation of urban structure is emphasized, has encouraged conservation of buildings and the preference of pedestrian precincts to solutions based on private cars. In those areas in which plans based on the previous approaches have been allowed, it is in fact not possible to implement the change in planning approach due to the widespread exorbitant compensation payments that are due.

Another example of the disadvantages of the system can be found in a significant number of projects in Jerusalem which have undergone multi-annual planning processes whereby building rights have been gradually increased but which have nevertheless been unable to bring the projects to fruition. As a result there has been a stagnation in development and difficulties in carrying out the execution of projects especially in the center of town. In some cases there have been excavations carried out for projects which have not been realized, and which have become severe urban nuisances.

This is not the case for many planning systems all over the world in which the urban Outline plan is based on planning and development policies over a given time span (about 5 years as a rule), in which building rights are relevant to the period of implementation and are restricted by losing their validity if not exercised within this period. Such a conditioning of the granting of building rights permits the close connection between urban planning goals and the manner of their implementation, and prevents the speculation in building rights. Such an approach also permits the gradual updating of planning policy without necessitating the payment of compensation which, in Israel, is due subsequent to the cancellation of rights.

The Jerusalem Outline Plan 2000 proposes the development of an approach that attempts to bridge between different conceptions that will allow for the rapid development of plans conforming to the overall policy without a wholesale granting of building rights.

-The Plan proposes two levels of approaching the granting of building rights:

- A. Areas in which the specific granting of rights will be allowed by the plan by means of plans authorized by the Local council. In these areas significant

¹ Translator's note: Although the official term is "Scheme" which is a legacy of the British usage, the more modern term "Plan" will be used throughout.

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deviations will be allowed in the parameters defined by the Outline Plan (“Envelope of Rights”). These parameters will be defined in terms of building ratios, number of floors, building heights, floor area coverages, volume densities etc. For these areas, a special channel of building rights will be instituted by means of a procedure of local council approved plans. The Outline Plan will clarify that such a granting of specific rights is only within the validity of the local council approved plan which will define a binding date by which the rights will cease to be valid if the plan is not implemented. This method will encourage development that is in step with the Outline Plan by approving local plans with relatively short schedules but which will prevent claims for compensation due to drop in real estate value and speculations based on the Outline Plan.

- B. Areas in which the granting of building rights is in accordance with the terms of the Outline Plan but the actual granting of these rights will be within the jurisdiction of the District Council. Such plans will cover those whose environmental impacts are appreciable in terms of their structure, height, density, traffic etc., but are in conformance with the Outline Plan and are located in areas which are defined as “Search Areas”, or otherwise defined as requiring the preparation of such plans. The advantage of such plans which are in conformity with the Outline Plan is in their approval process. This process will need only a limited procedure of preliminary coordination in both the local as well as the district councils. The basic premise behind this proposal is the significant shortening in time for plans conforming to the Outline Plan. This is in contrast to the legally sanctioned submission of plans which deviate from and revise the Outline Plan. This procedure is a lengthy one due to the required coordination at different levels. It can be assumed that the economic value attached to the savings in time will bring about a decrease in plans that call for changing the Outline Plan.

At a certain stage in the work, the possibility of granting building rights (within the terms of the Outline Plan) in areas in which it was possible to add these rights to existing rights while preserving the future planning goals in areas of conservation was raised. The aim of initiating this form of building rights was to create an immediate potential for development in areas in which a process of urban regeneration was called for. However, in the discussions which took place in the professional working committees no agreement was arrived at on this point. Hence, this point is not mentioned in the planning documents being presented at this stage of the work.

- The Outline Plan will not detract from building rights already granted by approved plans.
- The Outline Plan will serve as the basis for an ongoing process of decision making. There is a need for an institution of urban monitoring, under the auspices of the City Engineer who will follow up closely and continuously on the implementation of the Outline Plan after its approval. Such a body will simplify the preparation of future updates to the Outline Plan in accordance with variable trends over time. The duties of this body will be, inter alia:

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- Examination of Detailed Plans conforming to the Outline Plan in order to assess their suitability to promotion via the channel described in the Plan, including the monitoring of the list of close coordination as determined in the Plan.
 - The continuous monitoring of the achievements of the planning goals and the initiating of updates.
 - Updating and coordinating with the various relevant municipal departments concerning the Outline Plan.
- The Outline Plan must be closely integrated in the decision making processes and work patterns of the various municipal departments in order for the maximum achievement of its goals.
- The Outline Plan sets out the means of implementing necessary for the achievement of planning aims and plan goals. These means include recommendations in administration, economics, organization and planning. Only a part of these recommendations will find expression in the statutory documents and part will be presented in this document.

This framework is based on the assumption that the approval of the Outline Plan will permit the quick approval of detailed plans which are in accordance with it, hence bringing about the realization of its goals. For this purpose, an accelerated channel of approval for plans conforming to the Outline plan will be established in advanced with the agreement of the appropriate planning councils based upon the active involvement of most of the planning bodies attached to the steering committees of the Plan. Hence, the conforming plans will not have to undergo detailed examination but only a technical appraisal of conformity to the principles in the Outline Plan. By this method, even within the existing law there is no prevention of a quick approval process for plans conforming with the Outline Plan.

1.2 Principles of the Policy Document.

- The aim of the policy documents is to give expression to the planning intentions in the various fields.
- In addition to the planning intentions, the policy documents are to serve as basis for “detailed plans conforming to the outline” as well as guidelines for the preparation of plans for implementation and urban development.
- The policy documents will emphasize the implementation process and the means necessary for achievement of planning goals.
- The policy documents will define “areas of intervention” necessary for the achievement of planning goals and the application of “means of intervention” in

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each area. Means of intervention are planning tools by which planning goals are implemented and achieved.

- The policy documents will propose guiding rules for the routine planning in the municipality so as to permit comprehensive discretion in municipal decision making.
- The policy documents will define the range of urban interests while providing a space of action for the private sector in the area of its relative strength. In this area the involvement of the municipality will be kept to a minimum so as to ensure the achievement of planning goals and their implementation.
- The policy documents will define development trends and will determine the appropriate level of the statutory framework- instances in which action can be taken via plans conforming with outline under the jurisdiction of the local council, or instances in which action should be taken via plans conforming to outline under the jurisdiction of the district council, including the necessary coordinating systems for each instance.

1.3 The Relation between the Policy Document and the Statutory Document

Policy documents will not be accorded statutory standing and they will not be part of the statutory plan documents. They are however an integral stage in the planning process in which items and elements to be included in the statutory plan are determined, whether they are elements which are binding or elements which have to be included in the detailed plans conforming with outline. For example:

- Prioritizing the promotion of detailed plans.
- Definition of “envelope of rights” for areas and for preferred plans for which the outline plan has intentions, in relevant areas.
- Guidelines for granting of rights in detailed plans under local council jurisdiction, in relevant areas.
- Rules for determining the level of rights according to the contribution to the achievement of planning goals, including rules for quantifying urban benefits as part of the evaluation of plans and their impact on the urban environment and economy.
- Definition of threshold conditions for urban design.

1.4 Sectoral Policies.

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Every section of sectoral policy will include characteristics of the policy plan as defined. Among these characteristics will be the planning intentions in this sector and the manner in which these intentions were derived from the planning aims and goals.

Every sectoral policy will include guidelines for the preparation of “detailed plans conforming to outline”.

Policy documents define “areas of intervention” and means of intervention necessary for the achievement of planning goals and implementation of policy. The means will be adapted to the specifics of each sector.

Among others, the following will be emphasized according to the specific planning sector:

- Means and tools for the implementation of planning and achievement of goals.
- Action recommendations for routine planning in the municipality, for supplementary policy in the various municipality departments and support for decision making processes.
- Recommendations for development plans following upon the outline plan. Such as- development of sections of the green infrastructure, development of traffic calming in residential areas, continuation of the city center development and employment areas etc.
- Administrative recommendations such as setting up of urban bodies responsible for the implementation of certain projects.
- Organizational recommendations such as formalizing procedures for the approval of detailed plans conforming to outline while bypassing subjects already decided upon under the outline plan.
- Economic recommendations- tools for speeding-up development according to stages laid out in the plan.
- Recommendations at various legislative levels- urban byelaws, regulations, legal amendments. (It is important to emphasize that these devices are very problematic and have to be avoided as much as possible).

The chapter that concludes this report concerns the description of the preferred plan alternative which was formulated as an Outline Plan after the composition of its various sectors was decided upon. The various documents of the plan were arrived at after designing alternative plans and choosing the preferred alternative which was carried out while taking into account the attitude of the citizens who were participants in the preparation of the Outline Plan. These documents were discussed in the Professional Committee and approved by the Steering Committee.