

SUSTAINABLE CITIES AND QUALITY OF LIFE

NATIONAL URBAN DEVELOPMENT POLICY

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The Policy presents its proposals through different dimensions of urban development. It considers three areas seen in other such policies internationally – social development, economic development, and environmental balance – and expands its scope, making its own mark. The social dimension is present under the heading of “Social Integration,” thereby recognizing one of the major problems facing Chile’s cities. It also incorporates “Identity and Heritage,” emphasizing the importance of guiding urban development in harmony with history and the identity of different cultures and places. In addition, this Policy acknowledges that in order to realize its proposals in these areas, it is essential to address serious problems of fragmentation in urban development at an institutional level. Thus, it includes a critical chapter about institutional reorganization.

Sebastián Piñera Echenique
President of the Republic of Chile

January 2014



NATIONAL URBAN DEVELOPMENT POLICY

Sustainable Cities and
Quality of Life

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Table of Contents

INTRODUCTION	6
AN URBAN POLICY FOR CHILE	7
URBAN POLICY: NECESSARY FOR TODAY'S URBAN CONTEXT	9
 PART 1	 11
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CONTENTS OF THE POLICY	11
 INTRODUCTION	 12
A. Developing this document	12
B. The need for an Urban Development Policy	13
C. Diagnostic elements	13
D. Goals	15
 OBJECTIVES AND PRINCIPLES	 16
SCOPE OF THE POLICY	18
SUBJECT AREAS	20
1. Social Integration	23
2. Economic Development	33
3. Environmental balance	41
4. Identity and heritage	49
5. Institutionality and governance	55
 PART 2	 64
<hr/>	
HISTORICAL BACKGROUND	64
 PART 3	 66
<hr/>	
CRITICAL DIAGNOSIS	66
 PART 4	 70
<hr/>	
EXPLANATORY NOTES	70
 ANNEX. Members of the Presidential Advisory Board.	 81

INTRODUCTION

In April 2012, at the request of the President of the Republic, a Presidential Advisory Body was established, charged with formulating a proposal for an Urban Policy able to guide the future development of our country's cities and population centers.

The establishment of this Advisory Body launched a process that has culminated in the promulgation of a new National Urban Development Policy for Chile.

As significant as its content is the process undertaken to develop this Policy – a process founded on building transversal consensus at the political, technical and citizen level, and one that included strong regional participation.

This important agreement is what permits us today to look optimistically to the future of Chile's cities and trust in the implementation and importance of this Urban Policy beyond a particular presidential administration.

Pilar Giménez Celis

Head of Division, Urban Development

Ministry of Housing and Urban Development

January, 2014

AN URBAN POLICY FOR CHILE

To date, Chile has not had a true urban policy – one able to guide the development of its cities, and with the necessary support to generate profound changes. A policy is not a law or a rule or regulation. Rather it is a mandate, composed of principles, objectives and guidelines for action, able to coalesce intentions that later transform into laws, regulations and public programs oriented towards achieving a better quality of life. This Policy's strength and longevity depend on the value Chileans place on its principles and objectives, its capacity to reflect individual and community ambitions, and in the remarkable human expression we call cities.

The formulation of an urban development policy is particularly complex. It requires considering everything at once: human beings, their lives within society and their beliefs; the economy; work; diverse cultures; and nature, just to name a few. Cities embrace all of these elements, shaping the places where people's lives unfold. They are not only a reference point but also they strongly influence the different dimensions of life.

It is not enough to have a set of laws establishing norms for cities, their buildings and infrastructure. Often, laws respond to different objectives generated by specific needs at a determine point in time. Without a framework that fixes guiding principles, concepts, and common objectives, it is impossible to organize the multiple regulations and public policies that impact urban development.

This National Urban Development Policy is founded on the belief that our cities and population centers could be much better if we, as Chileans, agree on some of the fundamental aspects that guide their development. These agreements, explicit, structured and organized as a true social contract, are the substance of this document.

This Policy focuses on people and the quality of their lives. Not only with respect to the availability of public goods or objective conditions, such as green space, public transport, or clean air, but also subjective aspects associated with the human dimension, including values, beliefs, and the relationships between individuals. Quality of life forms the fundamental basis of this policy.

At the same time, the concept of development on which this Policy is based extends beyond economic growth, encompassing growth in a broader sense. It refers to sustainability in the classical manner whereby today's decisions or interventions should not result in impoverishment for future generations. The Policy is also explicit in its reach, covering not only urban areas but also the whole territory where communities develop. It proposes reforms to current legislation and institutional structures, and in terms of timeline it is presented as a State Policy, which by definition transcends successive governments.

Perhaps the primary challenge is a cultural one, where the value of public goods and collective expression prevail, together with the realization that cities and towns are much more than an agglomeration of private construction.

The Policy presents its proposals through different dimensions of urban development. It considers three areas seen in other such policies internationally – social development, economic development, and environmental balance – and expands its scope, making its own mark. The social dimension is present under the heading of "Social Integration," thereby recognizing one of the major problems

facing Chile's cities. It also incorporates "Identity and Heritage," emphasizing the importance of guiding urban development in harmony with history and the identity of different cultures and places. In addition, this Policy acknowledges that in order to realize its proposals in these areas, it is essential to address serious problems of fragmentation in urban development at an institutional level. Thus, it includes a critical chapter about institutional reorganization.

This Policy was developed with a long-term perspective. Its proposals are ambitious and consider significant institutional and legal changes. Given this, its realization will be gradual, and will require discussing various draft laws in Congress.

It is with pride that I present this first Chilean National Urban Development Policy that is transversal in nature. I sincerely thank the Presidential Advisory Board for its work. Composed of 28 people from the academic, political and civil society spheres, it was led by Antonia Lehmann, National Prize of Architecture. I also thank the work of Minister Rodrigo Perez and everyone at the Ministry of Housing and Urban Development, as well as all of the ministries that collaborated in the formulation of this Policy. I am confident that it will mark the beginning of a new period for Chile's cities and towns.

Sebastián Piñera Echenique

President of the Republic

January, 2014

URBAN POLICY: NECESSARY FOR TODAY'S URBAN CONTEXT

Following a growth trajectory in place for centuries, the world's level of urbanization recently surpassed 50%. In Chile, almost 87% of the population lives in cities, which makes it a highly urbanized country in the global context. Thus, achieving a better quality of life – with its objective and subjective dimensions – is intimately linked to the performance of our cities.

Urbanization has permitted Chile's citizens to access the benefits associated with cities, including greater human interaction, more sources of employment, access to services and facilities, and the opportunity to enjoy public spaces. At the same time, the development of our cities and population centers has not been nor is without deficiencies and difficulties. The most significant these is urban social segregation, arising from decades of an approach to reducing the housing deficit that focused on the quantitative dimension without paying attention to location or the accessibility of a minimum level of urban public goods. Additional challenges affect the global competitiveness of our cities, including the lack of connectivity, congestion, poor conservation of heritage, the lack of value placed on the identity of different places and cultural expressions, an often aggressive approach against natural systems, the lack of quality public space, and inefficiency in administrative institutions.

In this context, the need for a National Urban Development Policy that establishes guiding principles for the positive and sustainable development of cities and population centers is evident. Learning from the past signals the need for foresight and an understanding that cities can be threatened by present and future challenges, which can limit the quality of life for the vast majority of Chileans.

President Sebastián Piñera took on the challenge to address this, establishing a Presidential Advisory Body that after 14 months of work, 17 plenary meetings, 56 subcommittee meetings, 32 citizen workshops in 15 regions, 5 joint meetings with 11 ministries, and 3 baseline publications finally achieved formulating a proposed State policy that gathers concepts and ideas based on broad consensus.

This Policy is a proposal formulated by a broad and pluralistic Advisory Body, formed by people of different political leanings, representatives of different social organizations and areas of expertise, all oriented towards formulating a policy that lasts beyond successive governments.

This collective work did not start at zero. On the contrary, we sought to solidify a long pursued goal, and one awaited for by the population, recognizing the various attempts of past governments to formulate an urban policy. Thus we “took the relay” and today we present the successful culmination of a process that began almost 20 years ago, and which, we trust, will provide a firm foundation for the sustainable development of our cities and population centers.

Rodrigo Pérez Mackenna

Minister of Housing and Urban Development

January, 2014



Municipal Beach, Antofagasta,
Region II

Part 1

Contents of the Policy



INTRODUCTION

A. Developing this document

This National Urban Development Policy was drafted by an advisory committee mandated by the President of the Republic, Sebastian Piñera Echenique. The committee was composed of 28 people from different branches of society and knowledge including, union representatives, university deans, members of Parliament, past and present ministers, representatives of civil society organizations, and professionals with expertise in various fields.

The committee was pluralistic and diverse, representing different schools of thought and political positions, including acting Parliamentarians from opposition parties to the current administration. Committee members provided their contribution for the benefit of the country, with the goal of producing a document that, as a State policy, could guide the destinies of Chile's cities and towns in order to improve the quality of life for their inhabitants beyond future administrations.

The members of the committee were supported by working groups comprised of academics from several universities¹ and experts who offered their knowledge and experience in order to contribute to the assigned goal².

In addition to these working groups, the involvement of professionals and authorities from each of the country's regions³ was particularly valuable for contributing ideas, visions and local nuances, making this document truly national in scope.

Specialists from eleven ministries⁴ were also involved, contributing knowledge and experience from each ministerial body active in urban and territorial development.

This document is a historic achievement. After an extensive and rigorous effort, it coalesces different perspectives and experiences to reflect a coherent and extensive policy that presents the "urban issue" as an integrated concept and an issue of national importance whose relevance makes it one of the key pillars of Chile's development.

Through its objectives and guidelines, this Policy is a testament to Chile's common aspirations and needs, and to the reforms and paths necessary in urban development in order to become a better country.

B. The need for an Urban Development Policy

Chile is a country unaccustomed to introducing urban development policies that help establish the conditions and the necessary support for realizing urban development initiatives.

A policy is not a law or regulation, but a document addressed to the country. It outlines principles, objectives and courses of action to help improve the quality of life for everyone. Because of this, its strength or weakness, its permanence or transience, depends on the value Chileans give to such principles and contents.

In terms of urban development, policy formulation is particularly complex. It entails discussing many subjects simultaneously, such as human beings, their life in society, their beliefs, economics, labor, culture, and nature, just to name a few. As the places where people's lives unfold, cities and towns gather all of these elements. Cities are not merely a contextual reference point but have a strong influence on quality of life.

History shows that it is not enough to have a set of laws establishing regulations on cities, as these laws often aim to realize different objectives, characteristic of specific needs at a given time and place. The absence of a framework establishing guiding principles and common objectives makes it impossible to organize the many variables that spark the development of cities and population centers in ways that promote a qualitative leap forward.

Such a policy is also necessary given that the context in which Chile's cities have developed has changed dramatically in recent decades.

C. Diagnostic elements

As the country has progressed and the majority of people have settled in urban areas—today's urban population reaches 87%— challenges have emerged that, until recently, were not a priority but today reveal the need for an urban policy. (See Part 3 for details).

Chile's remarkable economic development, marked by a growth in GDP per capita from USD3.000 in 1982 to USD19.000 in 2012, has also seen a dramatic reduction in the housing deficit and nearly universal coverage of basic services. However, the policies that permitted us to reduce the housing shortage neglected location and generated a concentration of poverty, insecurity, overcrowding, poor connectivity and a lack of access to urban public goods. The unequal distribution of income in our country materialized in our cities and population centers⁵, constituting one of our biggest challenges.

Our population is aging. This places new demands for access and recreation on urban space and will also require housing policy solutions. The number of people per household has fallen from 4.5 in 1982 to 2.9 in 2012, as a result of the

increase in housing stock and the reduction of household size. Every day relatively more apartments and fewer houses are built. All of this has led to a drop in the territory's urbanization rate.

The tools currently available to ensure a sustainable development inadequately consider the impact of development on people and land. Urban projects are often inserted into the urban landscape without viewing it as a complex and organic system in which the actions taken by one affects the whole. Land-use decisions are not always made taking into consideration their social impact or the natural systems⁶ of the area affected.

There are unresolved issues in our urban evolution, such as the disconnect between urban planning and minimum conditions for social integration, the incorporation of ecosystems and watersheds in planning, the development of health services, and the lack of tools to manage natural hazards.

Despite declaring a large number of properties as protected heritage sites, such legal protection does not extend to building management and financing capacities that can ensure effective protection of the properties, which are often privately owned. Our institutional framework and heritage regulations do not cover aspects related to natural heritage, identity, geographical diversity or cultural richness.

In terms of urban development, our system is characterized by a fragmented decision making process that is reactive, centralized and non-participatory. Our General Law of Urban Development and Construction is today supported by at least 30 additional laws directly affecting land and land use. Urban-related responsibilities are spread among numerous government entities. This regulatory and institutional fragmentation makes it difficult to implement urban improvements, and information that can support informed decision-making is limited. For example, there is no inventory of existing surface and underground installations.

Local-level land-use planning instruments cover 68% of the country's municipalities. These instruments take an average of six years to be completed and approved. They have little power to drive urban development, to link land use with transport, and public works with funding. Investment decisions for housing and infrastructure are often implemented outside the planning structure.

D. Goals

This policy aims to:

- Improve quality of life by comprehensively addressing the development of our cities, and ensuring that their development is socially integrated, environmentally balanced, and economically competitive.
- Support decentralization to bring local decisions closer to the people, respecting communities and strengthening civic participation.
- Provide an explicit framework for an institutional reorganization and an ability to clarify the responsibilities of the various public and private actors that play a role in urban development as a means to avoid inconsistency, contradiction and/or poor coordination in criteria and actions.
- Support and provide a unified point of reference for the reformulation and modernization of relevant laws and regulations so they are adapted to the requirements of today's society.
- Generate stability (certainty) in order to favor the coexistence of citizens and to enable an environment conducive to social development, as well as public and private investment initiatives.

OBJECTIVES AND PRINCIPLES

This policy's primary objective is to create the conditions for a better "Quality of Life for People"⁷. This is understood not only as the availability of goods and other objective conditions but also in subjective terms associated with the human dimension and human relations.

The policy is grounded in the concept of "Sustainable Development" where sustainable refers to "meeting the current needs of people without compromising the ability of future generations to meet their own needs"⁸ and development is understood as the ability to increase opportunities for individuals and communities to pursue their life projects in different areas⁹.

This policy considers land not only as an asset but also as being a unique and irreplaceable resource. Thus, it is not appropriate to refer to land exclusively in terms of its scarcity or abundance. Its use, especially for projects of a permanent nature, should be regulated under a "common good" principle and with respect for individual rights.

At the same time, land-use options freely decided must be respected, and thus, any regulation should accommodate for differences in lifestyle, establishing the limits and conditions applicable in each case¹⁰.

The following principles guide this policy:

- Gradualism: The proposals contained in this policy are formulated to be realized gradually, approach the territory progressively, and implemented after assessing necessary resources and their availability.
- Decentralization: Decisions relating to interventions in the urban space and its territory should be made at a level close to the people, attributing more competences to the regions and comunas (municipal territories), together with greater capacity and means for implementation.
- Equality: Equitable access to urban public goods should be ensured in order to maximize growth and development opportunities.
- Social integration: Cities should be inclusive places, providing basic quality of life conditions for all inhabitants, and respecting their uniqueness and freedom of choice.
- Participation: Decisions affecting cities, regardless of the decision's scale – be it at a local, regional or national level – should be taken in cooperation with citizens based on formal and organized participative processes.

Plaza de Armas, Talca
Region VII

- Identity: Cities must provide a sense of belonging and reflect the values, history and culture of their residents.
- Commitment: The feeling of belonging should be fostered among citizens, together with the sense of civic responsibility for the development and care of their cities and natural surroundings.
- Quality: Excellence and beauty in the urban design of buildings and public spaces must be encouraged.
- Efficiency: Cities, their infrastructure, services and operational systems should be planned and administered in order to maximize their positive attributes and internalize their negative effects.
- Adaptability: The capacity of cities to respond appropriately and promptly to demographic, economic, environmental, social, cultural and technological changes must be fostered.
- Resilience: Cities and population centers should be able to overcome adversity, natural disasters and economic crises.
- Safety: Cities should provide adequate conditions for individual security – ones that promote social stability and permit each person to realize their individual civil rights and liberties.



SCOPE OF THE POLICY

Territorial Scope: This policy is not restricted to currently legislated urban areas. Rather, it considers population clusters, recognizing them as complex territorial systems, integrating urban and rural areas that are complementary in their functions, landscapes and ecosystems. The term "city" is also applicable to towns and smaller population areas when appropriate.

Temporal Scope: Territorial and urban transformations are lengthy and often slow processes, requiring continuity in policy and an ability to transcend changes in government administration. This policy's proposals are in keeping with the principle of gradualism.

Institutional and Legal Scope: As this policy extends beyond the current institutional and legal framework, its implementation will require institutional and regulatory changes. The policy deals with competences that are attributed to several ministries, as well as regional and municipal governments.

This policy represents a base upon which future initiatives and actions can be developed, many requiring draft laws for discussion in Congress prior to implementation.

Without prejudice to the above, this policy is intended as a guideline for new public initiatives in urban and territorial development, be they regulatory, plans and programs, or territorial planning instruments that do not contradict current legislation.



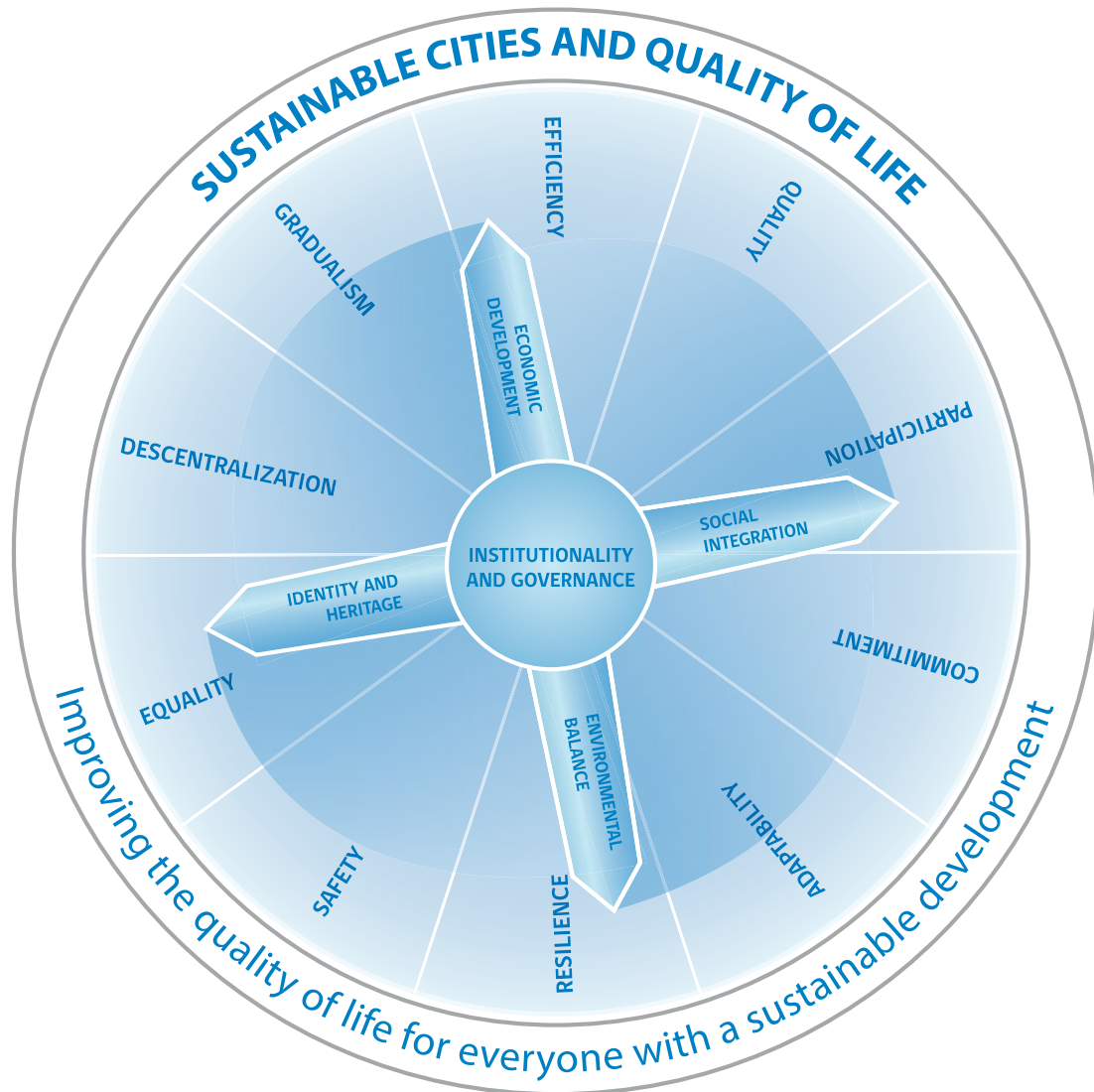
SUBJECT AREAS

This policy's central objective and principles are developed through five core and complementary areas: social integration, economic development, environmental balance, and identity and heritage. These are presented in individual sections with "Specific Objectives" formulated for each, followed by "Guidelines", providing guidance for action and initiatives at a subsequent stage.

These five areas are frameworks for approaching a common theme: the quality of life of the people and the territory in which they live. Thus, they are interrelated and occasionally overlap. This complementarity, however, also requires that the meaning and scope of one must be considered within the context of the others.

Institutional and governance reforms, essential to achieving the objectives in each area, are also highlighted.

MAIN OBJECTIVE, PRINCIPLES AND SUBJECT AREAS





1

Social Integration



Most large cities experience high levels of urban inequality and social segregation, including areas with high concentrations of poverty, poor safety, a lack of access to public services, and poor connectivity.

Social segregation affects the entire urban population. It challenges our values and concept of society, and damages the competitiveness and sustainability of cities.

The State must ensure that our cities are inclusive, places where people can live, feel protected, and easily benefit from such amenities as public space, education, health, work, safety, social interaction, mobility and transport, culture, sport and leisure. Social integration should be a national priority.

Achieving this priority requires avoiding the segregation that results from current legislation, such as the ability to build low-income housing in rural areas, far from the most basic networks and urban services.

With respect to housing policy, together with further reducing the housing deficit, social integration in all housing programs must be considered as a key element.

In terms of land and land use, the evaluation of a proposal's social utility should be undertaken with new and improved tools in order to release land for use in such a way that urban social integration is promoted. While mechanisms currently exist to manage urban land in ways that promote social integration, their use is limited and not very effective, mainly due to the lack of an explicit policy in this regard.

Objective 1.1. Guarantee equitable access to urban public goods

1.1.1. Establish the components, features and minimum standards¹¹ of quality and coverage for urban public goods¹²: public space, connectivity, mobility and access to transportation, green areas, urban safety infrastructure for urban safety, telecommunications, sports, culture, health and education.

1.1.2. The definition of the minimum standards should will recognize local conditions and territorial diversity, favoring their the adaptation of general national guidelines at to the a regional level.

1.1.3. The implementation of such standards should be gradual, and include targets and timetables in order to consider local specificities and the availability of resources through the periodic evaluation of their territorial distribution.



Objective 1.2. Reversing current urban social segregation¹³

1.2.1. Develop and strengthen public programs for urban social integration with intersectoral participation and an integrated approach, identifying "priority zones for public investment" benefiting from incentives or special subsidies, and including the active participation of the parties involved.

1.2.2. For buildings whose physical deterioration renders them unrecoverable, generate specific intervention strategies including urban renewal or relocation plans and projects.

1.2.3. Develop and promote quality projects in places particularly lacking in public space and facilities, with the aim of achieving exemplary or demonstrative effects that can trigger urban upgrading processes.

1.2.4. Strengthen and improve programs to eradicate or relocate informal settlements and irregular and temporary dwellings, and to reuse the newly unoccupied land. Introduce program deadlines, resources and means appropriate to each case according to diversity and difficulty, while ensuring that encampments are not reestablished elsewhere.

1.2.5. Establish public support plans targeted to residents of low income housing condominiums who, for various reasons, are unable to properly maintain said common assets.

1.2.6. Implement policies to recover social condominiums directed to families owning homes in collective buildings that exhibit critical urban or structural problems, for example excessive density and inadequate space, or social problems, such as a high concentration of poverty or crime.

1.2.7. Promote policies to fully recover homes in disrepair or to expand those that do not meet minimum standards for living conditions, and to allow families to continue living in their neighborhood and avoid uprooting.

1.2.8. Streamline existing funding mechanisms for municipalities possessing or receiving housing currently exempt from property taxes, in order to enable them to better manage the costs associated with the placement and maintenance of such housing¹⁴.

1.2.9. Generate technical assistance programs for municipalities to formulate urban improvement plans and projects and to support low income housing complexes and condominiums.

1.2.10. Develop indicators that can inform as to whether this policy's objectives related to reducing urban social segregation are being achieved, and that can also facilitate adjustments and refocusing initiatives if needed.

Objective 1.3. Avoid developing new situations urban social segregation

1.3.1. When evaluating housing subsidy programs, consider the land value and the actual cost of construction, as well as the cost/benefit for future residents and society overall, including: the land's location and urban integration; the overall quality, durability, maintenance, operation and possible expansion of housing; transport cost in terms of time and money; and the need for providing facilities and utilities, among others.

1.3.2. Housing plans and programs should be based on a person's freedom of choice.

1.3.3. Social housing programs should focus particularly on providing that which is beyond the concern of individual residents, such as location, the allocation of public space, the reserving of land for necessary facilities, and the structural elements of housing, while maintaining flexibility for future growth and development.

1.3.4. Ensure that joint ownership projects, especially collective buildings (blocks), include an ability to maintain common assets.

1.3.5. Encourage locating low-income housing in areas with good existing infrastructure, connectivity and facilities.

1.3.6. Promote the development of more expensive housing in areas with a high concentration of low-income housing.

1.3.7. Encourage mixed income housing development, including via special subsidy programs, and use spatial integration tools such as architectural quality and façade design.

1.3.8. Develop programs for rental housing with sufficiently permanent and stable conditions, establishing them in consolidated areas, while still retaining the property's landlord or its land grant.

1.3.9. Encourage quality urban design and architecture for public buildings in all areas of a city, especially places of higher social vulnerability, for example by promoting public architectural contests.

Objective 1.4. Reduce the housing deficit

1.4.1. View further reduction of the housing deficit as a national strategic objective requiring permanent plans to support vulnerable groups by implementing public policies that enable families to be involved in the process of selecting their home.

1.4.2. Establish policies that allow families from emerging and medium income groups to access housing, providing subsidies to complement their individual effort, while ensuring that the benefits provided match the families' needs and actual economic capacity.

1.4.3. Maintain a continuous effort to improve low-income housing standards, without sacrificing good locations.

1.4.4. Promote subsidies for the purchase of existing homes, potentially allowing families to opt for a neighborhood with suitable urban public goods.

1.4.5. Establish mechanisms to facilitate residential densification and the possibility of granting individual domain titles for each dwelling¹⁵.

1.4.6. Strengthen the program's targets and establish measures to recover vacant or fraudulently obtained homes that are State-funded, setting them aside for families in need.



Objective 1.5. Establish the following land policy to promote social integration

1.5.1. Implement regulatory and publicly-administered mechanisms to ensure that land is available for low-income housing, and to generate integrated and diverse neighborhoods.

1.5.2. Establish measures that encourage using available or underutilized land that already enjoys the necessary attributes for urban social integration projects, especially in those cities or areas with high levels of social segregation.

1.5.3. Similar to the previous guideline, facilitate the availability of underutilized public land. This involves managing integrated records of land and creating a public-land management model.

1.5.4. Use existing public sector tools to acquire and prepare land¹⁶ for social integration projects when necessary, and keep regional records up-to-date for said purpose¹⁷.

1.5.5. Make sure that the Territorial Planning Instruments consider permanent availability of land for housing of all types and social profiles, both through land extension and the densification of core areas.

1.5.6. Within a city's regulated land use, incorporate into the Territorial Planning Instruments¹⁸ the ability to establish "social interest zones" in order to encourage mixed income housing projects with social integration attributes via such mechanisms as regulations, special incentives, or subsidies.

1.5.7. Establish balancing measures for incorporating low income housing in municipalities. This avoids deadlock situations within the Territorial Planning Instruments¹⁹ concerning the introduction of low-income housing in slated areas. This also avoids situations of overload or overburden in areas unable to provide urban public goods.

1.5.8. Promote public and public-private plans and projects aimed at building social integration within the cities, establishing the general regulatory conditions applicable to such projects as well as incentive mechanisms²⁰.

1.5.9. Establish the general tools and conditions allowing the development of new urban areas to consider low-income housing as part of urban social integration.

Objective 1.6. Encourage the development and strengthening of communities

1.5.1. Establish education programs to strengthen community awareness, civic responsibility, good citizenship, care of public space, the value of partnership, and a sense of belonging.

1.5.2. Incorporate multisectoral programs into low income housing policies for social empowerment, education and training.

1.5.3. Encourage and support the participation and development of grass-roots organizations in neighborhoods, communities and housing complexes as examples of local development and social integration. A special emphasis should be placed on the creation of neighborhood councils or administrative committees in the case of condominiums.

1.5.4. Establish the legal mechanisms and programs to facilitate organizing and administering social condominiums, allowing people to apply for subsidies used towards to improving individual homes and overall housing complexes.



Objective 1.7. Increase connectivity, safety and universal accessibility

1.7.1. Establish the conditions for all projects to ensure connectivity and interrelation with the urban environment, especially those that occupy large tracts of land within the city.

1.7.2. Generate programs and projects that promote interconnection among public spaces, including parks and green space, creating walkways and walking paths on a neighborhood and city scale.

1.7.3. Integrate the inter-comuna planning instruments with urban housing investment plans as well as road and transport plans to ensure the continuity of roads and urban connectivity.

1.7.4. Incorporate into inter-comuna planning instruments urban design standards relating to access, spatial integration and visual control that can contribute to safety in public spaces.

1.7.5. Promote the effective incorporation of universal accessibility requirements in the design of cities, public space, transport and buildings.

1.7.6. Update and strengthen universal access regulations applicable to urban development and buildings, including gradual mechanisms for the adaptation of existing public infrastructure.

Objective 1.8. Promote social integration in and with remote towns

1.8.1. Strengthen the plans and programs for low-income housing and for complementary facilities in order to account for the unique characteristics of different towns, their geography, and their culture.

1.8.2. As a means to build regional identity, incorporate the input from remote towns into investment initiatives focused on connectivity and infrastructure services.

1.8.3. Together with relevant authorities, establish programs to support the organization and governance of smaller towns, and encourage cooperation in management systems between smaller towns and larger municipal authorities, particular those authorities responsible for managing the comuna.

SOCIAL INTEGRATION

Main Objective

Cities should be inclusive places, where people can live, feel protected, and easily benefit from such amenities as public space, education, health, work, safety, social interaction, mobility and transport, culture, sport and leisure. Social integration should be a national priority.



1.

Guarantee equitable access to urban public goods.

2.

Reversing current urban social segregation.

3.

Avoid developing new situations urban social segregation.

4.

Reduce the housing deficit.

5.

Establish the following land policy to promote social integration.

6.

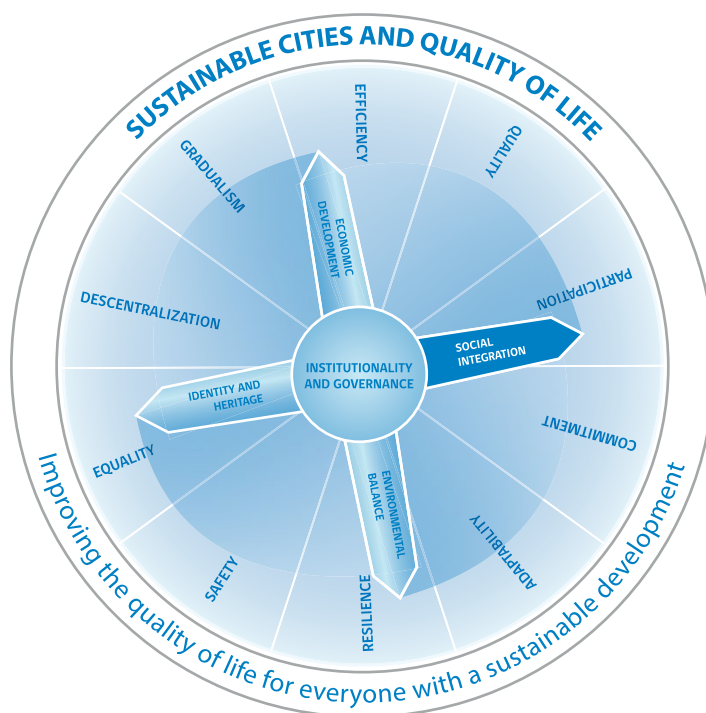
Encourage the development and strengthening of communities.

7.

Increase connectivity, safety and universal accessibility.

8.

Promote social integration in and with remote towns.





Economic Development



Cities should be drivers of economic development and sources of innovation, entrepreneurship and job creation. Development is a comprehensive concept and includes social responsibility and sustainability, while harmonizing growth and investment with the externalities that development projects can cause.

People and capital can flow with greater ease in a globalized economy, and cities compete to attract local and foreign talent and investment. Chile's cities and towns have to strengthen their role as places where people live and work.

This requires promoting freedom of entrepreneurship, interaction between people and between cities, and an efficient investment processes.

In the framework of equitable and sustainable urban development, it is necessary to improve the tools for public and private actors to assume the social impact and externalities that their actions can generate on land, taking into consideration the imperfections that characterize the land market.

In cases of vacant or underutilized lots that experience an increase in land value through interventions or actions directly attributable to the State, for example infrastructure improvements or regulatory adjustments that result in more intensive land use²¹, it is necessary to strengthen government tools to identify such cases. At the same time, these increases in value, which are conceptually granted by the community, should be subject to one or more compensation systems²².



Objective 2.1. Create urban conditions that foster economic development, innovation and job creation

2.1.1. Ensure the continuous improvement of city attributes in order to attract investment, thereby generating attractive conditions for projects and initiatives that promote productive trade and services.

2.1.2. Provide an adequate supply of land for new development through densification and expansion processes²³, and according to the characteristics of each city and region²⁴.

2.1.3. Promote mixed land use in urban planning that enables people to work close to where they live, including for commercial, service, and other compatible industries. This should be done ensuring the responsible management of externalities and an adequate urban relationship between different land uses.

2.1.4. Generate urban conditions that enable timely responses for housing demands, productive activities, facilities, infrastructure and urban public goods according to job opportunities in different regions and cities.

2.1.5. Promote complementarity between functional axes such as transport corridors or highways, and pedestrian or non-motorized transport options. Also, recognize slow traffic or non-invasive areas in neighborhoods, allowing for the use of public space for functions other than motor-vehicle transit.

2.1.6. Incorporate such aspects as pedestrian use, bike paths, universal accessibility, etc. into the pre-investment or feasibility studies for developing major urban road infrastructure.

Objective 2.2. Integrate urban planning with investment programs

2.2.1. Associate multisectoral public investment decisions with Territorial Planning Instruments, evaluate their social benefit based on plans rather than projects, and consider, in addition to their socio-economic impact, their associated cultural benefits and impact on the quality of urban development.

2.2.2. Establish incentives for private sector investment in deprived or lagging municipalities, especially for projects capable of generating permanent jobs and economic activity²⁵.

2.2.3. Generate plans in line with public interest and community benefit that consider the option of private funding, associating this with the possibility of compensation through the granting of special planning regulations.

2.2.4. Incorporate into the Territorial Planning Instruments regulatory incentives for projects that voluntarily contribute to the formation or improvement of public spaces.

Objective 2.3. Consider the social impact of public and private projects and correct land market imperfections

2.3.1. Establish objective, ex-ante public methodologies to evaluate the positive and negative externalities caused by both large and small-scale public and private projects.

2.3.2. Incorporate all variables affecting profitability into the social benefit assessment systems for public projects, including intangible aspects associated with urban development.

2.3.3. Set conditions so that, through objective and generally applicable pre-established rules, projects can responsibly manage the negative externalities they cause in terms of social impact, as well as impact on the environment, public space, and transport systems²⁶.

2.3.4. Establish regulated compensation systems for environmental externalities that cannot be resolved on site by recognizing local characteristics and advancing appropriate mechanisms to resolve conflicts with affected communities.

2.3.5. Establish special obligations for expanding urban areas that anticipate the responsibility for directly generated externalities. At the same time, establish contributions or support systems for densification projects to resolve their effects on public space and urban functions, as determined by law.

2.3.6. Refine taxation tools applicable to vacant or underused land in urban areas, correcting distortions or exemptions that may permit them to be treated differently from other urban land²⁷. In the same vein, promote formulas so government-owned properties may contribute to the municipalities where they are located in proportion to the municipal services they receive.

Lake Rupanco,
Region X

Objective 2.4. Strengthening the competitiveness of cities and their connection to the world

2.4.1. Encourage the development of infrastructure services related to transport systems and the connectivity of people, products and services, within and among cities, as well as between national and foreign markets.

2.4.2. Ensure that cities are competitive, able to create the conditions – alone and in partnership – that attract new investment, human capital, tourism and commercial development²⁸.

Objective 2.5. Establish rules that provide certainty to project development

2.5.1. Ensure that investment and construction projects are subject to rules that are objective, stable, and generally applicable, in order to permit evaluating their costs and benefits in advance.

2.5.2. Establish competency scales for making decisions on constructing infrastructure facilities, especially those of strategic or national importance, such as ones related to providing energy²⁹.

2.5.3. Establish measures so that large-scale projects control their impact, contribute to the development of the region involved, and improve the quality of life in related cities and towns.

2.5.4. Ensure that the information produced by the public sector, except in justified cases, is available to individuals and institutions in a systematic and manageable manner, in order to be used when formulating projects and investment decisions.

Objective 2.6. Improve the quality of Territorial Planning Instruments

2.6.1. Territorial Planning Instruments should include economic performance variables (among other things) in their formulation and implementation.

2.6.2. Territorial Planning Instruments should incorporate assessment systems for urban development variables to anticipate or follow the trends of population demand.

Central coastal road,
Antofagasta,
Region II

Objective 2.7. Ensure investment efficiency in public infrastructure in cities and land

2.7.1. Within urban planning, establish conditions for proportionality between road, transport, and facility infrastructure, as well as land use associated with the capacity of this infrastructure. The underutilization of infrastructure due to low densities and uses prohibited in the Territorial Planning Instruments must be avoided.

2.7.2. Ensure an efficient use of public space, particularly in terms of transport systems, favoring collective means over automobiles, especially in areas of higher density.

2.7.3. Consider criteria for regional integration, city networks, and complementarity between population centers when making intercity infrastructure decisions.



Objective 2.8. Streamline transport costs for people and goods

2.8.1. Promote mechanisms to regulate the use of private automobile transport in congested periods and areas, such as policies to discourage their use: road pricing, incentives for automobile replacement, or the rationing of parking spaces.

2.8.2. Encourage the creation of monitoring systems in large cities and real-time evaluations of transport network operations, including remote management tools and congestion crisis management, along with implementing online information systems for users.

2.8.3. Promote multi-modal public transport systems and integrated rates that facilitate the autonomy of individuals. Facilitate the interaction of local transport systems with larger-scale systems.

2.8.4. Establish general and objective rules so that all projects generating or attracting travel internalize their impact on public space and the operation of transport networks³⁰.

2.8.5. Encourage the development of polycentric metropolitan areas that bring productive activities to residential areas, thereby reducing travel distances and automobile dependency.

Objective 2.9. Facilitate planning adjustments to new scenarios³¹

2.9.1. Incorporate methods of measuring the socioeconomic outcomes of urban planning decisions that can forewarn against discrepancies between objectives and their achievement.

2.9.2. Establish open and transparent procedures for evaluating proposals from the private sector or community organizations regarding regulatory changes in specific sectors for specific projects.

ECONOMIC DEVELOPMENT

Main Objective

Cities should be drivers of economic development and sources of innovation, entrepreneurship and job creation. Development is a comprehensive concept and includes social responsibility and sustainability, while harmonizing growth and investment with the externalities that development projects can cause.



2

Economic
Development

1.

Create urban conditions that foster economic development, innovation and job creation.

2.

Integrate urban planning with investment programs.

3.

Consider the social impact of public and private projects and correct land market imperfections.

4.

Strengthening the competitiveness of cities and their connection to the world.

5.

Establish rules that provide certainty to project development.

6.

Improve the quality of Territorial Planning Instruments.

7.

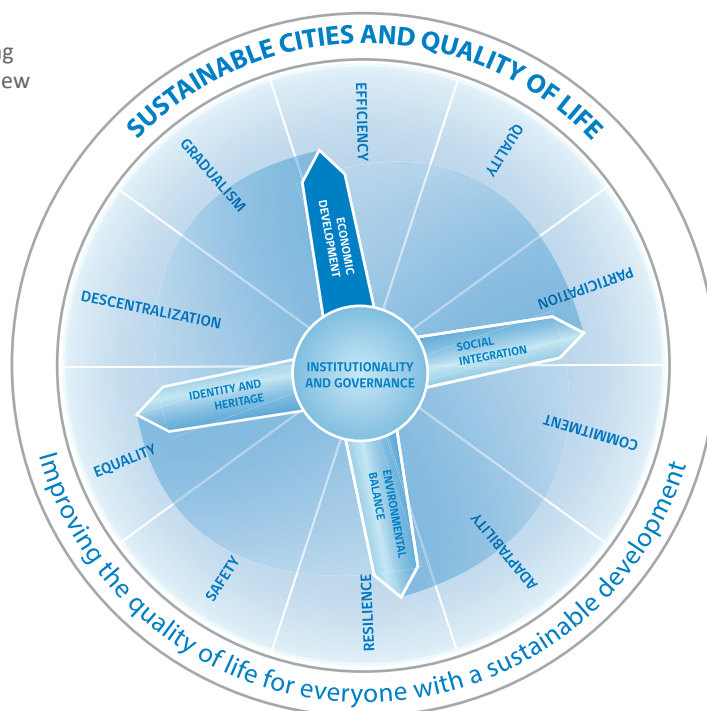
Ensure investment efficiency in public infrastructure in cities and land.

8.

Streamline transport costs for people and goods.

9.

Facilitate planning adjustments to new scenarios.





3 Environmental Balance



Human and productive settlements should be developed in a sustainable manner, in balance with the natural environment, and recognizing and valuing the systems in which they operate.

Cities are major consumers of energy and water. They generate high levels of emissions and contaminants, releasing these into the atmosphere, bodies of water, and the soil. Their relationship to and impact on the natural environment and its development must be addressed within the context of a need for continued national progress, the common good, and the interests of the inhabitants of cities and other population centers.

Objective 3.1. Consider natural systems as fundamental support in the design and planning of territorial interventions

3.1.1. Establish that Territorial Planning Instruments be designed to account for an area or territory's natural systems as well as load capacity, with special attention placed on hydrographic basins. Biodiversity and ecosystems should also be recognized as environmental assets.

3.1.2. Incorporate into planning decisions and project development norms the appropriate criteria for the sustainable management of natural heritage and the evaluation of the land's scenic aspects, as well as public incentive mechanisms.

3.1.3. Incorporate into the Territorial Planning Instruments rules and special plans for the ocean coastline, lakes and rivers, canals, and wetlands. This includes treating riverbeds³² as corridors or urban pathways that insert nature into the city, help regulate climate, and safeguard biodiversity.

3.1.4. Establish objective rules and conditions for the sustainable development of shoreline projects based on an integrated land-sea, lake or river approach.

3.1.5. Consider the dominant economic basis of different cities and territories in order to generate models of urban environmental management suited to their unique characteristics and scale.

3.1.6. Value urban flora (trees, plants, etc.) and its contribution when shaping an urban ecosystem's public space and environmental conditions.

3.1.7. Create standards, design guides and manuals for the implementation and maintenance of urban forestry suited to the unique geography and characteristics of cities and smaller towns.

3.1.8. Encourage the restoration of natural conditions in eroded or degraded areas and require that new public or private projects do not cause new or additional erosion or degradation without adequate mitigation or compensation measures.

3.1.9. Promote sustainable construction in the design, planning, construction and operational processes of cities, their buildings and their surroundings.

Objective 3.2. Identify and consider natural and manmade hazards

3.2.1. Promote research into the study of natural and manmade risks associated with using the territory for human settlements, incorporating the research findings into the Territorial Planning Instruments.

3.2.2. Integrate into the Territorial Planning Instruments the concept of disaster risk reduction at different scales.

3.2.3. Complement the natural hazard provisions incorporated into the Territorial Planning Instruments with monitoring plans, emergency management, information, and citizen training. Ensure that escape routes and safety areas are properly built and marked.

3.2.4. Establish objective rules for situating buildings in risk areas according to the requirements of specific studies, for prevention measures, and for executing safeguards or mitigation works.

3.2.5. Promote risk management and prevention for environmental liabilities at all levels.



Objective 3.3. Efficiently manage natural resources, energy and waste

3.3.1. Encourage the development and implementation of local sustainability strategies and initiatives for the efficient consumption of energy, water, and fossil fuels. Establish programs to facilitate adaptability and technological innovation.

3.3.2. Create education and outreach programs related to the environment and its management, and encourage the commitment and active participation of citizens in valuing and protecting it.

3.3.3. Promote comprehensive water management³³ while considering plans for the efficient use of drinking water, reutilization of wastewater and rainwater, monitoring of soil erosion and sedimentation of water bodies, and preventing the pollution and depletion of groundwater. With respect to green areas, ensure consistency with local climate conditions and, when required, the use of efficient irrigation systems.

3.3.4. Encourage incorporating energy efficiency and bioclimatic technologies into human settlements at different scales – dwellings, buildings, land plots, neighborhoods or cities – and in the various urban systems – transport, lighting, waste management – as appropriate to each location.

3.3.5. Foster waste management under the premise of reducing, reusing, and recycling (3Rs), and the potential use of waste as a resource, including for energy production.

3.3.6. Create incentives for national and local research on urban systems and synergies in natural resource management, including partnerships with research centers and the exchange of international experiences.

Objective 3.4. Measure and monitor urban environmental variables

3.4.1. Create and maintain an up-to-date, integrated record of natural resources in all areas covered by the Territorial Planning Instruments³⁴.

3.4.2. Set specific goals for environmental improvement in urban areas, such as the efficient use of natural resources, greenhouse gas emissions, waste management, pollution (noise, visual, light), odors, graffiti, and damage to buildings and public spaces.

3.4.3. Create a performance measurement system for the environmental objectives in the Territorial Planning Instruments. Establish adaptation and adjustment mechanisms, as well as incentives and possible sanctions in order to promote compliance and achievement.

Objective 3.5. Promote sustainable land use in cities and areas of expansion

3.5.1. Favor reutilization and controlled densification processes within urban areas and facilitate the development of areas with no urban use within cities³⁵.

3.5.2. Set up conditions for projects in new urban areas to resolve externalities that affect such environmental aspects as soil permeability, biodiversity, and natural riverbeds.

3.5.3. Prevent the illegal occupation of land and informal settlements. At the same time, address existing cases, particularly in peri-urban and costal areas, such as the seashore, lakeshores and rivers banks³⁶.



Objective 3.6. Encourage urban mobility³⁷ through shared use of public space

3.6.1. Encourage pedestrian traffic and bicycle use, and ensure universal access with specific urban planning regulations for public spaces.

3.6.2. Foster the creation of urban areas with traffic calming systems³⁸ and encourage the use of public space for activities such as walking, talking, sitting and sightseeing.

3.6.3. Encourage the incorporation of low impact public transport systems that allow a harmonious interrelation between different uses of public space.



ENVIRONMENTAL BALANCE

Main Objective

Human and productive settlements should be developed in a sustainable manner, in balance with the natural environment, and recognizing and valuing the systems in which they operate.



1.

Consider natural systems as fundamental support in the design and planning of territorial interventions.

2.

Identify and consider natural and manmade hazards.

3.

Efficiently manage natural resources, energy and waste.

4.

Measure and monitor urban environmental variables.

5.

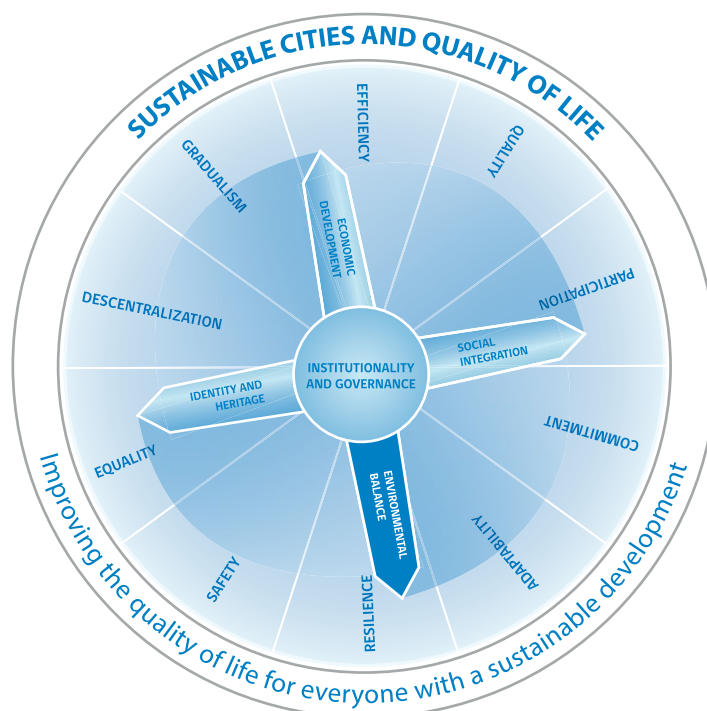
Promote sustainable land use in cities and areas of expansion.

6.

Encourage urban mobility through shared use of public space.

3

Environmental
Balance



Melinka,
Region XI



4 Identity and Heritage



Cities and population centers should consider identity of place and inhabitants, geographical diversity and the cultural richness provided by different communities, towns and villages. Identity also means "identification", in that communities must feel they are reflected in the characteristics of where they reside.

Within this policy, heritage is considered a social good formed by the work and expression of people and by the natural environment in which they live³⁹.

This section also refers to cultural heritage, understood as that which has a special meaning or value to the country or a particular community.

Objective 4.1. Value the physical environment, built or natural, that forms community identity

4.1.1. Incorporate studies of the natural or built environment as a part of formal education. Teach its particularities, how it reflects identity, culture and history (past and present) and also its role in quality of life.

4.1.2. When designing public space, consider the cultural dimension in addition to the functional or utilitarian one, as public space represents the identity and values of individual communities.

4.1.3. Consider the heritage value of landscapes and of natural elements in all interventions impacting the territory, cities and population centers.

4.1.4. Promote architectural quality as part of identity and cultural development. Encourage open public competitions for designing public spaces and public buildings, with their realization under the oversight of the design's originator(s).

4.1.5. Recognize the value of collaboration in the Territorial Planning Instruments by setting standards and conditions that promote integrated urban projects, and which help form a common environment and public space.

4.1.6. Establish integrated and permanent comuna-level graphic records of urban constructions with heritage value. Establish protection or official recognition for such public and private properties, that are of sufficient quality to serve as a basis for technical or academic studies, as well as studies on the location and the relationship of new projects with their environment.

4.1.7. As part of the Territorial Planning Instruments, establish special plans for sectors, transit corridors and public space systems, in order to set their design and features in accordance with local identity. At the same time, ensure that projects undertaken in the urban public space are subject to compliance with these special plans.

Objective 4.2. Assess the identity of each culture and geographic zone

4.2.1. Ensure coherence between works and their physical placement with respect to their relationship with the local geography, the social and cultural peculiarities of residents, and between the interventions and local urban regulations.

4.2.2. Generate appropriate participatory systems for formulating Territorial Planning Instruments, accounting for local identity and the idiosyncrasies of different cultures and peoples⁴⁰.

Objective 4.3. Understand, value, protect and manage cultural heritage

4.3.1. Establish an integrated record of the declared cultural heritage⁴¹ as part of a public and up-to-date land information system⁴², setting information standards suitable for study, defining public policies, and formulating enhancement projects.

4.3.2. Assess the different expressions of cultural heritage, represented locally, regionally, nationally and internationally⁴³.

4.3.3. Establish methodologies to evaluate cultural heritage based on attributes and values, and that distinguish the essential features to be protected from intervention or modification. Such methodologies should be developed by specialists and include community participation.

4.3.4. In the social evaluation systems for projects with public funding, include cultural heritage as a positive factor that generates social value and enhances community identity.

4.3.5. Recognize the responsibility of the government and of citizens for protecting, maintaining, enhancing, and disseminating cultural heritage as a common good of benefit to all.

4.3.6. Increase the allocation of public resources to safeguard cultural heritage.

4.3.7. Establish compensation mechanisms and financial incentives sensitive to the nature of the heritage asset to be protected and its benefit to the community.

4.3.8. Establish a simple, direct and broad incentive system for donations dedicated to the effective conservation of officially recognized heritage assets.

4.3.9. Balance the obligations imposed on private owners with real considerations as well as financial and technical support via ongoing government funding programs that engage everyone involved (government, owner, and community).

4.3.10. Establish mechanisms for developing private projects that enhance cultural heritage, including those associated with generating income, be it through commercial, real estate, touristic, or cultural utility.

4.3.11. Consider that cultural heritage can be adapted to suit new needs, incorporating new uses and new technologies that can add value.

4.3.12. Establish a system of sanctions for any actions that threaten cultural heritage, with different penalty levels according to the damage caused.

4.3.13. Integrate different types of cultural heritage into the Territorial Planning Instruments, setting guidelines for conservation, intervention, and use.

4.3.14. In urban design and planning, safeguard spaces dedicated to cultural activities, such as cultural parties or ceremonies, and specific areas that are part of an intangible cultural heritage⁴⁴.

4.3.15. Assign responsibility for decisions regarding cultural heritage, financial management and conservation, to the administrative level that recognized and declared the heritage value, in accordance with the guidelines in Section 5: "Institutions and governance"⁴⁵.

4.3.16. Within the relevant Territorial Planning Instruments, establish rules to ensure that new construction in urban and rural heritage sectors is not adversely affected and that such interventions are consistent with the natural environment, culture, and community's way of life.

4.3.17. Establish formal emergency systems and decision-making mechanisms in situations of natural disaster and requiring rapid response by central management or regional authorities in order to protect damaged cultural heritage.



IDENTITY AND HERITAGE

Main objective

Cities and population centers should consider identity of place and inhabitants, geographical diversity and the cultural richness provided by different communities, towns and villages. Identity also means "identification", in that communities must feel they are reflected in the characteristics of where they reside.



1.

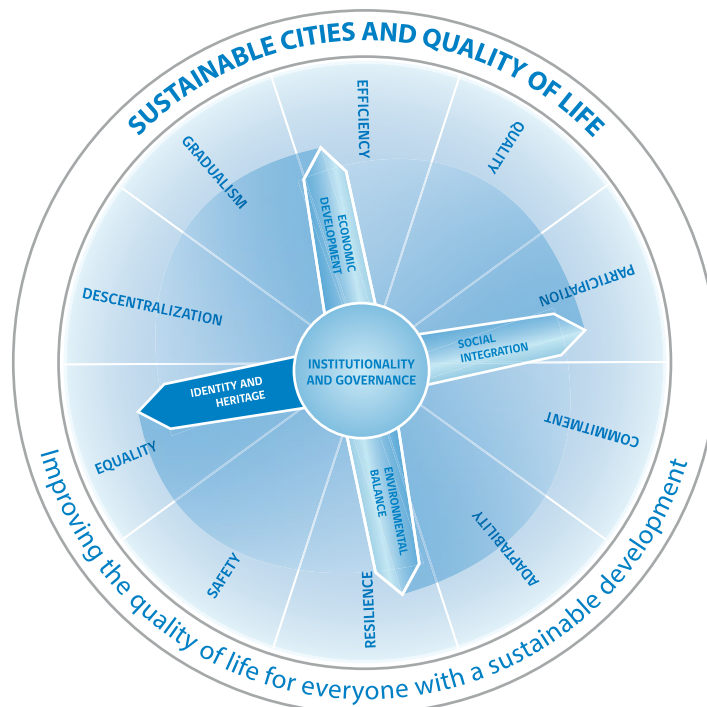
Value the physical environment, built or natural that forms community identity.

2.

Assess the identity of each culture and geographic zone.

3.

Understand, value, protect and manage cultural heritage.



The La Candelaria religious festival, Region III

4

Identity and Heritage



5 Institutional and Governance



Institutional reorganization at the central and sub-national levels is essential to realize this policy. Such a reorganization increases the possibility of achieving the policy's expressed goals and guidelines. It is not enough to improve coordination; institutions must also advance towards integrated, planned, decentralized and participative processes.

The main objective in this area is to achieve an integrated and decentralized system of decision making for urban and territorial development; one able to manifest the policy's proposals.

This implies decentralizing more decision-making powers relevant to urban development to sub-national entities in charge of planning. This includes decisions related to buildings and their use, as is currently the case, and extends to such areas as transport systems, infrastructure, service and facilities networks, integrated waste management, and fiscal management related to construction and local activities, among others⁴⁶.

The main mechanism for integration is compliance with a new system of Territorial Planning Instruments consistent with this policy, implemented gradually, and extending to all interventions, public and private, in cities and territories. In other words, it is a move to achieve "governed planning".

Objective 5.1 Decentralized System of Urban and Territorial Decision Making

5.1.1. Decision making will be decentralized – the decisions will be made by default at the local level and will only scale to higher levels when the local level does not have sufficient means to handle them, when it comes to matters of scale, or matters of national or regional importance.

5.1.2. To be effective, such decentralization implies simultaneously providing legal authority and competences with sufficient technical facilities and funding for implementation.

5.1.3. Municipal and regional governments should count on permanent funding mechanisms that cover the responsibilities in urban development and service provision corresponding to a new decentralized institutional organization. This implies a gradual increase in the financial resources under their supervision.

5.1.4. Encourage the creation of local management and finance tools that permit the taxes or contributions generated by urban development projects or works to be returned to the locality or region for future urban development initiatives⁴⁷.

5.1.5. Consider creating a coordinating body or public agency with the necessary authority to implement the various plans relating to cross-sector public investment in cities or interurban connectivity.

Objective 5.2 Reorganizing Public Legal Authorities in Four Territorial Levels

5.2.1. Government and territorial planning levels:

Four territorial levels are recognized in this policy: the current comuna, regional and national levels, plus a new one, the metropolitan level.

Comuna Level. Municipal competence. It will be in charge of planning, comuna management, and decision making for projects and comuna works. It will have more responsibilities⁴⁸ in terms of urban development than at present, in accordance with areas in its charge as stipulated by the Territorial Planning Instruments. In cases where there are two or more municipalities forming the same city or conurbation, a metropolitan government in charge of the inter-comuna aspects of the area can be established.

Metropolitan Level. This authority, whose institutionality and selection method should be determined through a specific law, will be in charge of metropolitan planning⁴⁹ and will govern the territories that are collective or systemic⁵⁰ within its metropolitan area.

The creation of such an authority involves reorganizing legal authority, competences and functions at a regional and comuna level. Therefore, when metropolitan governments exist, the competences attributed to regional and comuna governments will differ from those where there is no metropolitan government. This is decided on a case-by-case basis according to law.

It is stated that in the first phase, this metropolitan level should be the responsibility of the regional government⁵¹.

Regional Level. Competences of the regional government, with democratically elected counselors. It will have power over territorial planning and management and over the projects and interventions with regional impact.

It will also be in charge of inter-comuna urban planning and initiatives with a regional or inter-comuna impact, along with providing technical advice and support for urban planning and projects in cities, towns, and rural areas as needed.

Like the comuna level, this level will have more ascribed competences in urban development than at present, in line with the new Territorial Planning Instruments⁵².

National Level. Headed by a Ministry of Cities, Housing and Territorial Development. It will be in charge of setting regulations and creating national policies for planning, urban and territorial management, infrastructure installations, and projects or works of a strategic nature or of national importance established by law. It will also be responsible for supervising proper compliance by other levels of government with planning rules in the instruments, as well as decisions for funding and implementing large-scale public initiatives and those with national impact.

In terms of housing, it will be responsible for establishing housing programs, strategies, and plans intended to accomplish the objectives outlined in the "Social Integration" section.

This ministry, together with the regional governments, will also be in charge of establishing the strategies and programs concerning macro-regional aspects and the creation or reinforcement of systems for population centers. This includes setting the conditions and incentive measures for interaction and complementarity, especially in infrastructure and transport.

It will also be in charge of creating and managing policies and special plans requiring the participation of several institutions, for example national level infrastructure investment plans, and those relating to coastal areas, protected areas and nationally important touristic areas.

The ministry will not elaborate⁵³ Territorial Planning Instruments, which is a responsibility of regional, metropolitan and municipal governments, in accordance with their corresponding competences.



Objective 5.3. Integrated Planning System

5.3.1. "Integrated planning" is understood as being comprised of territorial legislation plans, financing systems, investment decisions⁵⁴, and the tools required for managing urban activities and systems.

5.3.2. Every intervention in a city and in a territory that is permanent in nature, whether construction or facilities, public or private, will be subject to the regulations established in the respective Territorial Planning Instruments. The only exceptions will be those concerning the national defense area or those legally qualified as nationally important.

5.3.3. The functions and competence of the State administration entities in this matter should align with the levels of the Territorial Planning Instruments.

5.3.4. In each of the levels, decision making for city and territorial interventions must be subject to an integrated planning concept, based on a single, multisectoral, decentralized and participative territorial planning instrument system⁵⁵ or platform⁵⁶,⁵⁷ with the following key features:

a. The inherent subjects of the Territorial Planning Instruments extend beyond current construction regulations and their use, to include transport systems, natural systems, road networks, urban forestry and other flora, landscape features, water resource management, waste management⁵⁸ and urban subsoil use⁵⁹.

Land use planning and issues of density will be elaborated together with transport systems planning.

b. These instruments will be associated with public investment programs and will be able to incorporate economic benefit, local tax, or rate setting plans for the use of certain public goods, according to the law.

c. These instruments will be able to establish restrictions or taxes on properties for the common good, setting up compensation or retribution in the cases where those taxes represent individual damage or are expropriating. They will have the legal authority to delineate public space planning⁶⁰ in cities and rural areas, by declaring the necessary land as of permanent public utility and reserving it for future development.

d. The tools should be appropriate to the country's territorial and local diversity, including inherent rural aspects, and suburban or semirural situations⁶¹.

e. The instruments will be of three different types: imperative, informative, and indicative. The imperative or compulsory type is applicable to urban areas, certain constructions or facilities in rural areas and special or protected areas, as determined by specific laws. Rural areas will be subject to informative or indicative regulations, based on their different territorial characteristics.

f. The instruments will be able to consider regulations for performance or those oriented to fulfilling objectives, and not just prescriptive rules. They will have the power to set regulations in specific areas, and for project requirements, as well as for a combination of these.

g. The instruments have to recognize different time horizons, distinguishing permanent aspects from more flexible or circumstantial ones. Accordingly, different processes⁶² will need to exist in order to modify them.

h. The tools have to be adaptive and timely. Meeting maximum update deadlines should be established as the authority's responsibility, with effective measures and sanctions for non-compliance.

i. On the basis of pre-established indicators, evaluation mechanisms and instrument controls should be set for achieving aims and coherence with this policy.

j. The territorial plans of sector ministries and other public institutions will be incorporated into the system.

5.3.5. Special plans or tools⁶³ should be created for specific objectives, complementing the Territorial Planning Instruments. Such plans could be created or managed by public, private or mixed bodies, according to the default rules for their development, management, participation processes and control mechanisms.

These plans will address subjects related to reconstruction, transport systems, saving or improving heritage areas, social integration projects, neighborhood recovery, and multisectoral projects where different bodies and institutions participate, etc.

Objective 5.4 Effective Citizen Participation

5.4.1. View citizen participation as the people's right to be part of shaping the place they chose to live. This is an essential dimension of sustainable urban development and should be institutionally ensured.

5.4.2. Take a proactive approach to citizen participation, considering it as an opportunity to preserve and reinforce social capital and the collective trust of communities.

5.4.3. Create citizen participation systems appropriate for each institutional level of government in order for such participation to be a continuous, organized, transparent, responsible process. Include default opportunities and protocols, and public responsibilities for managing participation.

5.4.4. Ensure citizen participation at the respective institutional scale by establishing regulations requiring such participation in urban planning decisions. In this way, decision-making bodies, as democratically elected or legally established⁶⁴ entities, exercise their authority as a result of a participative process⁶⁵ and not in isolation.

5.4.5. Set requirements ensuring the diffusion or announcement of processes for elaborating Territorial Planning Instruments and citizen participation in terms of the Territorial Planning Instruments' diagnostic dimension, and proposal development.

5.4.6. Ensure that the participation is:

- Institutionalized: formally recognized by the public institutions.
- Funded: has clear access to public funds permitting its functioning, independence and technical capacity⁶⁶.
- Timely: incorporate participation into the development of objectives and the design of urban and territorial plans and projects.
- Informed and technical: facilitate equity in access to technical information, and timely response mechanisms in cases of divergence.
- Responsible: participants should consider the importance and the effect of their opinions and, at the same time, the authority should respond to these opinions in a rigorous and justified way.

5.4.7. Simple and educational explanatory mechanisms must be considered for each stage of the participatory process. These mechanisms should allow the proposals, their scope and effect to be understood by any individual.

5.4.8. Neighborhood Councils should be reinforced at the local level, given the status of territorial bodies, and supported in their tasks relating to participation in local planning matters and in the development of local public projects.

5.4.9. Encourage the creation of Local Planning Commissions which, together with the public authority, gather specialists and civil society members that act through public regulated procedures.

Objective 5.5 Unique and Complete Territorial Information System⁶⁷

5.5.1. Planning should be supported by a consolidated register of territorial information. The system should include information on: construction and installations of all types, natural systems, transport and service network systems, risk conditions, public concessions or obligations in mining and infrastructure, and protected areas. It should be complemented with the fiscal land valuation registry and the territorial expression of social, cultural and economic variables.

5.5.2. Regulatory information must be public, suitable and sufficient to analyze the territorial intervention initiatives, their linkages, and their effects on the existing environment as well as on other initiatives in the same area. Information should be restricted only when justified by national interests specified by law.

5.5.3. Set the institutional framework for creating and administering a single territorial information system together with the means and ability for its implementation and information gathering operations. The system's components and the information from each level, the responsibilities for obtaining and loading information, and the quality requirements and methods of graphic representation will also be defined.

5.5.4. Establish the information gathering programs "from the bottom up", encouraging participation by communities, municipalities, private companies and non-governmental bodies that manage territorial information.

5.5.5. Offer incentives for public, private or mixed data creation regarding the territory.

Objective 5.6 Quality Measurement of the Urban Development

5.6.1. Create comparable urban indicators with internationally applicable and/or comparable measures that permit measuring and reporting on urban quality of life in cities, municipalities and neighborhoods. Consider indicators that can measure the urban quality of small towns and population centers according to their social, cultural, and identity-based features.

5.6.2. At the national level, establish an obligation for regularly undertaking measurement and assessment processes, and require independent verification as well as confirmation by the local, regional and national levels.



Objective 5.7 Swift Approval Systems for Public and Private Initiatives

Pichidangui,
Region IV

5.7.1. Stipulate that any instance of State control over public and private initiatives⁶⁸ relating to cities and the territory is exercised only when absolutely necessary to ensure the common good, understood as the good of each and every individual.

5.7.2. Periodically review the State declarations necessary to approve initiatives in order to eliminate duplicated or unnecessary procedures.

Objective 5.8 Continuity, Permanency and Implementation of this Policy

5.8.1. Create a council in charge of encouraging the implementation of this policy with the legitimacy, effectiveness, permanency, and resource autonomy necessary to be operational⁶⁹. The Council would be an advisory body and consultant of the President of the Republic. Its opinions should be required in matters relating to the implementation of this policy and the urban development decisions of each institutional level⁷⁰.

5.8.2. As part of the faculties and obligations of the Council, establish a regular and publically accessible reporting system that measures advances in this policy's implementation and in the indicators for urbanism and quality of life in Chile's cities. Require a review of this Policy every five years⁷¹.

INSTITUTIONALITY AND GOVERNANCE

Main Objective

Cities and population centers should consider identity of place and inhabitants, geographical diversity and the cultural richness provided by different communities, towns and villages. Identity also means "identification", in that communities must feel they are reflected in the characteristics of where they reside.



1.

Decentralized System of Urban and Territorial Decision Making.

2.

Reorganizing Public Legal Authorities in Four Territorial Levels.

3.

Integrated Planning System.

4.

Effective Citizen Participation.

5.

Unique and Complete Territorial Information System.

6.

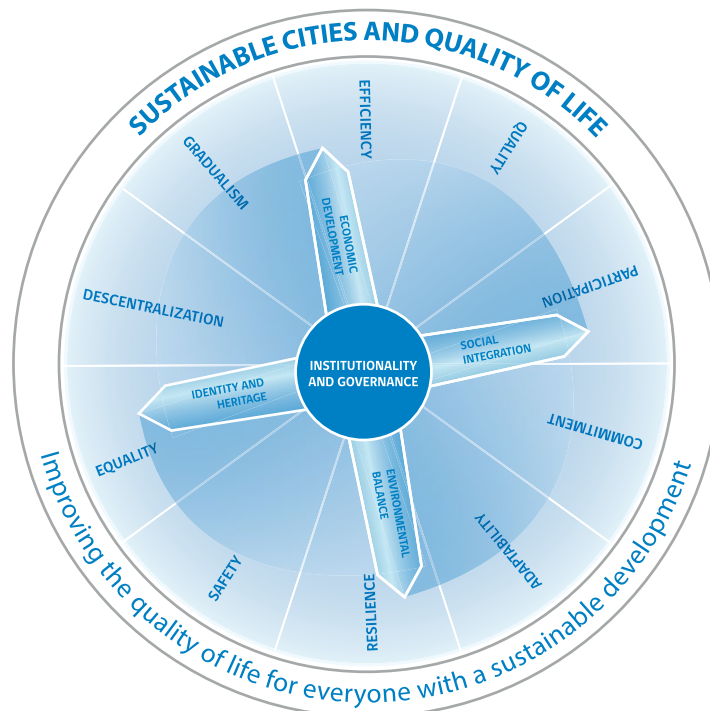
Quality Measurement of the Urban Development.

7.

Swift Approval Systems for Public and Private Initiatives.

8.

Continuity, Permanency and Implementation of this Policy.



5

Institutionality and Governance

Part 2

Historical Background



Chile has not had a "National Policy for Urban Development" as such. Historically, the basic planning measures for population centers have been grounded in the Hispanic foundational patterns. Over time, these rules were adjusted or added to based on the unique conditions of each city or town.

For several centuries, these basic planning measures were only about "street plans" or "site plans", and regulations concerning the population's hygiene and health conditions. The site plans generally defined official guidelines for locating construction, establishing the limit between private and public property⁷². In many cases these plans were approved directly by the National Congress⁷³.

The first successful effort to pass a national level code or common regulation establishing the principles and tools for developing cities and population centers occurred in 1931, during the first government of Carlos Ibañez, and following an earthquake in Talca⁷⁴.

A preliminary law was passed in 1929, establishing in 12 articles the basic principles for construction and the requirement to develop city plans⁷⁵. The General Law of Urban Development and Construction and its related General Ordinance were created simultaneously and promulgated in 1931. Since then, the law has been known as the "original law"⁷⁶.

To date, there has not been an urban development "policy". Rather urban development is undertaken by establishing rules that organize cities and population centers in their physical aspects (construction) and land use (activities within the construction).

Recently, two documents were called the "National Policy of Urban Development". The first was created in March, 1979, and the second in March, 1985, which completely replaced the earlier document. The 1985 document was repealed in November, 2000. However, neither document constituted a true "policy" with respect to State urban development initiatives or established guiding principles for the development of Chilean cities and populated centers⁷⁷.

There were two subsequent attempts to formulate a true policy for national urban development. The first initiative was called "From Urban Reform". It was created in 2001 by the Ministry of Housing and Urban Development, gathered an extensive number of professionals and specialists, and had a scope extending beyond the legal domain of that ministry. The outcome of the gathering was a detailed report that did not result in a policy document. The second attempt were activities carried out from 2008 to 2009 by the Urban Development Division⁷⁸, which resulted the proposal for a future National Policy.

The creation of this National Urban Development Policy has been a process building on the past, recognizing, integrating and contributing to the progress of former initiatives.

Part 3

Critical Diagnosis

URBAN POPULATION AND HOUSING

Following a trend that has been growing for centuries⁷⁹, the global rate of urbanization recently surpassed 50%. In Chile, 87% of the population currently lives in urban areas. While migratory flows from the countryside to cities ended last century, population flows have not. Immigration and the movement of people to cities in regions with greater economic activity, for example those with mining activities, continues.

At the same time, forecasts indicate sustained population ageing. In 1982, for every 10 children (younger than 15 years), there were 2.6 senior citizens. In 2012, that ratio changed to 6.3 senior citizens for every 10 children. This places new and different accessibility and recreational demands on urban areas, as well as on housing policies and subsidies.

A continuous decrease in the number of people per household has also been registered, dropping from 4.5 to 2.9 people between 1982 and 2012. This is explained by the increase in housing stock and the decrease in household size. Household size is fundamental for calculating the minimum standards for homes, for housing subsidy policies, and for determining the parameters used to allocate public goods and services in a city.

On the other hand, housing stock composition has also undergone significant changes, particularly in terms of the ratio between houses and apartments. Nationwide, in 2002 there were ten houses for every two apartments. Statistics for building permits show that during the 2003-2011 period, for every ten permits for houses there were six for apartments.

These various elements have reduced the rate of urban expansion in terms of land and is linked to a steady increase in land suitable for agriculture and forestry⁸⁰.

HOUSING DEFICIT AND PROVISION OF BASIC SERVICES

Chile has experienced notable economic growth over the past decades, with GDP per capita rising from USD3,000 in 1982 to USD19,000 in 2012⁸¹.

This growth has permitted Chile to dramatically reduce its housing shortage and ensure broad coverage of basic services in all cities and population centers.

In 1990 the housing shortage amounted to 942,000 homes. Today it is measured at 495,000 homes⁸². In terms of drinking water, electricity, and sewage, Chile's cities and population centers enjoy 100% coverage. Meanwhile, there are plans for sewage treatment to reach almost 100% by 2015.

INEQUALITY AND SOCIO-SPATIAL SEGREGATION

Chile is a country with unequal income distribution. With a Gini coefficient of 0.494, it is the Organization for Economic Co-operation and Development (OECD) member country with greatest inequality. Given that the majority of the population lives in urban areas, this inequality manifests itself in cities. The country's housing policies followed for decades in pursuit of reducing the housing deficit, have favored quantity (by building on lower cost land) over location. This resulted in observed poverty, overcrowded homes, unsafe conditions⁸³, lack of access to urban public goods, limited connectivity, and instances of marginalization in all regional capitals and some mid-sized cities, which must be urgently resolved. The situation is particularly evident in the 256 areas given priority status for the Ministry of Housing and Urban Planning's Neighborhood Program.

NEW PROJECTS AND SUSTAINABILITY

The growth and transformation of Chile's cities and population centers must be viewed through the lens of sustainable growth, and consider the effects that building projects have on the territory and its people.

The tools currently available to achieve sustainable growth are scarce and inadequate, especially those extending beyond environmental effects to impact overall quality of life. A clear example of this is the development of large urban projects undertaken without adjusting the surrounding public space in light of the new demands that the project may place on the area. Today, this is considered only from a vehicular standpoint and is taken into account in only 5% of the projects. There is no overview or perspective of cities as complex organisms in which the actions of one component impact the rest.

CARING FOR THE ENVIRONMENT

The decision to intervene in the territory with construction and installations must be made keeping in mind the natural systems into which they are inserted.

An integral point of view highlights various unresolved aspects relating to the planning of cities and population centers, including: the incorporation of ecosystems and drainage basins into urban planning (drainage basins being central to areas with water scarcity), the lack of correlation between urban planning and feasibility of health services, air pollution⁸⁴, the lack of tools for waste management⁸⁵, and the threat of natural disasters and risk management as a relevant element when making territorial planning decisions in a country most of the territory is exposed to such threats.

HERITAGE PROTECTION

In Chile, there are more than 3,728 buildings protected under the framework of the Law of National Monuments and the General Law of Urban Development and Construction, the majority of which are owned by private entities (individuals or legal persons) and subject to tax. Despite this considerable amount of protected heritage, the protection does not consider management and funding mechanisms. The result is that buildings are "left to collapse" in order to avoid the tax. This becomes counterproductive to the objective being sought, and prevents the land from being freely used.

The concept of heritage has a scope that goes beyond the preservation of a building or an area. It incorporates nature and the "identity" of places, geographic diversity, and the inherent cultural wealth of towns and localities – aspects that are not handled appropriately by current institutions and regulations.

GOVERNMENT SYSTEM OF CITIES AND TERRITORY

There is general agreement that the public system with respect to urban planning is characterized by a series of fragmented, reactive decisions that are centralized and insufficiently participatory.

In addition to the General Law of Urban Development and Construction, there are at least 30 other laws directly affecting the territory. Many of them are contradictory and require adjustments and updates. Something similar happens with competences related to "urban", which are dispersed throughout various public departments, many of them with a clear centralist bias.

The impact of this can be illustrated in the level of inadequate and deteriorated public space in cities and the extreme difficulty in implementing urban planning initiatives for remodeling or improvement. For instance, to hide aerial cables, to construct a pedestrian walkway, or simply to relocate some posts it is necessary to deal with different laws that grant authority to various public entities, and without an obligation to link to a municipal or regional government project. This dispersion results in poor record keeping for existing street installations, making it necessary to act "blindly" when performing any intervention, and presenting difficulties for assessing the costs and time needed for the intervention. This dispersion is structural in nature, and thus it will not be resolved with voluntary coordination efforts.

City planning is closely related to institutions. Current territorial planning instruments cover 68% of Chile's municipalities. However, they are limited in terms of urban development since they are unable to effectively link different elements, such as land use to transport, or public works to funding systems. In addition, the time necessary to formulate or modify zoning plans is extensive, taking on average over six years.

Furthermore, many of the public investment decisions related to housing and public and private infrastructure in Chile are taken at the margin of planning, depending on regulations that allow the territory to be subdivided freely into 5,000 m² plots. This has led to situations where land is used, especially on the outskirts of large cities, without any minimum urban planning elements.

Part 4

Explanatory Notes

These notes form part of this policy, explaining or providing detail about several aspects. They also help set other aspects in context or associate them to external references.

¹ Academics from the Universidad de Chile, Pontificia Universidad Católica, Universidad Diego Portales, Universidad de Concepción and Universidad Adolfo Ibáñez.

² Four thematic subcommittees were formed and met weekly throughout most of the project. These were formed by professors and experts named by the members of the policy's Consulting Board. In addition, the Subcommittees invited experts, both Chilean and foreign, to collaborate on specific areas. This work originated in numerous proposals and documents collected during the policy's development.

³ Various seminars were held in Chile's 15 regional capitals, followed by workshops, also in each region, where members of the President's Consulting Board also participated.

⁴ The Ministries of Interior and Public Safety; Housing and Urban Planning; Public Works; Transport and Telecommunications; Finance; Environment; Agriculture; Economy, Development and Tourism; Defense; Energy; and National Assets.

⁵ For the sake of simplicity, the term "city" will encompass both cities and population centers.

⁶ Throughout this document the term "natural systems" refers to the area or territory undergoing planification, taking into consideration its natural and geophysical characteristics including climate, water basins, waterways, etc.

⁷ For the purposes of this policy, urban quality of life is formed by objective and subjective components:

Objective components

1) Housing: refers to individual characteristics such as size, livability, construction quality, allocation of basic services such as drinking water, sewage system, electricity, telephone and Internet; and collective features, such as the presence and quality of public space, green areas, natural areas, and accompanying facilities.

2) Neighborhood: refers to the conditions of accessibility, safety, infrastructure and public space services, proximity to health services, education, public services, parks, commercial facilities, sports, religious, culture and leisure installations.

3) City: refers to employment, ease of entrepreneurship, conditions for social integration, possibility of housing mobility, transport systems, costs, time and quality of the transport of people and goods, accessibility and interconnection with the rest of the country and other cities, allotment of scaling equipment for cities, commerce, health, education, parks, safety, sports, recreation, religion, and culture.

Subjective components:

1) Perception of the quality of life by residents: degrees of satisfaction with housing, neighborhood, and city, with interpersonal relations, with the possibility of personal, family and group growth.

2) Perception of quality of housing, neighborhood, and the city beyond the material or utilitarian: the degree to which a city's inhabitants feel part of where they live, expression of culture, and social principles.

3) Perception of the city as compared to other cities in Chile or in other countries.

⁸ Report of the Brundtland Commission, United Nations, 1987.

⁹ For the purposes of this policy, urban development is an element of human development.

¹⁰ In accordance with the subsidiary role of the State.

¹¹ Standards related to identifying the minimum components and conditions, and not their design, which must be adjusted according to the features of each place. This approach is also applied to the other standards mentioned in this policy.

¹² Chile's current urban planning legislation establishes the allotment of some public urban assets as mandatory, such as the minimum standards that projects must meet in terms of urbanization (roads, green area, land for facilities, allotment of water, sewage system, and electricity). It has been noted that, even though they are necessary, said public goods must be complemented with others in areas that cannot be self generated, relative to facilities, services, means of transport, and maintenance systems.

¹³ The areas or sectors that are below the minimum standards for public urban assets.

¹⁴ It has been proposed to link the property tax exemptions for these homes to a State subsidy system for municipalities or a similar system that will allow municipalities to have the necessary funding to finance the services required by groups of public housing. In case such a subsidy is established, whenever possible some sort of payment made by the residents, albeit minor, should be considered.

¹⁵ In groups of homes with self-owned land that allow construction of one or two homes in addition to the original.

¹⁶ In the case of urban remodeling plans and projects in areas with groups of deteriorated social housing, the direct intervention of the state will, on certain occasions, be required to purchase the land. On other occasions, the development of special plans for some land that includes setting urban regulations or special subsidies that makes the development of social integration projects feasible by the hand of private or mixed entities.

¹⁷ In the urban areas of capital cities, the state-owned land amounts to 2%. However, in some cases, it surpasses 10% (Iquique-Alto Hospicio) or even 15% (Arica). In rural sectors, the percentages are much higher.

¹⁸ In cities with more than one comuna, especially in Inter-comuna or Metropolitan Plans.

¹⁹ Especially through comuna-level urban regulations hindering the development of groups of social or middle class homes.

²⁰ For example, linking regulatory incentives to specific places or areas for projects that include social housing and housing in other segments, or in mixed projects.

²¹ In terms of increasing construction possibilities, both in size and in alternative uses.

²² The actions of the State regarding matters of infrastructure and urban planning regulation, in certain occasions, cause losses that should be compensated. Linked to guideline 5.3.4 c.

²³ In both cases considering the internalization mechanisms for the possible negative effects of new projects

²⁴ Uniformity or parity in size or area in cities is not an objective in itself. Each city and region has its own features, attributes and advantages that must be developed independently.

²⁵ Said incentives must be seen as those favoring the localization of investment in comunas that are lagging, without overlooking their profitability.

²⁶ Through contribution or compensation systems.

²⁷ Such as the amendment of the classification "agricultural" given to uncultivated lands located inside cities; or, the timely and periodic verification of the fiscal valuation of said land.

²⁸ Taking into account aspects such as cost of transport and basic services, amount of infrastructure, facilities, cultural assets, and urban planning and architectural quality.

²⁹ The deployment of infrastructure is subjected to the features of the land included in the Instruments for Land Planning, without there being a need for its location to be determined beforehand, except in cases involving areas protected by legislation. The aforementioned is in addition to guidelines 2.3.3. and 2.5.4.

³⁰ Linked to guideline 2.3.3.

³¹ In accordance to guideline 5.3.4. in Section 5: "Institutions and Governance."

³² The guideline implies rearranging the currently dispersed public services related to riverbeds and ravines.

³³ A subject area that involves different ministries, especially the Ministries of Agriculture (National Irrigation Commission), Public Works, Housing and Urban Planning (Land Planning Instruments), and Environment.

³⁴ As a part of the unique system referred to by objective 5.5. in Section 5: "Institutions and Governance."

³⁵ Complementary to guidelines 1.4.1., 1.4.4. and 2.7.1. Part of the idea of "controlled population growth" is its connection with strengthening or improving public space, road capacity and transport systems in areas where growth is expected to occur.

³⁶ Occupation of vacation centers or second homes, especially on the northern coast have been added to the irregular occupation of land due to lack or necessity. This requires a special approach from society and the authorities, and should be handled differently.

³⁷ Urban mobility is a concept that groups all types of human transport in an urban setting, whether by their own means or vehicles or transport networks. Its scope goes beyond automobiles and public transport systems, extending to walking and using bicycles or other non-motorized means.

³⁸ Traffic calming systems are a transport strategy that physically prompts vehicles to drive more slowly.

³⁹ Strictly speaking, all the tangible or intangible assets of a town are part of its heritage. Heritage is formed by the assets received by ancestors and the modifications, increase, or reduction performed over a lifetime, as well as by the inheritance or legacy left for future generations.

Tangible assets include those that are constructed as well as the natural environment, while intangible assets are the human manifestations that define

a community or town, such as its language, music, traditions or ceremonies. In terms of urban planning, heritage, in a broad sense, is the "context" or "setting" in which living takes place.

However, not all heritage has the same value for the different communities. There are various assets and manifestations that individual communities recognize as special assets, different from the rest because they are linked with local cultural values "representing" the community and forming part of its identity or essential features. Therefore, these are assets requiring care and protection. What happens with respect to it affects the community, not superficially, but at its core. For the purposes of this policy, said heritage is identified as "cultural" heritage and is composed of constructed heritage, movable heritage, intangible heritage, and natural heritage.

⁴⁰ Linked with objective 5.3. of Section 5: "Institutions and Governance."

⁴¹ Including the cases that have received comuna, regional, or national recognition, or from an international entity or institution.

⁴² Unique system of Land Planning Instruments proposed in Section 5: "Institutions and Governance."

⁴³ Agreement about the Protection of Worldwide Cultural and Natural Heritage, approved by the General Conference of the United Nations for Education, Science, and Culture (UNESCO), in its 17th meeting, held in Paris on November 16, 1972. Supreme Decree No. 259 of 1980, of the Ministry of Foreign Affairs, Official Journal. May 12, 1980.

Convention on the Protection of Cultural Assets in case of an Armed Conflict, approved by the intergovernmental Conference organized by the United Nations Educational, Scientific, and Cultural Organization (UNESCO), carried out in The Hague on May 14, 1954. Supreme Decree No. 240 of 2008 of the Ministry of Foreign Affairs, Official Journal January 5, 2009.

Convention for the protection of Intangible Cultural Heritage, approved by the General Conference of United Nations Educational, Scientific and Cultural Organization (UNESCO), in its 32nd Ordinary Meeting, carried out in Paris from September 29 to October 17 of 2003. Supreme Decree No. 11 of 2009, of the Ministry of Foreign Affairs, Official Journal March 13 of 2009.

⁴⁴ Intangible heritage refers to the set of traditions, customs, and habits that define the way of life of a certain locality or place.

⁴⁵ Without prejudice to this, local communities and regions can apply for national recognition of elements of their cultural heritage that, in their opinion, are of such scale.

⁴⁶ Linked with guideline 5.1.2.

⁴⁷ Applying the principle set forth in article 20 of the Political Constitution of the Republic.

⁴⁸ In matters that are inherent to the comuna level referring to public service declarations, incorporation of urban design variables through Sectional Plans, comuna transport projects such as trams or cable cars, the creation of local incentives for work that improves public space, the burying of cables or service installations, systems for local water reuse, waste management, use of subsoil of public national assets for commercial purposes, among others, in each case individually or associated with other public or private entities, according to what is stated by the law.

⁴⁹ Currently, there are three metropolitan areas in the country: Gran Santiago, Gran Valparaíso, and Grand Concepción. Each of them has more than 500,000 inhabitants and are formed by several municipalities. It is estimated that in 2020 there will be at least eight metropolitan areas, including the following: Iquique-Alto Hospicio, La Serena-Coquimbo, Rancagua-Machalí, Temuco-Padre Las Casas, Puerto Montt-Puerto Varas.

⁵⁰ Such as transport systems and traffic administration, the areas associated with inter-municipal roads or facilities at an inter-municipal level, strategies for road taxes, plans for handling drainage basins in relation to urban areas, systems for collecting and handling waste, etc.

⁵¹ Creating an instance of "city government" is an enormous challenge and could imply, among other things, reviewing the current administrative division of the country with its respective functions in order to create an intermediate unit between regions and municipalities, a role historically belonging to provinces that, within the current institutional structure, has little weight.

There are different ways of implementing the idea of "metropolitan authority," the important part being to vest it with the legal authority to resolve any systemic or collective aspect of the development of a city formed by two or more comunas, which, due to this, exceeds the jurisdiction of a single municipality and, meanwhile, represents a minor, yet special, portion of a region's land.

It has been proposed, therefore, that in the short term, in addition to strengthening regional governments, regional metropolitan government could be created in the regions that have an urban metropolitan area. The body would be the same as the regional government but would integrate some of the mayors of the metropolitan comunas, chosen by peers.

The diversity in situations and contexts of the different regions is acknowledged, and because of this, the definitions regarding the metropolitan regional governments and the competences under their responsibility must be established differently according to the situation of each region.

⁵² Linked with guideline 5.3.4. a.

⁵³ Without prejudice to the legal authority to resolve aspects that correspond to topics at a national level that contain the Land Planning Instruments of the other levels.

⁵⁴ Linked with guideline 5.3.2. The investments that are transformed into building projects or interventions in the cities or land remain linked to those set forth in the Land Planning Instruments.

⁵⁵ It has been proposed to integrate the different existing planning instruments under the same information support. It does not imply a centralized system for decision making, but rather an interrelation between different scales and specialties. Guidelines linked with the implementation of the Spatial Data Infrastructure (IDE-Chile).

⁵⁶ Currently existing: Regional Plans for Urban Development PRDU (GORE-MINVU), Inter-municipal Zoning Plans PRI (GORE-MINVU), Municipal Zoning Plans PRC (municipalities), Sectional Plans (municipalities), Creation of Public Roads (MOP), Master Plan for Public Infrastructure (MOP), Master Plan for urban Transportation (MTT-SECTRA), Areas with Touristic Interests ZOIT (MINECON-Committee of Ministers), the instruments linked to the protection: Natural Monuments (MMA + CMMS) Natural Parks (CONAF-CMMS), National Reserves (CONAF-CMMS), Agreement 169 OIT (CONADI-MDS), Forest Reserves (CONAF-MINAGRI), Natural Sanctuaries (MMA-CMMS), Touristic Protection Areas (SERNATUR-MINECON), Typical or Picturesque (Board of National Monuments - MINEDUC), Historical Monuments (Board of National Monuments-MINEDUC), Soil, Forest and Water Conservation Districts (SAG-MINAGRI), Protected Forests (CONAF- MINAGRI), Wetlands of International Importance (CONAF-MINAGRI--MRREE), Places of Scientific Interest (CONICYT-MINEDUC), Protected Coastal Areas (SFFAA-MINDEF). Added to this are Concessions of Land or Land Occupation (both urban and rural, such as: Concessions of the Shoreline (ocean, river, and lake) (SFFAA-MINDEF), Concessions of Electric Infrastructure (production, transmission, and distribution) SEC--MINENRG), Concessions of Sanitation (water, sewage system, treatment plants, sanitary landfills) (SSS-MOP), Transportation (ports and airports) (MOP-MTT), Mining Companies (MINMIN), Fuel (oil pipelines, gas pipelines) (SEC-MINECON). Besides, land information instruments are added, such as the National Land Information System SNIT (MBBNN), the Land Information System SIT (MOP) and different records such as the real estate records of SII. Finally, other instruments that currently exist as bills in Congress would be added: Regional Plans for Land Organization PROT (GORE) and Zoning of Use of the Shoreline (MBBNN).

⁵⁷ The Land Planning Instruments will cover the entire country. However, their provisions will be of an imperative or mandatory nature only on urban matters or those related to construction and installations, as determined in the legislation. See guideline 5.3.4.

⁵⁸ Also part of the topics are those mentioned in the following areas: Social Integration, Economic Development, Environmental Balance, and Identity and Heritage.

⁵⁹ Includes both private property subsoil and the subsoil beneath public national assets, in terms of construction, land use, and installations of any type. It will allow the regulation of the infrastructure network and its urban planning conditions, such as the obligation to bury power lines, with a preliminary cost-benefit analysis.

⁶⁰ Composed, among other things, of streets, avenues, squares, parks, green areas, highways, roads, shoreline, promenades, and trails.

⁶¹ Including remote localities or those with a low population and special lands, such as ocean, lake, and river shorelines, islands, pre-mountain chain or high plateau zones, and the national border or strategic areas.

⁶² The same procedure used for new Zoning Plans is currently used to modify partial aspects or make corrections on existing Plans, making it necessary to differentiate the approval procedure required in each case.

⁶³ This relates to creating institutional plans for urban recovery and improving initiatives requiring participation by multiple entities, for example, in situations of reconstruction or strategic urban planning.

⁶⁴ Includes both elected authorities and those designated by the President of the Republic, such as Intendents.

⁶⁵ Urban planning decisions must be made by public authorities, given the nature of their impact on public assets and their collective implications. The participation of residents is of great importance so that authorities, before making decisions, consider their opinion to evaluate and assess the local effects and consequences.

On the other hand, practically every decision in urban development, especially in planning, has effects that go beyond the neighbors or inhabitants of the land for which the plans are intended.

As an example, if the decision regarding comuna planning was made directly by the inhabitants of said comuna, the interests of those who do not live in the comuna would not be represented, considering they are people that would want to live or work in the comuna. The latter is more important when it is about comuna that are part of the same city. Certainly, the quality of life of the inhabitants of a certain area or neighborhood must be protected. However, public authority must be in charge of ensuring the stability or modification of the areas' urban conditions, considering both their own principles and the external reasons that could suggest its alteration. With respect to this, the identity and heritage topics discussed in this policy should also be assessed.

Other examples are the cases of unwanted use projects that society needs but no one wants to have nearby, such as prisons, infrastructure in general, sanitation plants, stadiums, and even social housing projects. If location were determined only by residents, it would be impossible to install such projects anywhere. The aforementioned does not preclude the existence of compensation strategies for comunas close to such projects, nor the establishment of requirements for their correct construction, two matters discussed in the different sections of this policy (linked with guideline 2.5.2.)

Three important changes regarding the citizen participation system established in the General Law of Urban Development and Construction are proposed. The first one extends the participation processes to all the Land Planning Instruments, and not only to those of at the comuna level. The second incorporates citizen participation into subjects currently out of citizen reach, such as road infrastructure projects (highways) or transport projects, given the new responsibilities ascribed through the Land Planning Instruments. The third ensures that the interested neighbors can count on having, in terms of opportunity and depth, all the background information pertaining to the proposals subject to an approval process, two aspects lacking in the current system.

⁶⁶ This financing must be aligned with that set forth in Law No. 20.500 on citizen participation.

⁶⁷ Both the matter's importance and difficulty of implementation are acknowledged. However, from the point of view of systems and technological tools for the administration of land information, there is no reason to not address it. The first step is to establish a common language and technical support.

⁶⁸ An initiative is understood as different plans, projects, or activities.

⁶⁹ In a first phase, a single national level council could be established; however, it should transition into a regional body. The participation of the regions in the council's activities must be ensured from its inception.

⁷⁰ Therefore, the current ministries are not reorganized with functions concerning urban and land development. It has been suggested to set up a formal instance for an interrelation and decision making meeting between the ministries that traditionally form the Land and City Minister's Committee, COMICYT (i.e. the ministries of Housing and Urban Development, Public Works, Transportation and Telecommunication and National Assets), thus creating through law a Technical Secretary who has the capacities and resources to manage the related information and prepare the decision making processes for the ministers.

Into said Committee should be incorporated, depending on the specific subject matter, the other ministries with legal authority in urban-territorial matters, such as Environment, Agriculture, Economy, Energy, Education (National Monuments Board, Interior (Undersecretariat of Regional Development). At the same time, said Committee would form part of the Council of Ministers for Sustainability (CMS).

⁷¹ In terms the reviews allow, adjust or adapt the guidelines to the new conditions in cities or population centers.

⁷² Among property subject to private ownership and public national assets.

⁷³ D.O. 16 September, 1909.

⁷⁴ Law 2.203 on the construction of buildings, opening, widening, connecting, extending, or rectifying the roads in the city of Santiago. Official Journal September 16, 1909.

⁷⁵ Law No. 4.563, for Antiseismic Constructions and Urbanization, Official Journal February 14, 1929.

⁷⁶ Law-Ranking Decree No. 345 of 1931, Law and General Ordinance for Construction and Urbanization. Promulgation: Official Journal May 30, 1931. Complete text and entry into force: Official Journal February 6, 1936.

⁷⁷ Both documents had the purpose of "orienting and regulating urban development" and "serve as a foundation for future legislation on the matter". However, given the limitations in wording, as well as the lack of opportunity for practical application, the objectives were poorly achieved. The only exception being the initiative to increase the urban surface of the city of Santiago through Decree No. 420 of 1979, guided by the principles contained in the document of 1979 and the practical use that some Zoning Plans allowed with the land use classifications contained in the 1985 document.

⁷⁸ With the support of German Society for Technical Cooperation (GTZ) and the Sustainable Development and Human Settlements Division of the Economic Commission for Latin America and the Caribbean (ECLAC).

⁷⁹ In 2007, for the first time in history, the urban population exceeded the number of inhabitants in rural areas. Estimates show that in the year 2030, the global urban population will reach 60%. In 2012, this population surpassed 7 billion and each day more than 180,000 new inhabitants are born. This situation poses challenges at a global level, especially in terms of natural systems and handling resources that are indispensable for humans, such as water.

⁸⁰ Measurements show a deceleration in the expansion of urban areas. The trend data of Chile's 15 regional capitals indicate that their area expanded 3.3% annually between 1993 and 2003, while the annual rate of expansion from 2003 to 2011 was only 1.8%. The cities have focused a large part of their growth on interior urban areas, (resulting in greater population density) rather than expansion, which is consistent with the current preponderance of apartment buildings. The numbers show that land used for agriculture and forestry is expanding at an annual rate of 2%.

⁸¹ Chile is a country that has received worldwide attention for its economic and social progress. The National GDP per capita grew at a real rate of 3.6% between 1982 and 2011, while the average real income grew 2.6% each year between 1990 and 2011. The GDP figures correspond those provided by the Ministry of Finance for the calculation of the GDP trend. The population figures correspond to those of the population censuses. Income was calculated based on Casen survey series available from 1990 through 2011.

⁸² During the previous decade, on average, 133,000 new homes were built annually, equivalent to 87% of the annual population growth during the same period, representing 29% more homes per year than in the previous intercensal period. The decrease in low-standard homes in proportion to the total housing stock deserves special attention. This type of home represented 15% of the stock in 1990, while in 2012, it is close to 1%.

⁸³ Perception based statistics relating to environment, use of public space, and safety are concerning. For example, reports and cases of victimization have increased significantly in the last ten years, reaching rates higher than 75% for the 2001-2011 period. This is linked to the fact that only one fifth (20%) of the population perceives the quality of public spaces as having a good level.

⁸⁴ The Ministry of Environment periodically reports on air contamination in the comunas of Chile's major cities. In 2011, 26 cities experienced critical levels of air quality due to particulate matter emissions (PM10) and/or sulfur dioxide (SO₂).

⁸⁵ The creation and final elimination of waste places great pressure on communities that receive infrastructure for waste stockpiling and treatment. In fact, in Chile on average, 1.1 kg waste is generated per person, and can be over 2 kg in some communes.

Annex: Members of the Presidential Advisory Board

Following is a complete list of the Presidential Commission members who participated in drafting the National Urban Development Policy:

- **Antonia Lehmann**, Commission President, National Prize of Architecture.
- **José Ramón Ugarte**, Executive Secretary.
- **Rodrigo Pérez**, Minister of Housing and Urban Development.
- **Pedro Pablo Errázuriz**, Minister of Housing and Urban Development.
- **Luis Eduardo Bresciani P.**, President, College of Architects.
- **Fernando Agüero**, President, College of Engineers.
- **Daniel Hurtado**, President, Chilean Chamber of Construction.
- **Raúl Torrealba**, President, Chilean Association of Municipalities.
- **Leonardo Basso**, President, Chilean Society of Transport Engineering.
- **Congressman Patricio Hales**.
- **Congressman Pedro Browne**.
- **Senator Hosain Sabag**.
- **Senator Víctor Pérez**.
- **Alberto Etchegaray**, former Minister of Housing and Urban Development.
- **Carlos Hurtado**, former Minister of Public Works.
- **Andrés Benítez**, Rector, Adolfo Ibañez University.
- **Mario Ubilla**, Dean, School of Architecture and Urban Studies, Pontificia Universidad Católica de Chile.
- **Leopoldo Prat**, Dean, School of Architecture and Urbanism, Universidad de Chile.
- **Mathias Klotz**, Dean School of Architecture, Art and Design, Universidad Diego Portales.
- **Pablo Allard**, Dean, School of Architecture and Art, Universidad del Desarrollo.
- **Ricardo Utz**, Dean, School of Architecture, Urbanism, and Geography, Universidad de Concepción.
- **Nicola Borregaard**, Head of Energy and Climate Change, Fundación Chile.
- **Amaya Irarrázaval**, President, Corporation of Cultural Heritage Identity.
- **Cecilia Castro**, President, Corporation of Directors “También Somos Chilenos”.
- **Alexandra Petermann**, Director, Association of Protected Private Wilderness.
- **Julio Poblete**, Architect, President, “Mi Parque” Foundation.
- **Iván Poduje**, Architect.
- **Gonzalo Mardones**, Architect.

