



Surroundings of listed heritage and challenges between legislation, technique and urban values

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Abstract

Built heritage protection in Brazil has included preservation through its environment from its beginning. Neighborhood, settings, surrounding or buffer zones are some of the names for the same concept regarding the surrounding area of listed heritage and subject to restrictions of usage and occupation to induce preservation through its immediate space. This paper aims to analyze the surroundings of listed heritage and their interfaces with the city, approaching the challenges in its conception as a preservation instrument. Therefore, we initially present how the concept of surrounding was conceived as part of an urban policy by national heritage policies. Then, we explore legal matters and relations between heritage with urban planning of the surroundings of *Teatro Oficina*. Finally, we investigated the surroundings of listed heritage as a theme in the Urban Intervention Project (PIU in Portuguese) Central Sector of the city of São Paulo. This city urban project has heritage as one of its main objective. Thus, this paper contributes to the reflections on how surroundings of listed heritages can be articulated with urban management, becoming a policy of preservation of cultural heritage.

Keywords: Heritage. Urban Planing. São Paulo.

Introduction

The protection of cultural heritage built in Brazil has included preservation of its surrounding from its beginning. Neighborhood, setting, surrounding area or buffer zones are denominations for the same tool, used by preservation institutions, legislations and heritage charters. That concept refers to the area that surrounds heritages, subject to restrictions of use and occupation, and preservation is justified for the relation of the heritage with its immediate space.

That concept was incorporated into Article 18 of Decree-Law Number 25/1937, being codified in the legal text as an area in which one could disturb the *visibility* of the heritage. Other meanings and values have been incorporated into its scope to enable the broad preservation of buildings over time and by jurisprudence, including its ambiance, historicity, and the social uses of the place where buildings are situated.

The surroundings of listed heritages has not reached a consensus in the preservation

institutions, despite being part of the legislation since 1937 and in the existing conceptual development. There is no general agreement regarding their interpretation, form of perimeter delimitation, and norms (MOTTA; THOMPSON, 2010; MENESES, 2006; NITO, 2015). In addition, the surroundings of listed heritages are not widespread and exploited as a preservation instrument. This complex issue can be observed in conflicts between preservation and urban planning, regarding the delimitation and the application of norms in urban areas.

This paper is the result of the first reflections of a current doctoral research about the role of surroundings of listed heritage as an agent of transformation and preservation in urban management¹. We have also incorporated current repercussions on the surroundings of heritages listed in the city of São Paulo to contribute to this issue of this journal. Therefore, we aim to analyze the surroundings of listed heritages and their relationships with the city, discussing challenges

1. Doctoral research is funded by a grant from the National Council for Scientific and Technological Development (CNPq in Portuguese). The research focuses on policies implemented by IPHAN regarding surroundings in urban areas between 1970 and 1990, in the cities of Belém (State of Pará), Pelotas (state of Rio Grande do Sul) and Rio de Janeiro (state of Rio de Janeiro), whose surroundings of listed heritages were defined as part of the local urban management.

in their conception as a preservation instrument. We started with conceptual definitions and how it became a tool that is considered in the urban policy within the Institute of National Historical and Artistic Heritage (IPHAN in Portuguese). Then, we explore legal matters and the relationship of heritage with urban planning from the possible interpretations of the surroundings of *Teatro Oficina*. Finally, we analyze how heritage and its surroundings have been seen in the Urban Intervention Project Central Sector of the city of São Paulo, a project that has been developed by SP Urbanismo, a public company supporting the City Development Agency. We aim to contribute to the debate on the possibility of qualifying the preservation of cultural heritage through its urban relationship.

The surroundings of listed heritages as a tool of urban policy

At the beginning of Brazilian preservation practices, interventions in the neighborhood were focused on the preservation of historical monuments. This period is characterized by numerous legal clashes generally favorable to IPHAN (MOTTA, THOMPSON, 2010). The motion of countless lawsuits to embargo constructions around listed heritages developed jurisprudence to apply the concepts of neighborhood and visibility in the legal text.

According to Sant'Anna (2015, p.285-286), from that moment on: “the constitutionality of the

limitation of property rights” was consolidated regarding the surroundings of heritages in order to protect their ambiance. The institutional competence of the institutions responsible for the delimitation and regulation of the surroundings; and the consolidation of the “*concept of visibility as ambiance of the heritage*, aimed to protect its understanding in aesthetics and historical terms and not only in optical or visual terms” (emphasis added). Regarding the broad interpretation of the concept of visibility reduction, the jurists Sônia Rabelo (2010) and Hely Lopes Meirelles (2005) also support this concept less literally, associated with the harmony of the whole, contributing to the understanding of the cultural heritage in the urban space. Therefore, the term *ambiance* is used to designate the multiple possibilities for the preservation of cultural heritages by their surroundings (NITO, 2018).

From the 1950's and 1960's, IPHAN's practices regarding the surrounding have been related to the broadening of the concept of heritage. The strengthening and diversification of the use of the surroundings were established, with the possibility of promoting sustainable development and quality of life (MOTTA; THOMPSON, 2010). IPHAN sought to articulate its preservation policies by sharing responsibilities with other governmental institutions, even though not systematically.

With greater articulation and meaning, IPHAN's policies approached surroundings as “buffer

zone” and “ordination zone” to protect against the growth and verticalization of cities, with urban parameters and integrating heritage with urban planning. That police was reinforced internationally, and the relevance of urban plans as preservation instruments was included in documents such as the Declaration of Amsterdam (1975); the UNESCO’s Nairobi Recommendation (1976), and the Icomos Washington Charter (1976).

At this time, the surroundings were an alternative for preservation which was compatible with urban management. The preservation of surroundings was “a preservation proposal without listing” (ARNAUT, 1984), that is, there was a preference for using the surroundings to protect urban areas without using listing for the whole area or site. The decisions to define the surrounding areas were also based on the demands of organized groups from civil society in search of quality of life and in contrast to the excessive verticalization and densification resulting from the appreciation of urban land (MOTTA; THOMPSON, 2010).

These actions, along with the process of redemocratization in Brazil, made possible the use of the surroundings as a preservation instrument, which stimulated an intense institutional investment in the 1980s, with reflections on the delimitations and practices made until then. Then, IPHAN promoted theoretical and practical discussions in two seminars that resulted in a method for action in 1983 and specific

administrative procedures (Ordinances 10 and 11, 1986) to make processes more effective, clear and transparent to society.

By assuming a strategic role as a preservation tool and urban transformation, its use is effective beyond the appreciation of listed heritages. This perspective was enhanced by severe criticism and implications arising from the practice of listing urban areas since the 1970’s (SANT’ANNA, 2015. p. 288). The surroundings were associated with terms such as integrated conservation, preservation zones and urban ambiance, placing them as an alternative for preservation from the perspective of urban management.

At that time, some technical studies were conducted based on the idea the surroundings are instruments that do not restrict the urban expansion, but they are a tool for its ordering and harmonic integration of preservation with urban planning (MOTTA; THOMPSON, 2010). As an example, the processes of regulation regarding the church *Igreja de Nossa Senhora do Desterro* and the hill *Morro da Conceição*, in the city of Rio de Janeiro and the church *Igreja do Carmo de Goiás* in the state of Goiás. In contrast, during the study to define the surrounding area some heritages were listed to ensure the qualifying aspect of a previously protected heritage. This is the case of the Architectural Complexes on the avenues *Avenida Nazareh* and *Avenida Governador José Malcher*, both situated in the city of Belém, in the state of Pará, and the central

area of the square *Praça XV* and its surroundings in the city of Rio de Janeiro.

Investments in the surroundings, methodological administrative procedures in response to the widespread use of the surroundings did not streamline the processes, but ended up limiting the use of the tool (SANT'ANNA, 2015; MOTTA; THOMPSON, 2010). We emphasize the implementation of the surroundings was also not linear and, concomitantly, the literal use of visibility continued to be used, favoring aesthetics issues. Supported by the favorable jurisprudence, sometimes it was decided not to delimit and standardize the intervention criteria. According to Sant'Anna (2015, p. 286), such a procedure "made the manipulation of these concepts [neighborhood and visibility] quite flexible and able to meet the most varied and unpredictable situations".

From 1990 to the early 2000s, little progress was made due to a number of factors such as institutional restructuring in the face of the political environment and the lack of human resources after retirement and lack of civil servant examinations. Currently, there are few nationally listed heritages with defined and regulated surroundings. This scenario is no different from what happens in other governmental heritage preservation agencies, such as in São Paulo.

The fragile relationship of the heritage with the city occurs in the approval or rejection of new

projects and conservation works, in which each case is discussed individually in technical reports and meetings in preservation agencies. Very often the proposals of constructions and changes in the surroundings end up defining it, although its delimitation and its norms are not discussed.

At international level, the emphasis on the surroundings is established with broader specificities as an integrating factor of tangible and intangible aspects that contribute to the meaning and character of the heritages listed by the 2003 Intangible Heritage Convention of UNESCO and the Declaration of Xi'an, 2005, from Icomos. This last statement deals exclusively with the surrounding theme and was the result of the debate on the preservation of heritage of cities in developing countries, with the production of unequal urban space. In these international documents, visual perception, landscape and formal aspects of the surrounding of the listed buildings, social and economic dimensions are highlighted as significant elements to enhance the preservation of the heritages:

The setting of a heritage structure, site or area is defined as the immediate and extended environment that is part of, or contributes to, its significance and distinctive character.

Beyond the physical and visual aspects, the setting includes interaction with the natural environment; past or present social or spiritual practices, customs, traditional knowledge, use or activities and other forms of intangible cultural

heritage aspects that created and form the space as well as the current and dynamic cultural, social and economic context. (ICOMOS, 2005).

We have to relate the visibility of listed heritages as social enjoyment, a broader and richer conception, because it concerns an articulated set of perceptive, cognitive, mnemonic and affective actions, with the qualitative adjective value possible by the surrounding instrument (MENESES, 2006). The surroundings of listed heritages do not constitute an end in itself, once their existence is important to understand cultural heritage, maximizing its protection and recognition, conferring ambiance and testimony that the city can bestow. The surroundings of listed heritages and urban policy pose other problems for their legal implementation, conceptual interpretation of the city today. As part of an urban policy, it is still a complex challenge for preservation and urban management institutions.

Surroundings of *Teatro Oficina*

The surroundings of *Teatro Oficina* have been discussed for nearly 40 years and was one of the reasons for requesting federal listing, as we analyze later. There are numerous projects presented, documents and opinions from preservation agencies, different opinions from the media and civil society, as well as conflict of interest in the occupation of an empty land in the adjacent lot. In addition, we also highlight the singularities of the personalities involved which became more complex.

In spite of this trajectory, the sources and the history of the debates about the surroundings of *Teatro Oficina*, we will focus, in this article, on analyzing the conceptions of preservation by the surrounding instrument and its interfaces with the city through two aspects: what the heritage institutions understand as surrounding with the appreciation in its listing, specifically by IPHAN; and the relationships and legal matters of heritage protection and urban planning. We take a further look at the issue, overcoming the deadlocks of disputes in the surrounding lot.

Firstly, it is noteworthy that *Teatro Oficina* is listed by three governmental instances but the surroundings are neither defined, nor regulated with guidelines about the occupation of the area. The first listing was in 1983 by the state agency, the Council for the Protection of Historical, Artistic, Archaeological and Tourist Heritage (CONDEPHAAT in Portuguese), by Resolution number 6/83, in which the theater is classified as a historical heritage, a symbol of the theatrical language of modern theater. Its surroundings were defined by a radius of 300 meters, generic delimitation and restricted to all heritage protected by the CONDEPHAAT in the terms of the Article 137 of the Decree 13,426/79. This parameter of delimitation of the areas surrounding the state-listed heritage was revoked in 2003 by Decree Number 48,137, and is now defined according to the specific characteristics of each heritage².

2. On the website of CONDEPHAAT the e area in the *Teatro Oficina* is still projects a radius of 300 meters. Available on: <<http://condephaat.sp.gov.br/benstombados/teatro-oficina>>. Accessed in: June 5th, 2019.

We emphasize the delimitations of the surroundings of *Teatro Oficina* by CONDEPHAAT coincides with the surroundings of four other properties listed in the same governmental agency: *Casa da Dona Yayá*, *Escola das Primeiras Letras*, *Castelinho da Brigadeiro*, and *Teatro Brasileiro de Comédia*. This means that the definition of the surroundings could and should be made from the confluence of these listings, composing an urban area with common guidelines in which the analysis of interventions would be subject to the preservation of the ambiance of heritages.

At the city level, Article 10 of the Law 10,032 / 85, in the City Council for the Preservation of the Historical, Cultural and Environmental Heritage of the City of São Paulo (CONPRESP in Portuguese), provides the delimitation of the enclosed space of listed heritages, considering its ambience, visibility and harmony. In 1991, CONPRESP listed *ex officio Teatro Oficina*, from the recognition of CONDEPHAAT, a process that included 88 other cultural heritages with no definition of the surrounding area. Yet, the surroundings of the theater were protected from 1993 onwards due to the opening of the process of listing the *Bela Vista* neighborhood, where *Teatro Oficina* is situated. The neighborhood was listed in 2002, by Resolution Number 22, valued for its historical and urbanistic importance, the urban layout and the subdivision of the soil; its structuring elements of the urban environment, such as streets, squares, historical buildings; geomorphological conformations of certain occupations; current

mixed residential, cultural, and business use, the tourist potential, and the resident population.

IPHAN listed the theater in 2010 and recognized its historical narrative of the theatrical action associated with the building and its architectural qualities. Its national listing also did not include the delimitation of the surrounding area, which was not subsequently regulated. The fact that the heritage institutes privilege different aspects of valorization by the listing does not exempt them from the definition of the surroundings, be it a common area or even of different dimensions, although it is the same city. Thus, some disputes arise over the overlap of actions between preservation agencies and those responsible for urban planning.

But the difference between the instances does not put them in competition. When it comes to recognizing a property as a cultural heritage, there is no hierarchy of importance between the institutions, each recognition is in a relationship of equality. Different recognitions are possible by constructing narratives, interpretations and meanings about cultural heritages that may differ or agree. Above all, it is about the same cultural heritage and city. According to Sônia Rabello (2010, p. 41), the challenge is the understanding and harmonization of each state's autonomous and compatible performance.

Defining a surrounding area from federal or state caution raises discussions about the interest of

the city. For Rabello, what can happen in case of divergence between preservation and urban planning is the suspension of effectiveness, not the revocation of city rules. It is informed the City Statute (Estatuto da Cidade, em português) “did not exclude, remove, or eliminate the incidence of other public interests in the city, which is mandatory in its place, its planning with wide repercussions in its planning” (2010, p. 42).

In CONDEPHAAT and CONPRESP, there is a greater concentration of documents because every intervention in the surroundings of listed heritages is submitted to the councils for deliberation, after a technical report is issued. This procedure for reviewing interventions does not occur at the IPHAN Council. The technical staff of the state’s agencies approve the interventions. The analysis of surrounding projects and the minutes of the meetings indicate how different institutions analyze the theater’s surroundings, which requires further study.

For discussion of this paper, we use the minutes of the 64th meeting of the IPHAN Advisory Council of June 2010, which has the decision to list the *Teatro Oficina*. These minutes have suggestions and reports of counselors based on the appreciation of the heritage and its relationship with the city and the neighborhood in which it operates despite not reaching a definition of surroundings.

According to the minutes of the Advisory Council meeting, the IPHAN President at that time, Luiz Fernando de Almeida, suggested the listing of *Teatro Oficina* is a major element for “a city qualification project” (2010, p. 53). The president supports the struggle for guaranteeing the cultural quality existing in São Paulo, specifically in the neighborhood where the theater is located. He concludes, in his speech, the listing is not the only tool of this process. Could the surroundings contribute to the preservation of that heritage?

The opinion of Jurema Machado (reporting counselor of the listing process) states *Bixiga* neighborhood is inseparable from the theater, because it contributes to the interpretation of “its history, values and meanings, as well as the trajectory of its protection” (p. 56). Thus, it presents that the vitality of the theatrical practices made at the *Teatro Oficina* is the result of the fertile environment that of the past and present, citing other theaters in its surroundings (IPHAN, 2010, p.62 and 63). Machado highlights the building’s glazed element that connects directly with the neighbor’s plot, the *Minhocão* bridge and the intense pedestrian flow in a popular neighborhood near downtown.

She comments about the importance of the neighborhood of *Bixiga* from its urban occupation and other cultural practices established there as the *samba*, nightlife with various pubs, restaurants, and popular festivals. Her report reveals the urgency of thinking about the

relationship between the buildings, the uses and the existing cultural diversity associated with the theater, because “both the theater can be taken as a key element of a rehabilitation process, and the preservation of the neighborhood values is essential to vitality of the *Teatro Oficina*”(IPHAN, 2010. p. 70). Her opinion is praised and appreciated by other counselors. So could the surroundings be a preservation tool of the theater that reaffirms its relationship with the city?

One element that specifically concerns the surroundings is the empty lot adjacent to the theater which is greatly emphasized, and whose interests and problems of occupation are also mentioned. Counselor Ulpiano Bezerra de Meneses suggested the expropriation of the adjacent lot. This suggestion is reiterated by Counselor Luiz Felipe Andr es as a political decision, in which it would be possible the national recognition of the architectural importance and completion of the architectural project planned for the theater.

The adjacent lot could also be subject to listing. This was the initial suggestion, as we can see from the title of the cautionary request: *the federal listing of Teatro Oficina and its surroundings as a work of urban art*. However, at no time was this relationship suggested or debated, perhaps because of the lack of materiality of the lot in question. It is noteworthy the lot is closer to the theater which does not mean that it is more relevant than the rest of the neighborhood. It

is clear the dispute of existing interests and the people involved overshadows the entire urban value of *Bixiga* neighborhood which also contributes to the preservation of *Teatro Oficina*.

Finally, the President of IPHAN suggested the surroundings should not be delimited as a strategic move to enable greater negotiation capacity on possible interventions: “leaving the delimitation of the surroundings for further study, which would increase our negotiation power” (2010, p. 73). He reiterated possible political action of the heritage with other instances, making the concept of surroundings flexible and, from another perspective, not strong enough to enable such articulation.

A concrete delimitation proposal suggested by the Department of Material Heritage and Surveillance (DEPAM in Portuguese) was presented: an area corresponds to a visual cone from an architectural element of the theater building, the 150 m² glass “big window” with 45° opening and extending over a range of approximately 20 meters on the west side of the building. In this surrounding design, a certain literal visibility prevails from the listed building, encouraged by its architecture, but clearly not based on its relationship with the city. An architectural element of great value to be preserved in isolation is highlighted, as stated by DEPAM’s Director Dalmo Vieira Filho:

Considering the significance of the existing openings in the project, it is proposed an

immediate environment in order to preserve and guarantee this relationship between internal and external space. The proposal is limited to a cone, which is twice the width of the lot occupied by *Teatro Oficina* (IPHAN, 2010. p.42).

From this determination of surroundings, the cultural and urban values highlighted earlier in the discussion about the relations of *Teatro Oficina* with the city and the *Bixiga* neighborhood are completely forgotten. At the end of the report, Jurema Machado endorsed DEPAM's proposal, but at the end of the discussions on the theater's listing counselor Machado agreed with the decision not to define the surroundings, because:

by protecting surroundings in the sense of protecting only what one can see through the window, we could be impoverishing the issue. Perhaps it is better not to have a defined environment, because each intervention proposal should be negotiated with IPHAN in parallel. (IPHAN, 2010. p.73)

The architect Lia Motta in her text *Urban Heritage and its Social Uses* (2017) tells us about the difficulties of working with the idea of cultural reference with architectural and urbanistic heritages, the importance and the challenge of working with the category "places in the recognition of Brazilian intangible heritage". Places – as a category in the field of heritage – are understood as spaces of importance because they concentrate cultural practices rooted in the daily lives of social groups. Motta (2017) highlight

social use is not recognized from the materiality of places, they are only supports of cultural practices. In contrast, materiality and form are also aspects of the social and cultural life of groups, used and appropriated in the daily lives of groups.

The limitations of this point of view emerged in the process of listing the *Teatro Oficina*. Listing is defended in the preservation of values that do not translate materially, because the building has been greatly modified. The architect Dalmo Vieira Filho argued there is no obligation of "material permanence" when linked to a historically constructed action (IPHAN, 2010. p. 43 and 44). Luiz Fernando de Almeida stressed the struggle for the preservation of the theater is the limit of the listing and there were no grounds for the recognition of the intangible heritage.

Counselor Jurema Machado said the permanence of theatrical practices "with renewal, permanence in the bond with the present, with the place, with the Earth – as in Canudos – and with the city. The building and its insertion explain much; they are both cause and consequence" (IPHAN, 2010, p. 63). The counselor also stated there was an internal debate of IPHAN regarding the possible registration of *Teatro Oficina* as intangible heritage, but its long-lived cultural fact is materially represented in the building.

Vieira Filho pointed out in the study of the listing by DEPAM, the value is not only attributed to

agency in São Paulo. The architectural technical response prevailed among so many possible values. We employ Laurajane Smith's (2006) concept of authorized discourse of heritage associated with the privilege of monumentality and the technical/scientific values used in the definition of the surroundings, in the case of the theater. The maintenance of these discourses justifies the creation of "*significant barriers for active public negotiation about the meaning and nature of heritage, and the social and cultural roles that it may play*" (SMITH, 2006. p. 44). The definition of the surroundings only by the visual cone reiterates the place of heritage as a field of preservation of technical and architectural aspects.

The voices and theatrical practices, the cultural potentialities and the social life are placed as something not relevant to the preservation of *Teatro Oficina* by the surrounding. This fact shows how cultural preservation is still a challenge for the practices and for the use of the surroundings as a instrument. These are actions corroborating with the maintenance of *the social view of memory*, according to heritage cannot incorporate other values, such as the socially attributed meanings, weakening the social understanding of "urban heritage as a cultural reference" (MOTTA, 2017, p. 93).

There is space for different interpretations and discretionary actions on the interfaces

of heritage with urban planning, in a scenario without delimitation and regulation by the preservation agencies about the intervention in the surroundings. This is what happened in the case of *Teatro Oficina*. In addition, in the following years, we missed the opportunity to construct a surrounding instrument that considers different stakeholders, urban and heritage management bodies with the civil society concerned, to analyze the city's relations towards preservation.

The confluence of interests on the surrounding occupation generate political pressures from all sides, especially from city governments. For Sônia Rabello (2010, p. 45), the sense of the City Statute to submit planning to the protection of cultural heritage implies the obligation to establish minimum guidelines for the protection of heritage and its surroundings, and to respect the rules in urban management.

On that issue, we must not forget that the surroundings of *Teatro Oficina* has a strategic location, easily accessible to downtown São Paulo, where the law encourages the verticalization of the area, without discussing listed heritage. The listed heritage is incorporated into the São Paulo urban planning only as isolated points in the city, from the Special Areas of Cultural Preservation (ZEPEC in Portuguese), which exclude the surroundings of listed properties from urban legislation. These factors corroborate the region's interest and dispute over real estate capital.

Tonasso's (2019, p. 178) research on urban planning and preservation in São Paulo between 1975 and 2016 reveals a disarticulation of city urban policies towards preservation:

These [preservation agencies] heavily demanded under these circumstances are under pressure from all sides, but it must be borne in mind that every situation passes, on a much larger scale, through city planning and land use control by the city management.

City management was also addressed during the 64th meeting of the Advisory Council on the listing of the theater. Counselor Jeferson Dantas Navolar agreed with Jurema Machado's opinion on surroundings. The counselor suggested the city should choose the neighborhood of *Bixiga* to apply the instruments of *transferring the right to build and urban operation*. We can see an interest of the city's urban management, but the relationship of heritage with the city is unclear. The relationship ignores the use of the surrounding area as an urban instrument in the region.

By suggesting the relationship between the theater and the city be resolved by urban planning instrument, the preservation agency exempts itself from thinking about the relations of preservation of the build heritage with the neighborhood. Could the cultural practices of *Bixiga* – which “can only exist there and must be preserved” (IPHAN, 2010, p. 70) – be incorporated

from the materiality of their surroundings as they are linked with the *Teatro Oficina*?

We believe the surrounding area of *Teatro Oficina* could indicate for the municipality to use such instruments there. Jurist Sonia Rabello explains that the municipality do not have an obligation to incorporate the rules of other states into local laws, but this does not exempt them from observing the rules to make compatible with all public interests about the same cultural heritage (2010, p. 43). Part of the surroundings of the *Teatro Oficina* is part of an urban project currently under public consultation and is dealt with in the following section of this article, broadening the reflections on how urban planning has faced the heritage issue.

From the discussions around the *Teatro Oficina*, some contradictions and boundaries between preservation and urban planning are evident. On the one hand, heritage bodies await the application of urban tools, on the other, urban management treats listed heritages as obstacles, isolated objects of the city. Likewise Meneses (2006, p. 41) notes the difficulty of incorporating the social dimensions of the city into preservation practices, but urban policies also move away from heritage issues, and in the hope of the “utopia of unified legislation and practices”. Increasingly, it is an isolated act.

3. The Urban Operation Center is a tool that has been foreseen and is under constant debate since the 1988's Master Plan.

4. The thematic linking property issues and real estate production are opposite factors, since the real estate market presents risks to heritage preservation. Property and real estate production are debated together, as the transfer of the constructive potential of the listed property is considered in the urban project as a tool that stimulate heritage preservation.

5. São Paulo City Hall has already presented a similar solution in the Analysis of *Água Branca* Consortium Urban Operation (OUCAB) through Article 9, item VII, of Law Number 15,893 / 2013, "Survey of the Cultural Heritage in the Perimeter of the Consortium Urban Operation, including heritages of a tangible and intangible nature". The Law also provides a budget for research to identify and preserve those properties that could be lost by the City Hall through OUCAB.

Heritage and surroundings of properties listed in the Urban Intervention Project Central Sector

The Urban Intervention Project (PIU), in City Decree 56901 of 2016, is a tool of the Article 134 of the São Paulo Strategic Master Plan, Law 16,050 of 2014, which is linked to urban planning and restructuring tools in Metropolitan Structuring: Consortium Urban Operations, Urban Concessions, Urban Intervention Areas and Local Structuring Areas. This is an urban project that promotes programming for a long-term urban restructuring.

Among the initiatives of the city's Urban Development Agency, through SP Urbanismo, there is the PIU Central Sector which is under construction to revise and implement the Urban Operation Center Law³, covering São Paulo downtown and parts of *Consolação*, *Liberdade*, *Belém* and *Mooca* neighborhoods. The cultural heritage is presented as one of the structuring perspectives of the project along the environmental, social housing and mobility perspectives. Currently, the PIU Central Sector is in its 2nd phase of public consultation which consists of the presentation of the project under development. In this article, we reflect on how heritage and the theme surrounding of listed heritage builds were presented at a public hearing held on August 6, 2019, on Historical Heritage and Real Estate Production⁴.

Firstly, it should be considered that due to the dimension of cultural heritage in the central region of São Paulo, its conservation and appreciation should not be made from isolated buildings. The project incorporates the Zepec perspective of urban planning to the city's listed heritages by zoning. However Zepec excludes the surrounding areas of listed heritages, consequently the PIU Central Sector also ignores them. Moreover, the urban project does not consider cultural heritage in its broad dimension, that is, unprotected cultural heritages.

The PIU Central Sector is a governmental action that stimulates the transformation of the territory. This transformation which implies demolitions, with irreversible risk to tangible and intangible heritages with references to the memory, action and identity of the Brazilian society (under Article 216, Federal Constitution). For this reason, the governmental action should include the identification of heritage not protected by the State⁵, but it is part of a set of cultural references in the daily life of the residents of the city of São Paulo. Such investigation could also indicate the relations of the buildings already listed with the city, suggesting boundaries of surroundings not included in the project and those not implemented by the preservation agencies. Thus, this would allow the incorporation of other urban values in the valorization of cultural heritage, promoting an urban project more related to urban preexistences.

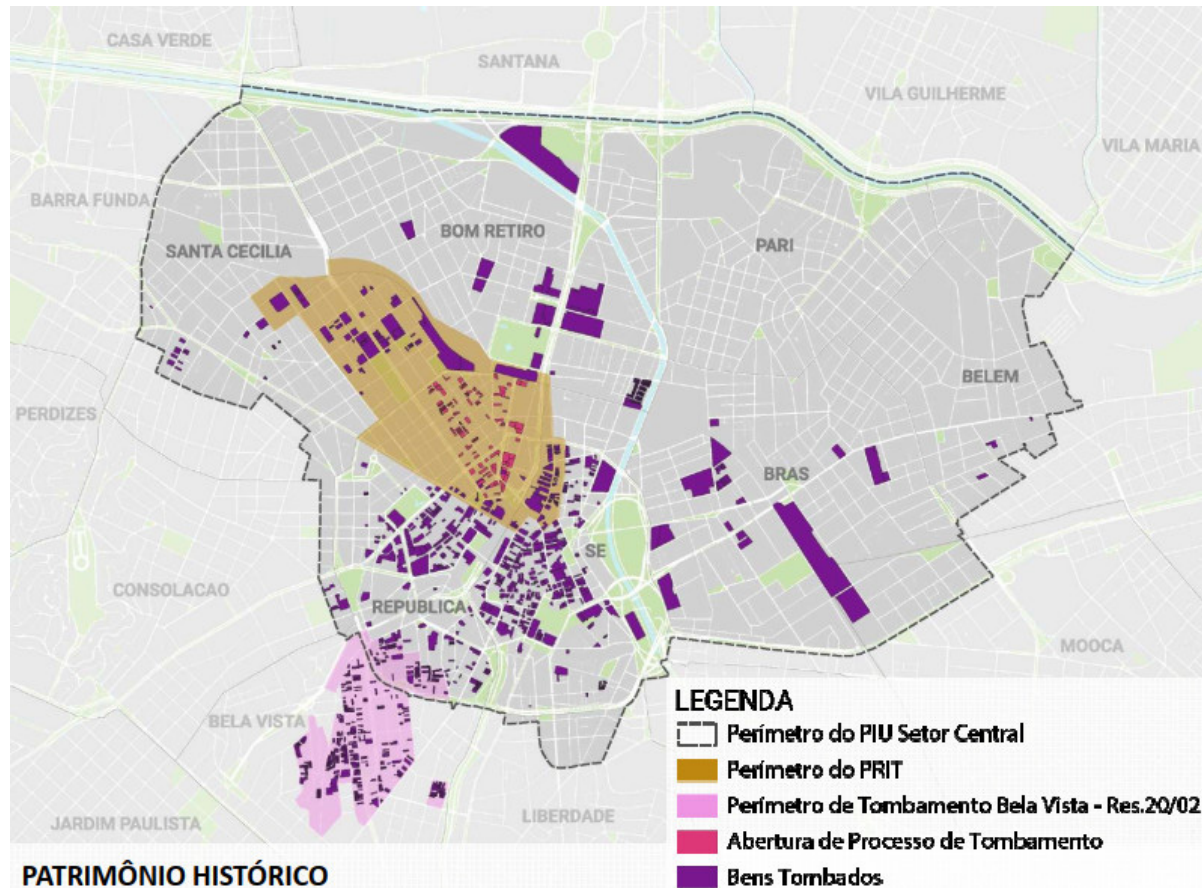


Figure 2. Map of the heritage guarded and study of listing in the perimeter of the PIU Central Sector, with emphasis on the delimitation of PRIT. Available on: https://gestaourbana.prefeitura.sp.gov.br/wp-content/uploads/2018/07/PIU_setor_central_apresentacao_2019_08_06.pdf. Accessed in: August 20th, 2019.

Two tools were specifically addressed to the heritage perspectives of the PIU Central Sector, the transfer of constructive potential and the Listed Building Requalification Perimeter (PRIT). The transfer of the right to build is not discussed in this article, as it requires further detailed analysis of its application in São Paulo (PERETTO, 2017).

The PRIT is made by observing the high incidence of listed properties in the process of being listed by CONPESP and CONDEPHAAT, considering high soil occupation but low density (SÃO PAULO, 2019). Based on this, the PIU Central Sector establishes specific rules in PRIT because of the appreciation and highlighting of listed heritages. The PIU relates the parameters proposed by CONDEPHAAT to the desired population density in the project (serving low-income families and maintaining business activities).

Among the premises presented about PRIT, there is a concern with the ambiance to be preserved, but also the possibility of transformation. This way, the PRIT delimitation proposal resembles the conceptual definitions of the surroundings of listed heritage, when viewed as part of an urban policy. Although, we emphasize that the notion of ambiance presented is restricted to the built ambiance, architectural and urban. Therefore, the proposal disregard the broad conceptualizations and understandings, in which the term ambiance is associated with the surrounding instrument, in the inclusion of physical and social aspects (NITO; 2015 and 2018; RABELLO, 2010; MOTTA; THOMPSON, 2010; SANT'ANNA, 2015).

Reinforcing this similarity with surrounding instruments, among the aspects presented by PRIT is the appreciation of visual axis and the volumetric of the blocks, forming a relationship between the listed heritage and the new constructions. Such parameters are often used in the regulation of listed areas and their surroundings. It is understood heritages are not isolated, but are part of a territory that values and preserves the built cultural heritage, maintaining and qualifying the morphological ambiances of the heritages. This potential is not being tapped into the incorporation of existing surrounding areas as an instruments of the PIU Central Sector.

On this issue, at the public hearing one of CONDEPHAAT's technical staff, architect Antonio Zagato said the inclusion of the surrounding areas in the PIU Central Sector was suggested to avoid irreversible transformations in the ambiance of the other properties in the area. Zagato's opinion reminded the public internal discussions that may not have been part of the hearing due to time availability and compliance with the law.

According to Zagato⁶, the Integrated Urban Environmental Requalification Perimeters (PRIAU) would be the way to incorporate the surrounding areas of listed heritage in the PIU Central Sector, which would then enable a rubric and instrument to ensure the preservation of ambiances, similar to that proposed in PRIT. The architect stressed the importance of thinking about the qualification

of the ambiance by allocating a specific budget line for this purpose. In this way, the frustrations of isolated investments only in build heritage would not be repeated. This fact occurred in the restoration of the old Julio Prestes station, that happen in the project region, in which the actions taken did not integrate the urban environment.

Based on this information, regarding the PRIAU, in the online consultation of the PIU Central Sector, we present contributions for the inclusion of this specific instrument appropriate to the surroundings of listed heritages in the region delimited for the urban project:

[...] C. The article contained in the PIU Central Sector, the development of a tool similar to the propositions of the Listed Building Requalification Perimeter (PRIT), but specific to the surroundings of the listed properties, with the following wording:

Article XX - The regulated surrounding areas of listed buildings and the listing perimeters of urban and architectural complexes located within the perimeter of the PIU Central Sector, as determined by the preservation agencies, shall constitute the Integrated Urban Environmental Requalification Perimeters – PRIAU.

Paragraph 1: The PRIAUS must be designed to project formulated under the guidance and supervision DPH / SMC, whose main objective is to qualify the areas above described, by treating it as an integral unit of the respective spatial perimeter delimited and contained in the Act.

6. Informação verbal durante audiência pública do PIU Setor Central, na ETEC Santa Efigênia, no dia 06 ago. 2019.

7. As contribuições foram elaboradas por mim em parceria da Rede Paulista de Educação Patrimonial (REPEP) e do Instituto de Arquitetos do Brasil, departamento de São Paulo (IABsp), instituições que represento.

Paragraph 2: PRIAUS must receive, through a specific item, set at a budget percentage of 5%, from the specific Fundurb Central PIU account for the formulation and implementation of projects under the PRIAU. (GATTI; KIMIE; OTERO, 2019).

If incorporated into the PIU Central Sector, the surrounding areas could articulate with urban management and receive other preservation tools such as the transfer of constructive potential. Such articulation would be a breakthrough in the integration between heritage and urban policies. Cultural heritage is one of the four argumentation anchors of the PIU Central Sector. With a fixed percentage of investments defined by law, it would not meet the intentions of the current governing board, with convenient interventions and electoral purpose and not for preservation purposes. From August to November 2019, the 3rd and last phase of the design of the PIU Central Sector is scheduled, with a public hearing over Historical Heritage and Real Estate Production scheduled to take place in mid-November.

Conclusions

The surroundings of listed heritages, when considered as a preservation instrument, when existing in the urban environment inevitably fits into urban management. Thus, the articulation of urban and heritage competences and policies is necessary to better manage public interests. To ignore the surroundings of heritages listed in urban management is to lose a dimension of listing,

ignoring the urban value, preexistences and cultural references, and generating conflicts with the institutions responsible for the preservation. Failing to establish the delimitation and standardization of the surroundings, in addition, to ignore such potential for preservation, also deprives the opportunity for effective integration with city urban management.

Although the concept of surroundings is imprecise for the institutions, we must not ignore its existence and, who knows in practice, we can transform the reality in which heritage is between errors and disputes, based on the experience of its application of the preservation policy, and also as part of an urban policy. We tried to contribute to the construction of “a new social memory of what the value of urban and material heritage is, [...] which points out ways to value and preserve cities” (MOTTA, 2017, p. 111). In addition, it is also necessary to regard the surroundings of listed buildings as a heritage preservation policy, especially if we consider the number of properties without regulated areas:

This allows the surroundings to be an important field of action, not only to enhance preservation, but also to reestablish a relationship of institutional rapprochement with the public power and civil society in the cities where the buildings are located, not only as an operational understanding of the surroundings, but as an opportunity for an instrument of public policies that corresponds to existing social demands. (NITO, 2015. p. 277).

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