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OLICIES FOR THE URBAN CULTURAL  
HERITAGE REHABILITATION:  
ASSESSMENT ON THE EXPERIENCE OF  
THE CITY SÃO PAULO HISTORICAL  
PRESERVATION AGENCIES

pós- | 1

ABSTRACT

Presently, urban cultural heritage rehabilitation policies are one of the most prominent themes both in practical action and in theoretical discussion between architects and urban planners. This article analyzes the results of the implementation of these policies in the city of São Paulo, based on the analysis of its preservation bodies' practical experience, specially related to the urban-architecture realm. First, it seeks to define the concept of cultural heritage based on theoretical review. Second, it analyzes the evolution of cultural heritage rehabilitation policies in some countries and its main results, to later deepen the case study. Based on the analysis of the main cultural heritage protection municipal authorities' actions, the Department of Historic Heritage and the Municipal Council for Preservation of the Historical, Cultural and Environmental Heritage of São Paulo, it seeks to understand the limits and potentialities of the implementation of these policies in the São Paulo context.

KEYWORDS

Urban planning. Urban policies. Cultural heritage. Urban rehabilitation. São Paulo.



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POLÍTICAS DE REABILITAÇÃO DO  
PATRIMÔNIO CULTURAL URBANO:  
AVALIAÇÃO DA EXPERIÊNCIA DOS  
ÓRGÃOS DE PROTEÇÃO HISTÓRICA  
PAULISTANOS

RESUMO

Atualmente, um dos temas que mais se destaca na atuação prática e nas discussões teóricas entre arquitetos e urbanistas é o das políticas urbanas de reabilitação do patrimônio cultural. Este artigo procura analisar o resultado da implementação dessas políticas na cidade de São Paulo, a partir da análise da experiência prática dos seus órgãos de proteção, principalmente no que tange ao patrimônio arquitetônico-urbano. Para tanto, em primeiro lugar, busca definir o conceito de patrimônio cultural a partir da revisão teórica sobre o tema. Num segundo momento, analisa a evolução dessas políticas de sua reabilitação em alguns países do mundo e seus principais resultados, para depois aprofundar-se no estudo de caso. A partir da análise da atuação dos principais órgãos de proteção ao patrimônio cultural do município, o Departamento do Patrimônio Histórico e o Conselho Municipal de Preservação do Patrimônio Histórico, Cultural e Ambiental Urbano de São Paulo, busca compreender os limites e as potencialidades da implementação dessa política no contexto paulistano.

PALAVRAS-CHAVE

Planejamento urbano. Políticas públicas urbanas. Patrimônio cultural urbano. Reabilitação urbana. São Paulo (município).

## I. THE CULTURAL HERITAGE CONCEPT

Despite the discussion about cultural heritage as we know it today, a recent concern in Brazil, dating from the mid-20th century, the evolution of this concept and practices for its protection and conservation goes back to Renaissance Europe.

Françoise Choay, in her book *Alegoria do Patrimônio*, states that the word Cultural Heritage designates a property destined to the usufruct of a community, constituted by a diversity of objects congregated by their common past: material works, masterpieces of beautiful-arts, works and products that are the result of all the techniques and knowledges of human beings, which have cultural significance for one or many communities (CHOAY, 2001, p.11).

According to the author, the evolution of this concept begins in the Renaissance, with the concept of Monument, whose primary function was to divulgate the values of a certain society. She calls attention to the role of Pope Martin V in the consolidation of this concept, since this pontiff would have used the construction of several monuments in Rome to promote the symbolic recovery of its historical past and valorization of its present at that moment, considering the return of the papacy, that was at the French city of Avignon, to Rome.

The author comments that the word monument comes from the Latin word *monere*, which means to remember. In this way, the function of the monument would be that of a memorial and that the affective nature of its purpose was essential, since "it is not a matter of presenting neutral information, but of touching a living memory by emotion" (*ibid.*, p. 18). In this sense, it is called monument everything that was built by a community of individuals that recalls or causes other generations of people to remember events, sacrifices, rites or beliefs.

This concept underwent a transformation at the time of the French Revolution, which also used to construct monuments as a way of affirming the identity of a new National State. Regarding the buildings and monuments that symbolized the *Ancien Régime*, Choay says that the Revolutionary Government changed its attitude. At first, its action was the destruction of all properties that reminded the monarchy, but that, over time, this government realized that the great financial value of these goods could help to finance the construction of the new National State. Then they proceeded to expropriate the property of the Crown, the nobility and the church, which became part of the National Heritage (she used the word Patrimony), thus arising the notion of patrimony for its financial value, since the meaning of that word that comes from Latin has the sense of inheritance or legacy, for *pater* is father and *monium* is received, that is, that which is received from the father.

Thus, Choay states:

*The primary value of the treasure returned to the people is thus economic [...] They have transformed the status of national antiquities into exchange value, into material goods. At the risk of financial loss to the public treasury, it was necessary to preserve and maintain it. (CHOAY, 2001, p.98)*

The need for preservation of these material assets and their exchange value caused the French Government to create of the Commission on Historic Monuments in 1837, the first modern organ with the function of protection and conservation of the heritage. In the same way, several other countries were creating throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries their authorities for heritage protection.

Nevertheless, the great problem of private cultural heritage has been constituted and still constitutes the loss of the right of the owner to freely dispose of his/her property due to the public interest, which often causes opposition to its conservation and protection. This, however, did not cause these actions to be diminished, as, according to Choay:

*[...] permanent threats to heritage do not prevent a broad consensus in favor of their conservation and protection, which are officially defended in the name of the scientific, aesthetic, memory, social and urban values represented by this goods in advanced industrial societies. (CHOAY, 2001, p. 17)*

Subsequently, the concept of heritage has evolved and disseminated by the "Heritage Charters", documents elaborated by entities, scholars and professionals related to this area and that are endorsed by the preservation agencies of different countries.

The Athens Charter, a document resulting from the International Congress of Modern Architecture, held in this city in 1931, states in its chapter on historical heritage that architectural values should be safeguarded (isolated buildings or urban complexes), as they are precious testimonies of the past and must be respected for their historical, plastic value, and that those who hold them are entrusted with their protection and preservation (CIAM, CONGRESSO INTERNACIONAL DE ARQUITETURA MODERNA, 1931).

In spite of Le Corbusier's interference in the elaboration of this Charter and his iconoclastic vision of the architecture of the past, the fact is that the question of historical heritage was contemplated. This is due to the influence of the meeting of League of Nations International Office of Museums, which took place in that city during the same period. This meeting drew up a second Athens Charter, specifically on the question of historic heritage, defining important principles in relation to practices for their preservation and protection, such as (SOCIEDADE DAS NAÇÕES. ESCRITÓRIO INTERNACIONAL DE MUSEUS, 1931): their use maintenance to help its conservation; the need for legislation and administration that overlap the collective right to private property ownership; importance of maintaining the characteristics of the neighborhood of the property for its valuation; and the need for international technical cooperation.

According to Choay (*op.cit.*), in the postwar period, the concept of historical heritage was broadened, including all forms of construction, from erudite to

popular, from urban to rural, public or private buildings, all of which had cultural significance for community or even internationally.

The Charter of Venice, written in that city in 1964 from the meeting of the Institute for the Conservation of Monuments and Sites (ICOMOS), expanded the idea of heritage, from the isolated building to the urban or rural sites, which testify a particular civilization (ICOMOS. CONSELHO INTERNACIONAL DE MONUMENTOS E SÍTIOS, 1964). From then on, Unesco<sup>1</sup> World Heritage List, has included isolated buildings, part of the physical fabric of urban settlements, rural areas, neighborhoods, and even whole cities.

In Latin American, the adaptation of the concept of heritage to its reality was defined by the Charter of Quito, promoted by the Organization of American States (OAS) in 1967. This Charter drew attention to the economic potential of the region heritage and its use for tourism development (ORGANIZAÇÃO DOS ESTADOS AMERICANOS, 1967).

Finally, the Burra Charter, promoted by the Australian section of ICOMOS in 2013, brought the definition of several terms related to Cultural Heritage, of great importance for its international conception, mainly in relation to the two concepts below (THE AUSTRALIAN ICOMOS, 2013):

- Conservation: the act of maintaining the cultural significance of a place, promoting its aesthetic, historical, scientific, social and spiritual values for past, present and future generations;
- Restoration: works or techniques to return the place to the previous state, delaying its degradation.

Thus, if the evolution of the term Historical Heritage was related in the past to the idea of valorization of the national culture, derived from the formation of the nation-states; the idea of the current Cultural Heritage is related to broader concepts, which in the broadest sense involve international organisms and in its narrowest sense the local communities.

The UNESCO General Conference of 1972 defined the importance of the protection of World Heritage, highlighting at that time both the Cultural Heritage, resulting from human action, and the Natural Patrimony, resulting from nature, as well as the integration between the two. According to the Convention Concerning the Protection of the World Cultural and Natural Heritage, Cultural Heritage is considered to be (UNESCO, 1972):

- Monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;
- Groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;
- Sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

<sup>1</sup> Unesco (United Nations Educational, Scientific and Cultural Organization) is the United Nations agency created in 1946 for the development of culture, science and education, which has as one of its objectives the safeguarding of cultural heritage and the preservation of cultural identities and traditions, written and oral.

The 1988 Brazilian Federal Constitution adopted the principle of Cultural Heritage as a right of the population, as well as the State's duty, together with society, for its protection (BRASIL, 1988). According to the article 216, Cultural Heritage can be material and immaterial assets, bearers of reference to identity, action, and memory of different groups of Brazilian society, which include:

- I. The forms of expression;
- II. The ways of creating, doing and living;
- III. Scientific, artistic and technological creations;
- IV. Works, objects, documents, buildings and other spaces intended for artistic and cultural events;
- V. Urban complexes and sites of historical, scenic, artistic, archaeological, paleontological, ecological and scientific value.

For the purpose of this work, we will focus on item V, which is based on Urban Cultural Heritage, being constituted of isolated or groups of architectural works with historical and landscape values.

## 2. INTERNATIONAL EXPERIENCE IN URBAN CULTURAL HERITAGE REHABILITATION

Since the expansion of the concept of historical heritage of isolated buildings and monuments to part of the urban fabric, whole neighborhoods, and even cities occurred, several municipal, regional and national governments began to develop urban intervention policies for the heritage areas, following the definitions and guidelines of the protection bodies that emerged from the 1960s and 1970s (OLIVEIRA, 2009).

The awareness of this need arose from the harmful effects of urban renewal process throughout several cities passed since the 1950s. Based on the Modernist ideals promoted by the CIAM and influenced by a strong post-war real estate industry, several cities of the core countries began to promote the renewal of their urban and social fabric with the opening of new fronts for real estate expansion (RAPKIN, 1980, OECD, 1983 and NOBRE, 1994).

Such actions led to strong popular reactions in the United States and in some European countries in the 1960s (RAPKIN 1980, SUSSKIND and ELLIOTT, 1983). The cultural effervescence and political manifestation, which these cities passed through, caused several municipal governments to review the way public interventions were carried out and to adopt the rehabilitation of urban areas, that is, the implementation of improvements project and recovery of the urban environment, without promoting the destruction of their physical and social tissues.

It was in this context that the protection and conservation of historical areas becomes the focus of urban policies in several European cities during this

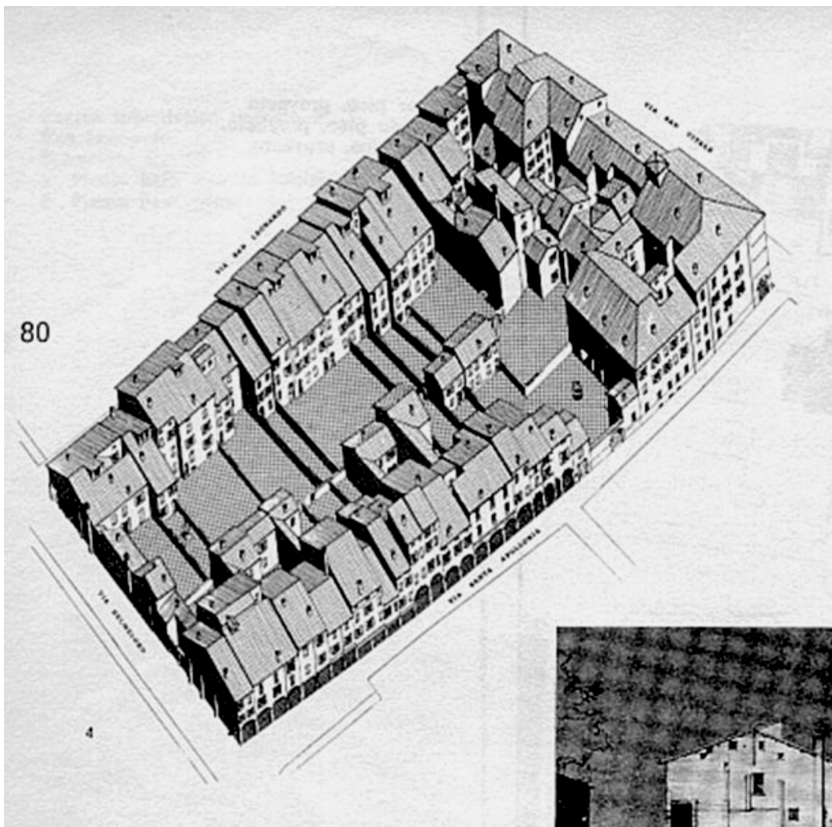
period, such as Amsterdam, Bologna, Madrid, Rotterdam and Venice (APPLEYARD, 1979).

For this purpose, it was very important the approach heritage protection policies had with urban planning, highlighting the role of the Italian architect Gustavo Giovannoni, who established a methodology for urban intervention in areas of interest for preservation (OLIVEIRA, 2009; KÜHL, 2012). Its influence is felt in the Italian Restoration Charter of 1972, which established the concept of Historic Center and considered the need for adequate physical and territorial planning to cope with future development as important as the physical conservation of the urban tissue.

Following the recommendations of the Italian Restoration Charter, the city of Bologna, under the command of the Italian Communist Party (PCI), promoted the rehabilitation of its historic center and the preservation of its cultural heritage between 1969 and 1977 through the combination of the Plan for the Historic Center Conservation of 1969 (*Piano di Salvaguardia del Centro Storico*) with the Social Housing Plan of 1973 (*Piano di Edilizia Popolare*).

Based on urban morphology studies developed by the architects Saverio Muratori and Pier Luigi Cervellati, a block-by-block intervention project was developed, according to figure 1, restoring the Renaissance craftsmen historical houses and adapting them to students, elderly and city center's workers family dwellings (CERVELLATI, 1979).

pós- 7



The conservation and restoration experience of the City Center of Bologna was one of the most successful. Although the communist administration originally intended to expropriate a large part of the center's buildings, budgetary issues and political opposition in the city council caused the municipality to finance the restoration of private properties by assigning its use to the municipality or by defining the maximum the rent value for a certain period.

By 1977, the Social Housing Plan had achieved (CERVELLATI, 1979):

1. Acquisition of buildings worth two billion Italian lire (approximately • 8.6 million);

Figure 1: Bologna block restoration scheme.  
Source: Cervellati, 1977.

2. Renovation of 200 apartments for 500 people, partially financed by the city hall and national housing agencies;
3. Construction of social service centers (schools, health centers, leisure areas) with a budget of 2.5 billion Italian lire (approximately • 11 million);
4. Restoration of historical monuments with a budget of 750 million Italian lire (approximately • 3.5 million).

In France, the Minister of Culture André Malreaux introduced a law in 1972 (FRANCE, 1962), which became known as the Malreaux Act, creating the *Secteur Sauvegardé*, for which the municipalities should draw up a safeguard plan and use resources from tax incentives proposed by this law or from funds obtained from the application of the *Plafond Legal de Densité*<sup>2</sup> (PLD) (CIPRIANO, 2018).

In the United States, the enforcement of the National Heritage Preservation Act of 1966 established the USA Heritage Preservation System, enabling states and municipalities to develop cultural preservation policies. Due to the economic loss in the value of exchange of protected properties, this country developed mechanisms of economic compensation to the owners of these properties as an incentive to their conservation.

Since 1968, New York City Zoning Act Resolutions 74-79 have enabled protected building owners to transfer the unused development rights for other properties of no historical interest through payment (LOFLIN, RANKIN, et al., 1971). This mechanism was known as Transfer of Development Rights (TDR) and its use was widely advocated by several scholars in the area, such as the American lawyer John Costonis, who proposed its widespread use to enable the preservation of the historic city center of Chicago (COSTONIS, 1974).

If urban policies aimed at cultural heritage rehabilitation, preserving the urban historical areas physical and social tissues in the 1960s, after the rise of 1980s neoliberalism, these policies have returned again to the physical and social renewal of the city centers, causing negative social and cultural impacts. The symbolic and financial valorization that several projects caused in these areas resulted in the expulsion of the poorest population, a process that in this period was known by the term gentrification<sup>3</sup>, from the work of the sociologist Ruth Glass (1964), updated by the researches of the geographer Neil Smith (2006).

### 3. THE INSTITUTION OF THE BRAZILIAN AND SÃO PAULO CULTURAL HERITAGE PROTECTION SYSTEMS

In Brazil, the policies of historical heritage protection became known by the Portuguese word "*Tombamento*". This term arose from the act of inventorying the Portuguese Crown assets that were listed in Book of *Tombo*, located in the tower with the same name. From this comes the idea of listing the assets of historical, artistic and cultural interest in the books of *tombo* so that they come to enjoy the status of protected goods.

<sup>2</sup>The PLD is a levy on additional building rights equivalent to Brazilian *Outorga Onerosa do Direito de Construir*. It was enforced in the revision of the 1975 Code of Urbanism, with the purpose of fighting real estate speculation, encouraging the recycling of buildings and providing funds to local governments, by collecting a grant on the additional building area above the floor area ration (FAR) 1:1 to the whole of France and 1.5:1 to Paris. In the 1980s it was decentralized and ceased to exist after the promulgation of the Law of Solidarity and Urban Renewal of 2000 (Law n° 1208, of December 13, 2000).

<sup>3</sup>According to Collins English Dictionary, the noun "gentrification" comes from the term Gentry, which means the social class just below the nobility. Glass used this term for the first time in 1964 to identify the process by which middle-class newcomers replaced working-class in traditional neighborhoods. Smith has updated this work by identifying the transition from a localized and spontaneous process to an intentional urban intervention strategy of municipalities on a global scale.



Cipriano (2018) affirms that the first states to create their cultural heritage preservation authorities were Bahia and Pernambuco in the late 1920s. However, the creation of a national heritage protection agency only occurred during President Getúlio Vargas office (1930-1945), when his Minister of Education and Public Health, Gustavo Capanema, called the São Paulo poet, Mário de Andrade, to develop a plan to create the Federal authority, since he had developed similar work in the Municipality of São Paulo. from.

In order to promote the identity of the new National State, which was formed after the fall of the Old Republic, the Federal Constitution of 1934 defined as an obligation of the Union, states and municipalities the protection of objects of historical and artistic interest relevant to the country. Three years later, the Decree-Law no. 15 established the concept of historical heritage for the first time in the country, defining that the National Historic and Artistic Heritage Service (*Serviço do Patrimônio Histórico e Artístico Nacional* – SPHAN) would be the agency responsible for the collection, inventorying and cataloging of these goods, as well as the formulation of policies for their protection.

According to article 1 of this Law (BRAZIL, 1937):

*National historical and artistic heritage constitutes the set of movable and immovable property existing in the country and whose conservation is of public interest, either because of its connection with memorable events in the history of Brazil, or because of its exceptional archaeological, ethnographic, bibliographic or artistic value.*

The Decree defined that the owner of a listed property would be responsible for its conservation, however, if he/she did not have the resources to carry out the conservation and restoration works, he/she could trigger the SPHAN (current IPHAN), which should execute them at the expense of the Union. If this did not happen within six months, the owner could request the cancellation of the listing of the property, according to paragraph 2 of article 19.

Another issue addressed by this Decree was the importance given to preserved property surroundings, because according to article 18, new buildings could not reduce nor prevent the visibility of the listed property. In addition, all construction should be duly authorized by the agency. This concept of neighborhood afterwards resulted in the protection of large urban areas and the formulation of policies for its conservation.

At its very beginning, a phase that became known as “Heroic”, the SPHAN focused on listing, restoring and sometimes even rebuilding Brazilian Colonial heritage, seeking to strengthen the National Identity.

In 1968, the State of São Paulo created its preservation agency, the Council for the Defense of Historic, Archaeological, Artistic and Tourist Heritage (*Conselho de Defesa do Patrimônio Histórico, Arqueológico, Artístico e Turístico* – Condephaat), which began to list and restore the remaining properties of São Paulo Colonial past, especially the *Bandeirista* (settlers) houses.

In spite of the creation of the Condephaat, the Municipality of São Paulo already had an agency devoted to the protection of historical heritage since 1947. Through Decree-Law no. 430, the Department of Culture and Recreation, previously subordinated to the mayor’s office of São Paulo, became the

Secretariat of Education and Culture and it was during this period that the agency, through the Division of the Historical Archives, initiated the protection of historic municipal buildings with the preservation of the *Bandeiristas* houses of Butantã and Caxingui (CIPRIANO, 2018).

In spite of the existence of these actions to protect the municipal assets, it was only in 1972 that extensive legislation sought to protect a large number of properties of historical interest in the city, since the creation of Special Use Zones (Z8-200), defined in the Zoning Law by the General Coordination of Planning (*Coordenação Geral do Planejamento* – COGEP), the city planning department of that time.

In 1975, the Department of Historic Heritage (DPH) was created within the Municipal Culture Secretariat (SMC), with a very close version of the current one, containing a specific technical division for preservation, the Technical Preservation Division subdivided into two administrative sections (Office and Restoration Laboratory) and five technical sections (SÃO PAULO, 1975):

- STLP – Technical Section of Survey and Research (*Seção Técnica de Levantamento e Pesquisa*);
- STCT – Technical Section Inventory and Listing (*Seção Técnica de Crítica e Tombamento*);
- STPRC – Technical Section of Project, Restoration and Conservation (*Seção Técnica de Projeto, Restauro e Conservação*);
- STPR – Technical Section of Revitalization Programs (*Seção Técnica de Programas de Revitalização*);
- STDP – Technical Section of Advertising and Publications (*Seção Técnica de Divulgação e Publicações*).

In this first moment, the main function of the Preservation Division was to inventory significant cultural buildings, as a subsidy to the formulation of protection legislation by COGEP, mainly due to future urban transformations caused by São Paulo subway construction (BAFFI, 2006).

An inventory method called General Inventory of Environmental, Cultural and Urban Heritage of São Paulo (IGEPAC-SP) was developed based on a geographic vision, using São Paulo neighborhoods as a unit. Different inventories of various districts would serve in the future for the instruction of the listing processes of isolated properties, urban groups or entire neighborhoods.

Considering that even isolated properties were inserted in an urban environment, Condephaat creation Decree-Law no. 15/1937 defined that a 300-meter “surrounding area” should be also subject to control. The comprehensive IGEPAC studies have proved to be an appropriate instrument for regulating the protection of these properties and these surrounding areas.

In spite of this initial function of supporting the elaboration of heritage protection legislation, it is possible to suppose that the creation of the Preservation Division, considering the structure defined in the law, had a more

proactive purpose, participating more actively in the process of preservation and rehabilitation of cultural heritage, as can be seen in the words of its first director, the architect Murillo Marx:

*Based on the structure of the Federal Service and of the newborn state agencies, such as the Condephaat, [the Preservation Division] has a structure adequate for the recognition, protection and **revitalization of cultural goods and urban settlements**. (MARX, 2006, pp. 9-10, emphasis added)*

In fact, this structure made it possible for the agency to fully function, from the initial studies and inventory of buildings of interest (STLP), to the instruction of listing processes (STCT), to the analysis and proposal of intervention and conservation of buildings listed (STPRC), to the development of policies to revitalize buildings or urban areas in the city (STPR). However, the body lacked the power of deliberation.

This action was only made possible by laws 10,032 of 1985 and 10,236 of 1986, which created and regulated, within the framework of SMC, the Municipal Council for the Preservation of Historical, Cultural and Environmental Heritage of São Paulo (Conpresp), composed of representatives of the government and civil society<sup>4</sup> (SÃO PAULO, 1985 and 1986). According to this legislation, DPH would become the technical body to propose and oversee actions to protect cultural heritage, while Conpresp would be the political body to deliberate on the processes of listing and, together with the SMC, “formulate the guidelines and strategies necessary to ensure the preservation of cultural and natural assets” (article 8 of Law 10,032 / 1985 amended by Law 10.236 / 1986).

In order to implement these policies, the legislation created the Municipal Fund for the Preservation of Cultural Heritage (Funpac), which would have its own revenues and resources derived from fines for damages to the heritage. Despite the operational logic of this structure, political issues, mainly referring to the loss of the power of the owners on their listed properties, made it impossible to operate the system, since Conpresp was created in 1986 and Funpac was only regulated twenty years later by Decree n° 47.493 of 2006, thus making very difficult the implementation of a Municipal Policy for Rehabilitation of Cultural Heritage.

#### 4. POLICIES FOR THE REHABILITATION OF URBAN CULTURAL HERITAGE IN THE MUNICIPALITY OF SÃO PAULO

In spite of the non-existence until 2006 from a specific source of resources for the accomplishment of a cultural heritage rehabilitation policy when Funpac was regulated, some actions in this sense were implemented, but with an amplitude in the results very questionable.

Based on the influence of the lawyer John Costonis, who came to the city in the late 1970s, disseminating the TDR instrument, the Municipality adopted the Transfer of Development Rights by the enforcement of Law No. 9,725 of 1984, which regulated the use of this instrument.

<sup>4</sup> One representative of the following bodies: Municipal Secretariats of Culture, Legal Affairs, Planning, Housing and Urban Development, the Institute of Architects of Brazil, the Brazilian Bar Association, the Regional Council of Engineering and Architecture, in addition to the DPH director.

Figura 2: Casa das Rosas and Parque Cultural Paulista Building (the glass tower)  
Source: the author, 2019.



The first use of this instrument took place in the preservation and restoration of the Casa das Rosas, a property located on Avenida Paulista, designed by the architect Ramos de Azevedo in the 1930s, and since 1995 is a cultural center of the State Secretariat of Culture. The unused building rights of the house was transferred to Edifício Parque Cultural Paulista, located behind the house, in Alameda Santos, according to figure 2.

However, the use of this law was well below that expected by the municipality. According to Kara-José (2007), two factors contributed to the fact that the legislation was not used as expected: the first refers to the fact that the areas surrounding the Z8-200 already have a high Floor Area Ratio (FAR); the second, because, comparatively, the instrument was less attractive than others launched in the same period, such as Interconnected Operations.

In order to contribute to the preservation of historic buildings located in the central area, Anhangabaú Urban Operation, ruled by Law No. 11,090 of 1991, provided the TDR mechanism, which would be calculated by the difference between the possible FAR of the lot and the real FAR used. The transfer would be authorized provided that the potential acquired did not increase the FAR of the block in which the lot was situated by more than 50% (fifty percent).

However, this operation caused little interest in the market, as only seven terms of commitment were signed in its three years, representing the acquisition of 13% of the new area stock (11 thousand square meters of additional area) and regularization (9.6 thousand square meters), resulting in the collection of approximately 25 million Brazilian reais (readjusted for December 2018), representing 1/5 of the estimated resources (NOBRE, 2018).

Likewise, City Center Urban Operation, ruled by Law 12,349 of 1997, established that for properties preserved in the central area of the city whose

FAR was less than or equal to 7.5:1, the transfer could be made considering the difference between the existing FAR and the maximum FAR 12:1. Properties that had an effective FAR greater than 7.5:1 could use the following rules: if the built area reaches the limit equal to 12:1, it could only transfer an amount of potential equivalent to 60% (sixty percent); in cases where the built area was between 12 (twelve) and 15 (fifteen) times the area of the lot, the property could transfer the amount equivalent to 40%; Lastly, if the built area exceeds 15 (fifteen) times the area of the lot, the owner of the property could transfer an amount equivalent to 20% of his/her property FAR (SÃO PAULO, 1997a, article 7).

Still in the City Center Urban Operation context, the Municipality granted exemption of Land and Property Taxes (IPTU) for heritage protected landowners inside the area who carried out conservation works (five years of exemption) or restoration (ten years of exemption) on their building facades, ruled by Law No. 12,350 of 1997, known as the Facades Law.

In the twenty-two year existence of the City Center Urban Operation, there were only 36 requests for transfer of development rights, of which only five were approved (NOBRE, 2018). Of these, four were transferred to lots that were outside the perimeter of this urban operation, something that in 1999 was considered unconstitutional (CIPRIANO, 2018). The Direct Unconstitutionality Action filed by the State Public Prosecution Office alleged that the Municipal Law did not have the authority to delegate to the Executive Branch the establishment of rules for zoning, land use and occupation, urban indexes and other administrative limitations outside the area of Urban Operation.

Likewise, the Façades Law raised the interest of 56 landowners and by 2003 only nine had had their proposed restoration approved (SÃO PAULO, 2003). Among the difficulties of implementing this law was the fact that the restoration had to be in accordance with the original projects, which made this action difficult, given the difficulty of recovering the original techniques and materials. This fact meant that most of the properties that had their façades restored belonged to institutions that did not need the stimulus, because, due to the high costs of the restoration, the main interested parties were banks and large companies located in the center of the city.

Subsequently, the Municipality of São Paulo Strategic Master Plan (Law No. 13.430 / 2002), expanded the use of these instruments in establishing the Special Areas for Cultural Preservation (ZEPEC), which were modified and better detailed in the 2014 Plan ( Law no. 16.050 / 2014) in four types:

1. Representative Buildings (BIR) – built elements, buildings and their respective areas or lots, with historical, architectural, landscape, artistic, archaeological and / or cultural value;
2. Areas of Special Urbanization – areas with unique characteristics from the point of view of urban, architectural, landscape, or cultural and symbolic morphology, or urban complexes with identity and memory, possessing homogeneous characteristics as regards the road layout, vegetation and

<sup>5</sup> Specifically in the renovation of the State Pinacoteca, in the restoration and reconversion of the Júlio Prestes Station into a music hall and the Dops (Department of Political and Social Order) into a museum by the State Government and in the reconversion of the Luz Station into a museum by Roberto Marinho Foundation

urbanistic values, which are representative documents of the urbanization process of a given period;

3. Areas of Landscape Protection (APPa) – sites with environmental, natural or anthropic characteristics, such as parks, gardens, squares, monuments, viaducts, bridges, significant natural footbridges and formations, indigenous areas, among others;
4. Cultural Protection Area (APC) – buildings intended for the formation, production and public display of cultural and artistic contents, such as theaters and street cinemas, circuses, cultural centers, artistic residences and the like, whose protection is necessary to maintain the identity and memory of the Municipality and its inhabitants.

This last plan ruled the Transfer of Building Right (TDR) for the properties included in the ZEPEC-BIR and APC, as well as the calculation formula, allowing the transfer of the building rights to receiving properties inside the entire Urban Macro-zone, where the zone FAR allows it. With the consent of Conpresp this transfer can be done and the resources arose from it must be used to preserve and restore the protected property.

In 2018, out of more than 3,000 listed buildings, only 182 (about 6%) had the Declaration of Transferable Building Rights issued and only 35 of them had already transferred their building rights (PERETTO, OKSMAN, et al., 2018). The majority of the transfers came from the central areas of the city, which concentrate the listed buildings, and was transferred to the neighborhoods of the São Paulo Southwest Zone, a region where most of the São Paulo upper classes live and where land prices are the highest within the city. Villaça (1998).

In addition to the experiences with TDR, another policy aimed at restoring the cultural heritage developed in the city of São Paulo was the Monumenta Program. Created under the Federal Government Ministry of Culture in 1995, the program was supported by the Inter-American Development Bank (IDB), with the objective of safeguarding and permanently conserving the main urban heritage complexes in Brazil.

Influenced by neoliberal concepts, the Program had an important financial component, as the objective was to develop a sustainable conservation strategy, based on the private initiative in the promotion of tourism and commercial activities, which would result in the real estate valuation and the consequent interest of the owners in their conservation (DUARTE JÚNIOR, 2010). Thus, the program intended to relieve the State of the burden of conservation and transfer it to owners, traders and investors.

In the city of São Paulo, the region defined to host the program was the surroundings of Luz Train Station, in the City Center, a region that had been receiving investments from the State Government and from private entities in projects of large cultural facilities since 1990s<sup>5</sup>, in an attempt to reverse its symbolic and real estate devaluation.

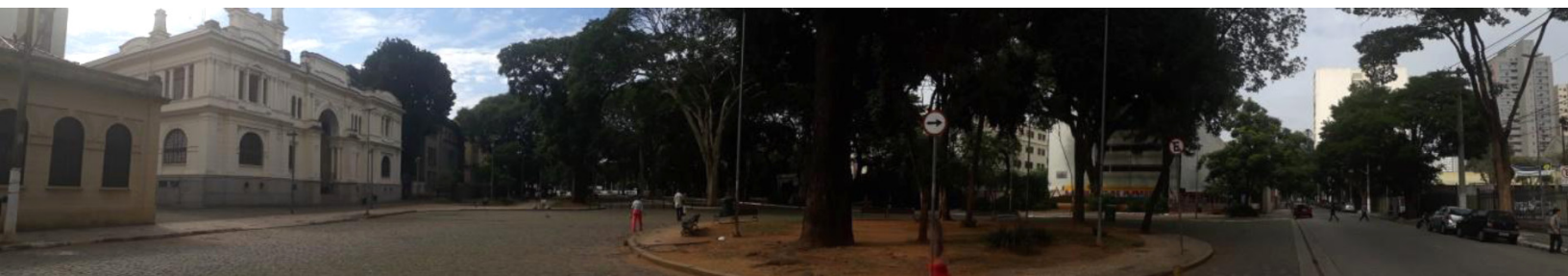


Figure 3: Coronel Fernando Prestes Square and Ramos de Azevedo building after restoration.  
Source: the author, 2019.

<sup>6</sup>The five lines of *Ação Centro* were: reversal of the real estate devaluation and recovery of the residential function; transformation of economic and social profile; recovery of the urban environment; transportation and circulation and Municipality institutional strengthening.

<sup>7</sup>The "Rebuild the Center Plan" was prepared by the Sé Regional Administration and PROCENTRO Commission in 2001 and provided for seven main programs: "Walking in the Center"; "Living in the Center"; "Work at the Center"; "Discover the Center"; "Preserve the Center"; "Invest in the Center" and "Care for the Center".

<sup>8</sup>Specifically the *Solar da Marquesa de Santos*, the *Casa Número 1* and *Beco do Pinto* Alley, besides the Municipal Theatre Museum.

The agreement between the Ministry of Culture and the secretariats of culture of the Municipality and the State was signed in 2002, foreseeing an initial value of twenty million Brazilian reais, which would be divided between the IDB (50%), the Ministry of Culture (20%), the State Culture Secretariat (15%) and the Municipal Culture Secretariat (15%), which would be invested in the restoration of the public space (renovation of Coronel Fernando Prestes Square and Parque da Luz facilities), in the restoration of buildings (Ramos de Azevedo and Paula Souza buildings and the Sacred Art Museum), according to figure 3, and in the reform of private buildings.

In 2006, two private property selection bids were launched, which would have a financing line of up to 1.9 million Brazilian reais for the renovation and restoration (DIOGO, 2009; BONDUKI, 2010). However, there was no interest on the part of the owners to contract this loan, demonstrating that in the case of São Paulo, the Program failed to transform the area, which had been the target of similar programs since the 1970s without any success.

Finally, the City of São Paulo launched the São Paulo Central Area Rehabilitation Program – *Ação Centro*, also with IDB financing in 2003. Although the Program's lines of action negotiated with the IDB are not directly related to the historical rehabilitation<sup>6</sup>, the program was based on the "Rebuild the Center Plan"<sup>7</sup> (*Plano Reconstruir o Centro*) which one of the objectives was to preserve the Center.

The Program was an umbrella to rule a series of actions that were already or would be taken by the several departments of the municipality. The actions related to the historical heritage were related to the implementation of the Museum of City of São Paulo, project of the Division of Iconography and Museums of the DPH (DIM / DPH) to create a Municipal Museum System (BRUNO, 2006). In this regard, the actions of the DPH / SMC inside the Program were related to restore the municipal buildings that hosted DIM<sup>8</sup> in the central area.

Subsequently, due to the mayor office discontinuity, the *Ação Centro* Program was redirected to the *Nova Luz* Project, under the pretext that it was necessary to concentrate efforts and investments in a smaller area so that its renewal would radiate to the surroundings, a process defined by the architect Jaime

Lerner, project consultant, as “urban acupuncture”. This project had little to do with cultural heritage rehabilitation, since it was based on urban renewal ideals, promoting urban redevelopment through the concession of properties expropriated in twenty-four blocks around the Luz Station to the real estate market.

## 5. CONCLUSIONS

More than forty years after the creation of DPH and more than thirty years of the Conpresp, it is possible to have a good analysis of the effectiveness of these bodies in the promotion of policies for the protection and restoration of the São Paulo cultural heritage.

During this period, these bodies enforced more than 500 resolutions related listing artistic and archival collections, isolated or jointly owned buildings, parks and green areas, blocks and districts of the city of São Paulo, resulting in the 3,559 listed buildings of various types (individual houses, housing estates, hospitals, schools, clubs, public buildings, factories, subway/railway stations, sites, etc.), fourteen parks and squares and ten listed districts involving more than one million citizens (SOMEKH, 2016).

However, if these organs were effective from the point of view of the cultural heritage protection regulation, the same can not be said from the point of view of conservation and rehabilitation policies for this heritage.

Despite the fact that DPH has a Revitalization Programs Technical Section, which has recently been renamed Heritage Valuation Programs Technical Section, the delay of twenty years in the implementation of Funpac, among other things, has led these bodies to adopt a much more restrictive than proactive attitude, since they did not have the resources to carry out restoration programs.

The lack of an integrated rehabilitation project for the heritage areas ended up not allowing its conservation and restoration. Regarding to this, several protected city districts such as the Anhangabaú Valley (CONPRESP Resolution No. 37/1992), Bela Vista (CONPRESP Resolution No. 22/2002) and Centro Velho (CONPRESP Resolution No. 17/2007) could have been the target of specific projects that sought their rehabilitation, with interventions similar to that of Bologna, or similar to the Rehabilitation of Central Area Program, developed by the Ministry of Cities for cities such as Belém, Belo Horizonte, Porto Alegre, Rio de Janeiro and Salvador between 2004 and 2011, which sought to combine the integrated rehabilitation of historical centers with the promotion of social housing (BRASIL, 2008).

Even broader programs such as Monumenta and Ação Centro, both funded by the IDB, failed to promote such integrated rehabilitation, since the main objectives of both were more related to real estate valuation of the areas than to physical and symbolic rehabilitation of cultural interest buildings. On the other hand, the inexpressive result of these programs in São Paulo can be celebrated, because if they had succeeded they would certainly have caused a gentrification effect in their areas of influence.



<sup>9</sup>The Health Municipal Fund accounted for 73% of this value.

In addition to the absence of this integrated action by the Government, the major obstacle to the implementation of urban policies for the rehabilitation of cultural heritage in São Paulo seems to be the financial one, either by the reaction of the owners to the loss of listed buildings value, or by the high costs involved in its restoration and conservation.

In any case, the data on the municipal budget do not allow us to believe that cultural heritage restoration by public authorities will increase in the near future, since Municipal Department of Finance data indicate that SMC's budget represents only 1.1% of the 51 billion Brazilian reais in expenses of the City Hall in 2017, since compulsory expenses (Education, Health and Welfare) represent 60% of them (SÃO PAULO, 2017).

Funpac represented only 0.004% of the 11.7 billion Brazilian reais of municipal funds<sup>9</sup>, and nothing of 463 Brazilian reais thousand allocated was spent in 2017. Even Fundurb (Urban Development Fund), which presented 125 million Brazilian reais (1.06%), has not had proposals related to the cultural heritage restoration projects, except the restoration of Sampaio Moreira building, future headquarters of SMC.

On the other hand, the rehabilitation based on the initiative of the owners did not show significant results either, since the TDR presented few results to date.

However, recent great speculation in the building rights market may address changes in this aspect. The example of Augusta Park, a property given to the City Hall by large real estate developers to create a park in exchange for 205 million Brazilian reais exemption of Additional Building Rights Levy (*Outorga Onerosa dos Direitos de Construir*) for future enterprises, seems to demonstrate that securitization of the building rights can constitute a strong market to enable certain public actions.

However, the fact that the land given values only 110 million Brazilian reais, that is, half of the value of municipal tax exemptions, demonstrates the discrepancy between the public interest and the private profit in the creation of this public facility. Thus, if the cultural heritage rehabilitation occurs from similar experiences of building rights securitization, one has to ask at what price? More than ever, an integrated action of the City Hall in this process is necessary.

## 6. REFERENCES

- APPLEYARD, Donald. *The conservation of European cities*. Cambridge: MIT Press, 1979.
- BAFFI, Mirthes I. S. O IGEPAC-SP e outros inventários da Divisão de Preservação do DPH: um balanço. *Revista do Arquivo Municipal*, São Paulo, v. 204, p. 169-191, 2006.
- BONDUKI, Nabil G. *Intervenções urbanas na recuperação de centros históricos*. Brasília, DF: IPHAN: Programa Monumenta, 2010.
- BRASIL. *Decreto-Lei nº 25, de 30 de novembro de 1937*. Organiza a proteção do Patrimônio Histórico e Artístico Nacional. Presidência da República: Casa Civil: subchefia para assuntos jurídicos: legislação, 1937. Disponível em: <https://bit.ly/2H2FRWu>. Acesso em: 28 nov. 2018.
- BRASIL. [Constituição (1988)]. *Constituição da República Federativa do Brasil de 1988*, Brasília, DF: Presidência da República, 1988. Disponível em: <https://bit.ly/1bJY1GL>. Acesso em: 12 ago. 2019.
- BRASIL. *Manual de reabilitação de áreas urbanas centrais*. Brasília, DF: Ministério das Cidades: Agência Espanhola de Cooperação Internacional, 2008.

- BRUNO, Maria Cristina Oliveira. Museu da Cidade de São Paulo: as mudanças éticas sonhadas por Mário de Andrade. *Revista do Arquivo Municipal*, São Paulo, v. 204, p. 119-128, 2006.
- CERVELLATI, Pier Luigi; SCANNAVINI, Roberto; ANGELIS, Carlo De. *La nuova cultura delle città: la salvaguardia dei centri storici, la riappropriazione sociale degli organismi urbani e l'analisi dello sviluppo territoriale nell'esperienza di Bologna*. Milão: Mondadori, 1977.
- CERVELLATI, Pier Luigi. *Risanamento conservativo del centro storico di Bologna*. Bolonha: Graficoop, 1979.
- CHOAY, Françoise. *A alegoria do patrimônio*. São Paulo: Estação Liberdade: Editora Unesp, 2001.
- CIPRIANO, Dulcilei Souza. *A transferência de potencial construtivo: incentivo a conservação dos edifícios protegidos na área central de São Paulo (?)*. 2018. Dissertação (Mestrado em Arquitetura e Urbanismo) – Faculdade de Arquitetura e Urbanismo, Universidade de São Paulo, São Paulo, 2018.
- CONSELHO INTERNACIONAL DE MONUMENTOS E SÍTIOS ESCRITÓRIO (Icomos). *Carta de Veneza*. In: CONGRESSO INTERNACIONAL DE ARQUITETOS E TÉCNICOS DOS MONUMENTOS HISTÓRICOS, 2., 1964, Veneza. *Anais [...]*. São Paulo: Iphan, 2001. Disponível em: <https://bit.ly/2uzqb69>. Acesso em: 28 nov. 2018.
- COSTONIS, John. *Space drift: landmark preservation and the market place*. Champaign: University of Illinois Press, 1974.
- DIOGO, Érica. *Recuperação de imóveis privados em Centros Históricos*. Brasília, DF: Iphan: Programa Monumenta, 2009.
- DUARTE JÚNIOR, Romeu. Programa Monumenta: uma experiência em preservação urbana no Brasil. *Revista CPC*, São Paulo, v. 10, p. 49-88, 2010.
- ESCRITÓRIO INTERNACIONAL DOS MUSEUS SOCIEDADE DAS NAÇÕES. *Carta de Atenas*. São Paulo: Iphan, 2001. Disponível em: <https://bit.ly/2Xx2e0h>. Acesso em: 28 nov. 2018.
- FRANÇA. Lei nº 62-903 de 4 de agosto de 1962. Completant la législation sur la protection du patrimoine historique et esthétique de la France et tendant à faciliter la restauration immobilière. *Journal Officiel de la République Française*, Paris, p. 7913-7915, 7 out. 1962.
- GLASS, Ruth. L. *London: aspects of change*. London: McGibbon & Kee, 1964.
- HISTORIC preservation in the American city: a New York case study. *Law and Contemporary Problems*, Durham, v. 36, n. 3, p. 362-385, 1971.
- INSTITUTO DO PATRIMÔNIO HISTÓRICO E ARTÍSTICO NACIONAL (Iphan). *Carta de Atenas*. In: CONGRESSO INTERNACIONAL DE ARQUITETURA MODERNA, 1933, Atenas. *Anais [...]*. São Paulo: Iphan, 2001. Disponível em: <https://bit.ly/2KDOfuV>. Acesso em: 28 nov. 2018.
- INTERNATIONAL COUNCIL ON MONUMENTS AND SITES (Icomos). *The Burra Charter*. Burwood: The Australia Icomos, 2013. Disponível em: <https://bit.ly/2vQbVGQ>. Acesso em: 28 nov. 2018.
- KARA-JOSÉ, Beatriz. *Políticas culturais e negócios urbanos: a instrumentalização da cultura na revalorização do centro de São Paulo (1975-2000)*. São Paulo: Annablume: Fapesp, 2007.
- KÜHL, Beatriz. M. Observações sobre os textos de Gustavo Giovannoni traduzidos nesta edição. In: KÜHL, Beatriz Mugayar (org.). *Gustavo Giovannoni*. Textos Escolhidos. Cotia: Ateliê Editorial, 2012. p. 11-30.
- MARX, Murillo. Depoimento. *Revista do Arquivo Municipal*, São Paulo, v. 204, p. 9-10, 2006.
- NOBRE, Eduardo Alberto Cusce. *Towards a better approach to urban regeneration: defining strategies for intervention in the central area of São Paulo*. 1994. Dissertação (Mestrado em Desenho Urbano) – Joint Centre for Urban Design, Oxford Brookes University, Oxford, 1994.
- NOBRE, Eduardo Alberto Cusce. *Do Plano Diretor às Operações Urbanas Consorciadas: a ascensão do discurso neoliberal e dos grandes projetos urbanos no planejamento paulistano*. 2018. Tese (Livro-Docência em Arquitetura e Urbanismo) – Faculdade de Arquitetura e Urbanismo, Universidade de São Paulo, São Paulo, 2018.
- OLIVEIRA, Carolina Fidalgo. *Do tombamento às reabilitações urbanas: um estudo sobre a preservação no Centro Histórico de São Paulo (1970-2007)*. 2009. Dissertação (Mestrado em Arquitetura e Urbanismo) – Faculdade de Arquitetura e Urbanismo, Universidade de São Paulo, São Paulo, 2009.
- ORGANIZAÇÃO DAS NAÇÕES UNIDAS PARA A EDUCAÇÃO, A CIÊNCIA E A CULTURA (Unesco). *Convenção para a protecção do património mundial, cultural e natural*. Paris: Unesco, 1972. Disponível em: <https://bit.ly/2V32Buv>. Acesso em: 14 jun. 2019.
- ORGANIZAÇÃO DOS ESTADOS AMERICANOS (OEA). *Normas de Quito*. In: REUNIÃO SOBRE A CONSERVAÇÃO E UTILIZAÇÃO DE MONUMENTOS E LUGARES DE INTERESSE HISTÓRICO E ARTÍSTICO. Quito, 1967. *Anais [...]*. São Paulo: Iphan, 2001. p. 1-14. Disponível em: <https://bit.ly/2kASA9o>. Acesso em: 28 nov. 2018.

ORGANIZAÇÃO PARA A COOPERAÇÃO E DESENVOLVIMENTO ECONÔMICO. (OECD). *Managing urban change*. Paris: OECD, 1983.

PERETTO, Flávia Taiberti *et al.* Quando a transferência de potencial construtivo virou mercado: o caso de São Paulo. In: SEMINÁRIO DE HISTÓRIA DA CIDADE E DO URBANISMO, 15., 2018, Rio de Janeiro. *Anais [...]*. Rio de Janeiro: Anpur: UFRJ, 2018. p. 1-22.

RAPKIN, Chester. An evaluation of the urban renewal experience in the USA. In: KOENIGSBERGER, Otto (org.). *The work of Charles Abrams: housing and urban renewal in the USA and the Third World*. Oxford: Pergamon Press, 1980. p. 181-192.

SÃO PAULO (Município). *Lei nº 8.252, de 20 de maio de 1975*. Dispõe sobre a criação do Departamento de Informação e Documentação Artística, e dá outras providências. São Paulo, município: Câmara Municipal de São Paulo, 1975. Disponível em: <https://bit.ly/2ZX7fN5>. Acesso em: 26 mar. 2019.

SÃO PAULO (Município). *Lei nº 9.725, de 2 de julho de 1984*. Dispõe sobre a transferência de potencial construtivo de imóveis preservados; estabelece incentivos, obrigações e sanções relativas à preservação de imóveis, e dá outras providências. *Diário Oficial do Município*, São Paulo, p. 5-7, 3 jul. 1984.

SÃO PAULO (Município). *Lei nº 10.032, de 27 de dezembro de 1985*. Dispõe sobre a criação de um Conselho Municipal de Preservação do Patrimônio Histórico, Cultural e Ambiental da Cidade de São Paulo. *Diário Oficial do Município*, São Paulo, 28 dez. 1985.

SÃO PAULO (Município). *Lei nº 10.236, de 16 de dezembro de 1986*. Altera dispositivos da *Lei nº 10.032, de 27 de dezembro de 1985*, que dispõe sobre a criação do CONPRESP. *Diário Oficial do Município*, São Paulo, p. 4, 17 dez. 1986.

SÃO PAULO (Município). *Lei nº 11.090, de 16 de setembro de 1991*. Estabelece programa de melhorias para a área de influência imediata do Vale do Anhangabaú, cria incentivos e formas para sua implantação, e dá outras providências. *Diário Oficial do Município*, São Paulo, p. 1-2, 17 set. 1991.

SÃO PAULO (Município). Conselho Municipal de Preservação do Patrimônio Histórico, Cultural e Ambiental da Cidade de São Paulo. *Resolução nº 37, de 9 de dezembro de 1992*. São Paulo: Conpresp, 1992. Disponível em: <https://bit.ly/2Z43eVM>. Acesso em: 13 ago. 2019.

SÃO PAULO (Município). *Lei nº 12.349, de 6 de junho de 1997*. Estabelece programa de melhorias para a área central da cidade, cria incentivos e formas para a sua implantação, e dá outras providências. *Diário Oficial do Município*, São Paulo, p. 1-2, 7 jun. 1997a.

SÃO PAULO (Município). *Lei nº 12.350, de 6 de junho de 1997*. Concede incentivo fiscal aos proprietários de imóveis ou aos patrocinadores das obras de recuperação externa e conservação de imóveis localizados na Área Esp. de Intervenção, objeto do Programa de Req. Urb.-PROCENTRO. *Diário Oficial do Município*, São Paulo, p. 2-4, 7 jun. 1997b.

SÃO PAULO (Município). *Lei nº 12.349, de 6 de junho de 1997*. Estabelece programa de melhorias para a área central da cidade, cria incentivos e formas para sua implantação, e dá outras providências. *Diário Oficial do Município*, São Paulo, 7 jun. 1997c. Disponível em: <https://bit.ly/33reKOt>. Acesso em: 13 ago. 2019.

SÃO PAULO (Município). *Lei nº 12.350, de 6 de junho de 1997*. Concede incentivo fiscal aos proprietários de imóveis ou aos patrocinadores das obras de recuperação externa e conservação de imóveis localizados na Área Especial de Intervenção, objeto do Programa de Requalificação Urbana e Funcional do Centro de São Paulo – PROCENTRO, ou outro equivalente que venha a ser implantado, e dá outras providências. *Diário Oficial do Município*, São Paulo, 7 jun. 1997d. Disponível em: <https://bit.ly/2yWJh8K>. Acesso em: 13 ago. 2019.

SÃO PAULO (Município). *Reconstruir o Centro: reconstruir a cidade e cidadania*. São Paulo: Administração Regional da Sé: Procentro, 2001.

SÃO PAULO (Município). Lei nº 13.430, de 13 de setembro de 2002. Institui o Plano Diretor Estratégico do município de São Paulo e dá outras providências. *Diário Oficial do Município*, São Paulo, p. 1-13, 14 set. 2002a.

SÃO PAULO (Município). Conselho Municipal de Preservação do Patrimônio Histórico, Cultural e Ambiental da Cidade de São Paulo. *Resolução nº 22, de 2002*. São Paulo: Conpresp, 2002b. Disponível em: <https://bit.ly/2ySTCmb>. Acesso em: 13 ago. 2019.

SÃO PAULO (Município). Conselho Municipal de Preservação do Patrimônio Histórico, Cultural e Ambiental da Cidade de São Paulo. *Resolução nº 22 de 17 de julho de 2007*. São Paulo: Conpresp, 2007. Disponível em: <https://bit.ly/2YMH6E4>. Acesso em: 13 ago. 2019.

SÃO PAULO (Município). Lei nº 16.050, de 31 de julho de 2014. Aprova a Política de Desenvolvimento Urbano e o Plano Diretor Estratégico do Município de São Paulo e revoga a Lei nº 13.430/2002. *Diário Oficial do Município*, São Paulo, p. 1-352, 1 ago. 2014.

SÃO PAULO (Município). *Relatório técnico do balanço geral de 2017*. São Paulo: Secretaria Municipal da Fazenda, 2018.

SMITH, Neil. A gentrificação generalizada: de uma anomalia local à "regeneração" urbana como estratégia urbana global. In: BIDOU-ZACHARIASEN, Catherine. *De volta à cidade: dos processos de gentrificação às políticas de "revitalização" dos centros urbanos*. São Paulo: Annablume, 2006. p. 59-87.

SOMEKH, Nádia. Inovações na gestão do patrimônio cultural em São Paulo. In: COLÓQUIO BRASIL-PORTUGAL, 4., 2016, São Paulo. *Anais [...]*. São Paulo: Universidade Presbiteriana Mackenzie, 2016. p. 1-15.

SUSSKIND, Lawrence; ELLIOTT, Michael. *Paternalism, conflict and coproduction*. New York: Plenum Press, 1983.

VILLAÇA, Flávia. *Espaço intra-urbano no Brasil*. São Paulo: Studio Nobel: Fapesp: Lincoln Institute, 1998.

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