



CONTOUR. Consolidate ownership negotiation tool for urban restriction. The case of Põhjaväil.

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Abstract

This paper, based on the author's entry in the Street 2020 competition, explores possibilities for a new urban development model in Tallinn. Using the planned urban highway Põhjaväil as our case study, we provide insight and fresh thinking in studying the city and the site to find its real potentials, and addressing the gaps and weaknesses of the current planning system and real-estate process to delineate a new tool of urban management. We call this tool CONTOUR, a localised, actor-oriented tool to foster public good. While the concept is new, the tool is based on solutions and regulations that, in other contexts, have managed to mediate public and private interest and ensure high-quality urbanism. In the site of the "Street 2020 competition - the case of Põhjaväil", the question is how to turn the threat of unnecessary inner-city highways into an opportunity to create an attractive urban area reaching to the seaside. The spatial solution, based on interlacing flows, is the driver for a rich variety of urban landscapes and programmatic mixes.

The economic incentives and negotiation tools of the proposed CONTOUR facilitate the preservation of key values of the site, while opening new development opportunities. The process is characterised by managing built volume and land rents to reach a win-win for landowners and the broader public.

Public projects, such as public space and transport, or art and events, sustainably receive their share of the added value.

Key words: urban planning, transfer of development rights, Põhjaväil, negotiation, planning tools, Tallinn.

1. Introduction

The Põhjaväil, as shown in the competition background documents, is framed by the city centre, Kadriorg district and the sea, making the site one of the most lucrative in whole Tallinn. Despite the competition was closed in the summer, the

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inner-city highway project was already visible on the cadastral map of Tallinn months before. Some landowners along the planned road have united their plots to be able to propose larger single projects, such as a massive 5-story shopping centre, or housing.

Furthermore, Tallinn harbour (starting point of the road) is experiencing growth in traffic volumes, not least because of the Helsinki-Tallinn twin-city scenario. Part of this growth will focus on the city centre harbour (passengers and Ro-Ro), while part will go to Muuga (cargo). For tourists, the site is the gateway to Tallinn and the face of the city. The harbour administration has strong interest in having this road as main exit of the port to drain out cars and trucks unloaded by the Ro-Ro ferries.

In our site observation of the seaside, we recognised three types of mobility: pedestrian, biking & sports, and cars. These flows naturally have different speeds but, more importantly, they transform different types of environment and atmosphere from alternative, even marginal, to urban. In Goffmannian terms, the site has both 'front' and 'back' side, increasing its urban variety. The three flows are a key potential towards varied streetscape. Tourists are a very visible and important flow, and the current situation of unsolved and empty transit space between terminals and the city is bound to change. Harbour, Tallinn University and WTC add clear international connectivity, flows of money, ideas and people. The built environment has both practical and symbolic / heritage values. The building stock is analysed in terms of historical and cultural value (red), potential when change of use (orange), potential and historical value when renovated (brown) and others, such as TLÜ camps (yellow).

The site has some of the last remaining old limestone harbour buildings. Some of these are listed, but the urban potential as a dense network of small streets and squares remains to be recognised. The area has also a number of singular buildings of high quality and symbolic value, such as 1950s Seamen's dance hall, 2000s synagogue and the Tallinn University complex built in several phases.

Tallinn University campus has a certain quality already, to be developed further. Seaside park from Russalka statue towards the harbour edge is actively used. It is a natural connection from the historic Kadriorg park to the sea, but also has its own character as a somewhat wild and unregulated urban greenery. The park lane from Russalka towards Tuukri Street is the start of an active biking and sports route. The old harbour buildings and yards at the western edge of the site, an 'atmospheric jungle', have great local potential to be enhanced as urban park.



Figure 1. Map of potentials

2. A future scenario

The area described above is regulated by detailed plans, like the rest of the city. Building such a big scale infrastructure as this urban highway has not come together with the introduction of special tools or comprehensive plan that we may expect in such a case. As detailed plans are submitted by developers to the City administration, approved and made public one by one, our first aim was to collect those developer's proposals and picture them together along the planned highway, an attempt to understand how the new "city assembled" will look like.



Figure 2. Scenario, based on approved detail plans - June 2011

3. Gaps

Using the ordinary planning tool established in the city of Tallinn together with lucrative private initiative, we can observe 2 main Gaps resulting in the case study of Põhjaväil:

3.1 Gaps in the planning system

By looking deeper at the volumes and characteristics of those detail plans attached to Põhjaväil, it emerges how all the developers had the freedom to fulfill their properties with housing and commercial activities, regardless of anything but their

own economic interests, without considering other issues like public interest and sustainability.

The roots of this speculative phenomenon had to be observed through history: along with the dissolution of the USSR in 1991, a new planning system had to be thought. The process of independence led to change the all-soviet centralized planning system into a market based mechanisms, offbeat with the previous establishment. "The reform of urban planning has been a difficult and controversial task. Market euphoria and the consequent support for a sharp reduction in public administration had been defeated, eroding the legitimacy of planning" (Thornley, 1993), giving the opportunity to developers themselves to lead the city planning.

Still today the master plan of Tallinn in force is a coarse 1:45000 map with related documentation and studies, giving outlines for macro zones. The regulations expressed by the master plan find the most visible gap in its facility to be changed and being "developer ruled". Indeed, by detail plans, developers can propose variations to the master plan, that we observed were easily granted. District focused plans have been released this year but clearly those are reports of developers intention, following the detail plans submitted to the city administration. The approbation machine can be shortly summarized here:

- 1) Developers present the intention to realize a project
- 2) city administration gives out the guidelines to draw the first detail plan draft, announcing it on at least one main local newspaper and one daily national newspaper or webpages to facilitate the discussion.
- 3) Developers submit the first detail plan draft to the city administration
- 4) City administration review the detail plan and sends it back to developers with corrections and changes
- 5) Developers submit the corrected detail plan to city
- 6) City administration announces a public meeting to show the detail plan for open discussion
- 7) If there is no argument against it, the City administration proceeds to approve the plan.
- 9) In case strong arguments against the plan persists, then the City administration is sending back the plan to developers for other correction and changes.
- 10) When the latest detail plan drawing is presented to city, the project can be officially approved if all the arguments are clearly solved. In particular case or sensible areas, another public meeting can be arranged.

Acknowledging the real complexity of this procedure and the actual timespan from start to end, participation here is meant only as second voice or reviewer of the plan. This kind of inclusion of the public opinion is quite generic and simplistic as the opinions are not actively included in the public debate. In order to reach a smarter and a more adequate practice to face current demands and problems of the city, it is crucial to include NGOs, locals' association, visionaries and experts' knowledge in the planning process itself.

Other perspectives aiming to have a more touristic focused seaside are forgotten here, apart for the vision made in Paljassaare (on the eastern side of the city), where mixed uses, wide promenade, sailing harbour, mall and other potentially touristic-focused services will give added value to the project, in terms of creating jobs, having better utilities and perhaps having a new thriving centrality beside the city centre.

3.2 Gaps in the landscape

Gaps in planning system, generates gaps in the urban landscape.

When the project it is designed to give benefits only for its own purpose, all other typical aspects distinguishing the surrounding are left apart. Parks and shores are considered just as local elements for real estate speculation but nothing is done to preserve and include them in the project vision. Mostly the edge buffers of those projects are likely to suffer the lack of a comprehensive vision, as the boundaries are not defined considering the landscape but by rather mere ownership net borders.

The planned road of Põhjaväil in this segment defined in the competition, will be the most representative gap for the site and perhaps for the urban shore of Tallinn and its users. According to the detail plans and the expectation of the city administration, the road will be designed for 3plus3 car rows with related safety spaces and pedestrian way. This urban highway that can be 45meters wide, will run for one fourth of its length on top of the current shore and rocky shore, passing just in between the water and a spectacular urban park. It will not only turn the rocky shore into concrete but it will significantly break the peculiar dune buffer between the park and the sea. This intervention is aiming to have better and more fluent exit traffic from the harbour and reduce traffic jams of commuters coming up east from Viimsi municipality.

4. Gaps for good

4.1 How gaps in the planning system can be used for good practices

Gaps and weaknesses off course are the leak in the system but as developers can exploit them for economic interest, in the other hand, cracks can be used to infiltrate good practices and smart solution in the process of planning, according to overcome restrictions and incapability to handle negotiation.

4.2 C.O.N.T.O.U.R. - Consolidated Ownership Negotiation Tools to Overcome Urban Restrictions

At first, planning can start from a larger scale in order to describe and understand the overall scenario and relate the single plans to the bigger vision of “opening

Tallinn to the sea side”. Plans and actions on the coast from Viimsi to Kakumäe (West and East end of the city) are organised through thematic development agencies, aiming for spatial innovation and public social good. We call these agencies CONTOURS – Consolidated Ownership Negotiation Tools to Overcome Urban Restrictions.

Each CONTOUR is a public-private enterprise with both social and economic aims. All landowners touched by the proposed street have to join. Also other actors can become active stakeholders with the same rights and obligations, if they are linked to the theme of the particular CONTOUR.

Landowners and other stakeholders pool their resources, so that each CONTOUR has real powers to partake in public discussion, make investment decisions, negotiate land rights and curate public programmes and space, independent of plot borders. Through pooling of resources, including social and cultural capital, each agency is expected to produce added value to all stakeholders, thus becoming real driver of the development of urban landscape.

Connectivity along the seaside is the common thread of all CONTOURS. Through a combination of urban design to reach unique local aims and policy-measures to encourage public transport and light traffic along the whole seaside, they can negotiate complex and sometimes conflicting desires, building a positive alternative to the unnecessary inner-city highway project (Põhjaväil).

Thus, the street is not only an element of urban landscape, but rather becomes its driver. The proposed tool has potential to define the conditions of the production of urban space, reaching towards new model of planning and real-estate development in Tallinn.

4.3 Localised TDR

“Local governments undertake transfer of development rights (TDR) programs to use the market to implement and pay for development density and location decisions. TDR programs allow landowners to sever development rights from properties in government-designated low-density areas, and sell them to purchasers who want to increase the density of development in areas that local governments have selected as higher density areas. TDR programs appear to offer many advantages to local governments that want to control land use but also compensate landowners for restrictions on the development potential of their properties. TDR programs can be easier to implement than typical zoning programs; they make development more predictable and use the market to compensate landowners for lost property value. TDR programs are also more permanent than traditional zoning regulations. Although TDR programs appears to be a potentially powerful land-use tool, few communities have had success in

using these programs because of the associated challenges . TDR programs do not reduce the need for zoning and can actually be more complex to administer. Communities may not support TDR programs, and local governments may have to invest in community education programs to explain them to the public. Lastly, although the permanency of TDR programs can be an advantage, it may also be a liability, since a community's land use needs change over time”(Transfer of Development Rights Program - Jason Hanly-Forde, George Homsy, Katherine Lieberknecht, Remington Stone).

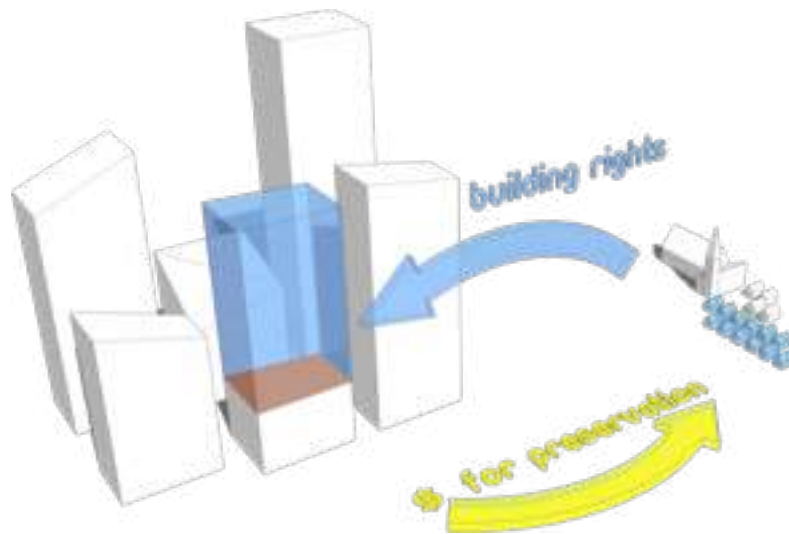


Figure 3. TDR

The concept of TDR will be localized within the CONTOUR boundaries as key tool to negotiate the land use and using incentives for leading developer to preserve values and potentials that locals' associations together with activists and experts together will identify on the site. Therefore the areas or objects to preserve will be the Sending Site (the slice of land from which development rights will be transferred) of those rights, that together with an added incentive component, will be transferred to the Receiving Site (sites to which development rights are transferred or added to existing ones).

Building rights sent by a Sending Site and incentives should be transferred to a Receiving Site with strong market demand in different fields like commerce, real estate, tourism or production in order to guarantee economic efficiency and mixed uses.

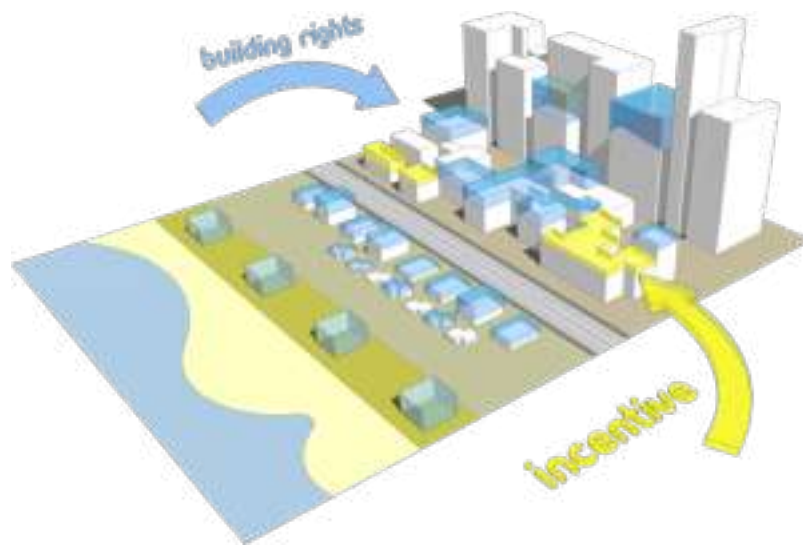


Figure 4. Localised TDR

4.4 Building rights

Managing the building rights in an equal and economically beneficial way is a key element of the process. The distribution of built volume starts from the theoretical FAR 2.0 for each plot. The building right is then shifted inside the CONTOUR to reach both optimal new urban qualities (based on varied FAR coefficients for different types of street exposure) and agreed preservation targets. An incentive of 10% is given by the Board of the CONTOUR in case of shifts for preservation. Land rent is managed by the CONTOUR and distributed following the theoretical building right of each owner, including the City. Thus the CONTOUR provides sustainable funding for public projects for public space, public transport, art and events.

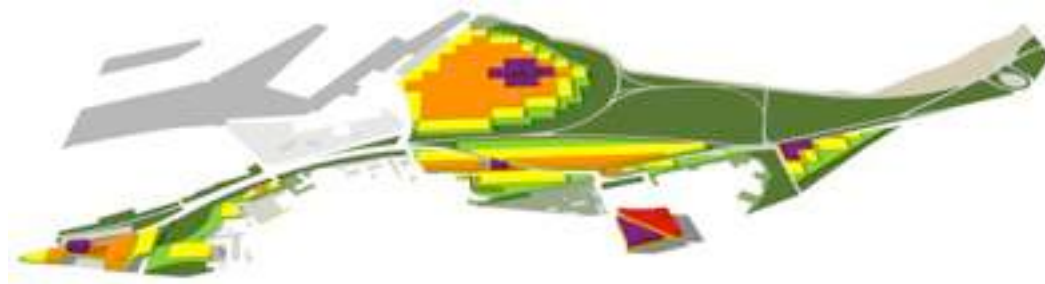


Figure 5. Building rights matrix

4.5 Mixing programs between public and private

Programmes are located to support street and park-level activities regardless of land-ownership. Special focus is given to the Tallinn University Knowledge Campus and attractively urban street sequences where many user-groups can

meet. Taken together, the process, as exemplified by this thought-experiment, will lead to a diverse set of urban districts: Urban Synapse, Knowledge Campus, New Seaside District and Parklife.



Figure 6. Resolution, flows interlaced

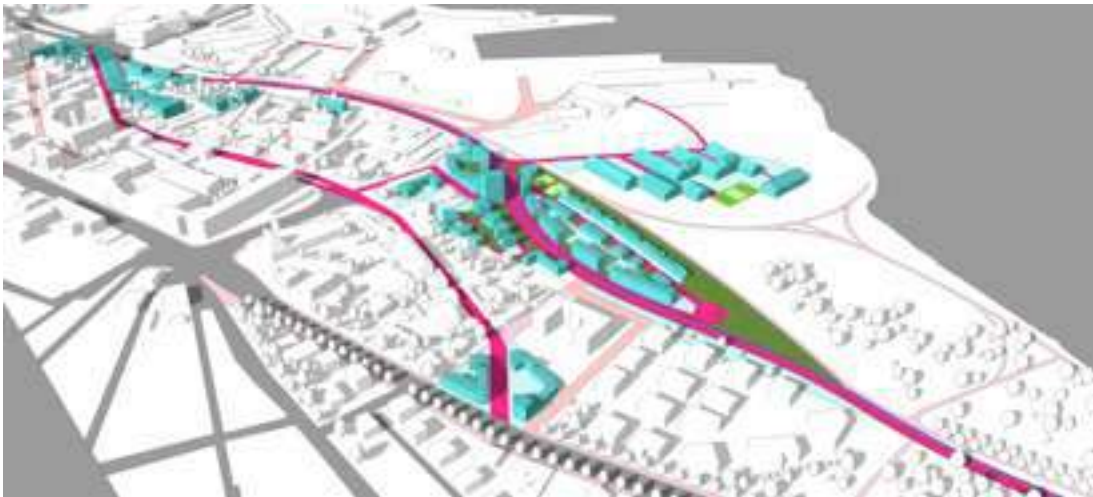


Figure 7. Resolution, flows interlaced

5. Conclusions

5.1 Unifying land for comprehensive plan

Unifying land to design a comprehensive plan of larger scale is going to create better possibilities in many aspects regarding the plan. Spatial planning will be able to feed landscape with volumes demanded in more efficient way and international competition should be set to guarantee the openness of the process. More significant ideas can be found to follow the ongoing city administration's vision "Opening the city to the sea side". Infrastructure projects will be more efficient in serving the different developments taking part of the CONTOUR with smart ideas to manage traffic flows, proposing new ways of mobility rather than bigger roads that would not exclude any side of the build, avoiding dark zones. It would be fundamental to have projects like a sea promenade (already proposed by the city administration) or green

corridors to reconnect the vegetation patterns currently blocked by the central figure of the port. Realizing them with the current trend of developing plot by plot, however, sounds nearly impossible. Following the logic of unifying the land onto a CONTOUR will give the right environment and tools to define greater ideas. When the area begins to be considerable big in the city scale as the COUNTOUR defined by us is, public interests is going to be more active, giving more guarantees on the legitimation of the plan.

5.2 Resolution example. Flows interlaced

In the spirit of Street 2020, the varied, locally embedded and regionally connected network of streets, bike routes and pedestrian paths is the driver of developing the site. Each plot offers multiple faces to the streets and routes, creating gradients in density and programme. Different types of mobility require different environmental qualities and benefit from different types of connectivity. The car streets are as central and rational as possible, while seaside pedestrian routes may be oblique and leisurely. In the most urban parts of the site, different mobilities converge to create full-blown urban streets with elements of shared space.

5.3 Building on key values

The analyzed values of the site in terms of Green, Built, Flows and Interests are the starting point of development process. The negotiations of the CONTOUR should always enhance values, modifying and re-placing programs according to need.

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