HERITAGE PROTECTION, URBAN CONSERVATION AND PLANNING: THE CASE OF SÃO CRISTOVÃO, RIO DE JANEIRO

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Abstract

The conceptual evolution of heritage protection is presented, in this paper, through the examination of Rio de Janeiro urban regulations, with particular concern with heritage issues in the historic quarter of São Cristovão, analyzing the period from 1935 onwards.

The historical trajectory reveals the changes of values, from primarily emphasizing exceptional value of architecture and historical monuments, towards an urban conservation and rehabilitation approach. This evolution will be correlated with the shift of paradigms, depicted from the recommendations of the International documents of Heritage.

São Cristovão has turned from the Brazilian Imperial Family residential quarter to Industrial and proletarian area during 19th century, becoming Industrial Zone since 1935 zoning ordinance. It has been verified a dynamic process of substitution and permanence of land uses, architectural typologies and Historic Landmarks, regulated by successive urban ordinances, rarely concerned with the quarter urban tissue.

Until 1986, the zoning ordinances applied locally have been city-wide. Since then, three Local Plans have regulated São Cristovão development and conservation, following the trend of incorporating urban conservation as part of urban planning policies. The successive urban ordinances, including heritage regulations, have redefined zoning and conservation areas, exposing conflicting interests, expressed in urban projects, regulations and heritage protection. Such a plethora of normative instruments did not avoided physical decaying and vacancy of protected buildings. This suggests that urban preservation is a complex question not to be addressed only through laws.

São Cristovão’s case summarizes the multiple challenges of central areas urban conservation in contemporary city. Furthermore, the comprehensive analysis of spatial transformations of São Cristovão also reveals the conceptual changes in the 20th century urban theory paradigms.

Key words: Preservation, urban ordinances, São Cristovão

1. Introduction

This paper correlates urban planning and heritage issues, regarding the case of the historic quarter of São Cristovão, in Rio de Janeiro. There will be examined the successive urban ordinances applied in the city since 1935 and their influence on São Cristovão’s urban morphology and heritage conservation.

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The conceptual trajectory of cultural heritage addressed in this paper focus on the 1930’s decade onwards, when restoration and conservation issues have been addressed in International Conferences, formally registered in Charters and Declarations. In addition, in that period there was the foundation of the National Heritage Service and a moment of consolidation of Rio de Janeiro’s urban regulations.

The proposed investigation gathers two particular interests: to situate heritage - its demolition or preservation - as one of the normative decisions of urbanism and urban planning; to analyze heritage as an urban tissue permanence, able to ground morphological transformations in a qualitative sense.

Firstly it should be clarified the concept of Heritage tackled in this paper. Considered as speech and representation of society, heritage is a cultural and historical issue, thus subject to society’s changes over time and due to the urban process (Waisman, 1994; Gonçalves, 1996). In this sense, there has been a shift in what kind of legacy is valuable as heritage along history. What should deserve remaining as legacy for the future and what can disappear, giving place to renewal? Conflicting answers can be given from distinct sectors of society, as argued by Argan (2000): historical and esthetic values for ones are not the same for others.

A crucial point for this argument is the understanding that the strategy of heritage’s speech is based on the figure of loss of cultural values, considered endangered of disappearing. Their permanence only could be assured through safeguard measures of protection, which have followed their current time paradigms, reflecting the urbanism model in force on that temporality. According to Choay’s argument, preservation has always been in the opposite way from the prevailing urbanization process. Yet, this author reminds that it was becoming an obstacle to urbanism reforms, that heritage has developed its conceptual identity in XIXth century (Choay, 2001).

Moreover, following Argan’s viewpoint (1993), city is understood as a qualitative whole of historical substance, old and modern, both permeated. Hence, it is adopted, in this paper, an urban conservation approach, integrating heritage speech to urban planning discussion, avoiding a dissociated treatment of both matters. This means that cultural heritage policies must not be associated to freezing town. As Kostof (1992) argues, heritage policies must be congruent with the flow of urban process.

2. Contemporary São Cristovão

São Cristovão is frequently characterized as a district of contrasts (RJ. DGPC, 1991), as consequence from its historical trajectory. The district hides tranquil places, such as traditional villas and Historical Monuments, surrounded by industrial and commercial areas, derelict land, and squatters, intersected by viaducts and motorways. Such a grey townscape of warehouses contrasts with a huge public open space - Quinta da Boa Vista

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1 According to Gonçalves (1996), who conceived this speech as the rhetoric of loss.
2 Typical collective housing built as a row of similar houses.
3 Besides the Heritage Conservation area, there are listed buildings in 3 levels: National, State and Municipal
4 The main squatters (favelas) in the area are: Tuiuti and Barreira do Vasco, in São Cristovão, and Mangueira, which is considered officially as a district.
The reflection on such a study case requires an attentive view at its pluralities, which encompasses the challenges and requests of contemporary cities central areas.

As can be observed in São Cristovão’s townscape, there is a prevalence of a quite old built mass, with few new buildings. Statistical data demonstrate that most of the properties were built before 1940, particularly houses and industries, whereas most of the high-rise buildings were built between 1956 and 1979. These data analyzed in correlation to historical cadastral maps, reveal that major renewal of urban tissue has occurred between 1935 and 1975, than between 1975 and the present. This was in contrast to the rest of the city, which had undertaken a massive urban renewal in the 1970’s. That is an interesting point, which can be explained through the viewpoint of urban ordinances.

In the recently issued PEU São Cristovão, the region was characterized as undergoing a process of urban and physical deterioration and a social-economical decaying, typical from central areas fringe. The study exposes the complexities of urban space: besides cultural heritage, there are urban renewal potential areas, derelict areas and vacant industrial sites, with limited interest in further development. Such analysis is relative, as physical decay does not necessarily mean economical declining in this particular case. The current rehabilitation initiatives of São Cristovão, mainly the PRI São Cristovão and urban projects, raise positive expectations towards the reversal of the lately critical situation of the area.

3. São Cristovão’s urban process: heritage and urban fabric evolution

The current spatial configuration of São Cristovão derives from the sedimentation of successive settlements and interventions, carried out both in urban and architectural scales, whose tracks become relatively evident or concealed in urban fabric such as a palimpsest. The comprehension of these layers of temporalities implies the investigation of urban tissue growth process and architectural typologies. These provide elements for characterizing the urban fabric and recognizing certain structures as cultural heritage.

Four decisive events in Rio de Janeiro’s history have influenced the occupation and transformation of São Cristovão area: a) the expulsion of the Jesuits (1759); b) the arrival of the Portuguese Royal Family (1808); c) Urban Improvements, with Port extensions (1903 to 1924); d) the unveiling of Avenida Brasil.

The expulsion of the Jesuits was a turning point for the expansion of the city as a whole. After their departure, their extensive land8 in São Cristovão was subdivided into country farms, owned by aristocratic families. The Jesuit’s main house has become the Frei Antonio Hospital in 1763, for the lepers, then by the seashore. One of these lands gave place to Quinta da Boa Vista, one of the most magnificent mansions in city, which was later donated to the Royal Family, just after their arrival in 1808 (RJ. DGPC, 1991).

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5 Inspired in XIX century romantic english style, its landscape design was due to Glaziou (1878).


7 The PRI is carried out by the cooperation of Municipal and Federal Governments, with Paris Government (APUR). Based on Integrated Conservation, proposes requalifying urban space, social and economical development. See <www.rio.gov.br/ipp>.

8 This Jesuits land was called Sesmaria de Iguacu. (RJ. DGPC, 1991)
The transfer of the Royal family to Brazil, together with their Court, originated significant transformations, including the city’s urbanization, directing the growth towards the area of São Cristovão. Massive work took place to improve access from the city centre, drying marshy areas, and to open new roads. São Cristovão became, then, an elegant district, with many rich mansions, and the most modern urban services at the time: gas, lighting, sewers, water and collective transport. The settlement of the railway system (1858) and collective transportation\(^9\) stimulated city expansion towards the north and to São Cristovão (RJ. DGPC, 1991). Most significant of São Cristovão’s heritage is representative from this period: the Imperial Palace and gardens (Quinta da Boa Vista), Marquise dos Santos’s House, mansions, schools, the water reservoirs.

Nevertheless, in the end of XIX century, the aristocratic families moved from the quarter, transforming its character. The new republican elite has emerged and preferred living by the seashore, in the south zone, as a modern way of life, whereas in São Cristovão there was a rising demand for industrial installations. Although land use had changed, urban morphology remained almost the same, as the large mansions were suitable to be converted both into factories and collective housing. Hence, a great part of the São Cristovão region became an industrial and proletarian housing area. There was also a concentration of slums\(^{10}\), where part of the working class lived, besides warehouses, workshops and commerce, due to the proximity to the docks. (Abreu, 1988; RJ. DGPC, 1991). Some of industrial warehouses and proletarian houses have remained in nowadays townscape, even though a major number appears deteriorated for lack of conservation.

The period between the end of XIX century and the two first decades of XX century, encompasses paradigmatic changes in the city, with reflects in São Cristovão. The city centre represented modernity; suburbs became the main industrial area, and the south zone a distinctive elite territory. The Urban Improvements\(^{11}\) of the central area included the landscape embellishment of Campo de São Cristovão, the docklands works and urbanization of streets connecting to the city centre. Nowadays, from that distinctive garden, there is a sole remaining element, the Coreto – a bandstand - of decorated casting iron. Campo de São Cristovão remains a public open space and a centrality for the district. Most of the original buildings of important institutions are placed around it.

The extension of the docks further towards São Cristovão in the 1920’s decade and two decades later, the opening of the main road Avenida Brasil (1946) brought large transformations to the urban configuration of the area. (RJ. DGPC,1991). Since then, the paradigmatic prevailing presence of the automobile and road structures has struck the traditional urban morphology of the area.

Campo de São Cristovão is an emblematic sample of this city model. This area had its configuration modified by urban and landscape projects, including the construction of São Cristovão Pavilion\(^{12}\) in its open space. Yet, in 1970’s decade, its perimeter was

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\(^9\) Mule-drawn streetcars of “Rio de Janeiro Street Railway Company” (later Cia. São Cristovão). (Abreu, 1988)

\(^{10}\) Kind of proletarian collective housing, “cortiço” with a row of rooms and common service dependencies.

\(^{11}\) Conceived by the Mayor Pereira Passos (1903-1906), in the mode of Haussmann Reforms in Paris.

\(^{12}\) Projected by Sergio Bernardes (1959), for Industry and Commerce Exhibitions and Fairs. After long time vacant, since 2004, the pavilion became the Centro de Tradições Nordestinas, housing a traditional cultural fair of arts and crafts and music from the Brazilian Northeast region.
radically altered for the construction of motorways, later increased in 1991 with the Red Line completion. This more recent road intervention has damaged São Cristovão’s townscape in response to a metropolitan demand. Flyover motorways cut the district’s urban fabric, covering significant streets, thus causing decay of public space and property values. This impact deserves further comments, when discussing heritage conservation area.

The district’s occupation stages have printed a functional and social diversity in space. As a result of the historical process of land subdivision, the urban fabric comprises areas of large lots, others of slim and deep lots, and also small ones. This configuration contributes to the contrasting presence of large factories and public institutions settled on enormous lots on one side, and small residential units on the other.


It has been presented that São Cristovão’s urban fabric comprises built elements which are representative not only from the quarter’s history, but also from the city’s and the Nation’s. The recognition of some of these elements as cultural Heritage has occurred in different moments according to the prevailing heritage notion of then. In this sense, it is possible to revisit the conceptual trajectory of Heritage protection practice in Rio de Janeiro through the investigation of the moments of application of safeguard tools in São Cristovão. Thus, the dates of inscription of monuments on lists of the National, State and Municipal Heritage as well as the Preservation Area designation are fundamental data for this research.

It can be summarized that heritage was firstly valued for its artistic and historical aspects as National Monuments, assuming later the comprehensive notion of cultural heritage, encompassing architecture and sites. This conceptual shift has been expressed worldwide through Heritage Charters and similar documents, issued and revised in International meetings by professionals and scholars expertise on Restoration and Conservation of historic monuments. In spite of those documents do not have legal force on heritage protection in Brazil, they have frequently influenced Government policies for following their guidance, even though some time gap could be observed.

The first of these documents was the “Athens Charter for the Restoration of Historic Monuments”, issued in 1931, which stated general principles and doctrines relating to the protection of monuments from different countries. In that, the notion of Monuments comprised artistic, historic or scientific interest. These Conference’s resolutions stated that International organizations for Restoration were to be established and that problems of historic sites preservation should be solved by legislation at national level.

The direct influence of “Athens Charter” in Brazil was the creation of the National Heritage Agency (SPHAN) and the disposal of safeguard regulation policy on the Decree No. 25 of 1937. Yet, as an Imperial quarter, São Cristovão has been included in the primary attention of National Heritage acknowledgment of exceptional value, already in the first year of practice. Thus, in 1938, Monumental architecture of the Emperor’s home, already turned into National Museum, the Quinta da Boa Vista and Marquise of Santos’ s House were registered in the National Heritage Historic and Fine Arts books for their

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13 Projected by Doxiadis in his Plan (1965), the Red Line was built for the occasion of Eco-92.

14 As Rio de Janeiro was the Federal Capital until 1960, this trajectory reflects the National Heritage history.
historical and artistic value. This was coherent with the SPHAN’s criteria for listing in the three first decades that, as Fonseca (1997) presents, have given priority to monumental architecture, especially religious buildings, baroque colonial style, followed by neoclassical.

The European post-war reality has required an urban scale approach to restoration matters. Hence, the “Athens Charter” concepts have been revised afresh, in 1964, by the "International Charter for the Conservation and Restoration of Monuments and Sites," usually referred as “Venice Charter”, enlarging its scope in a new document. Although the contemporary requirements have already changed, “Venice Charter” remains a reference for the restoration of monuments and sites, for it states a concept of historic monument which embraces not only the single architectural work, but also urban or rural settings in which are found evidences of significant civilizations or events. Thus, not only great works of art, but also modest past works, could acquire particular cultural significance to be considered as heritage.

In the 1970’s decade, the inseparably link of social component and physical structures have been supported internationally. In this sense, the “Convention for the Protection of the World Cultural and Natural Heritage”, in Paris, 1972, stated that each country should “adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programs”.

Moreover, the inclusion of heritage policies in urban planning was strengthened by the recommendations of the “Declaration of Amsterdam”, in 1975. Besides considering that architectural heritage could include “not only individual buildings of exceptional quality and their surroundings, but also all areas of towns or villages of historic or cultural interest”, this Declaration conceived “Architectural conservation must be considered, not as a marginal issue, but as a major objective of town and country planning”. In fact, that Declaration has legitimated the rehabilitation concept, supporting “integrated conservation as a fundamental qualitative factor in the management of space”.

These ideas were ratified in 1976, in Nairobi, on the “Recommendation concerning the safeguarding and contemporary role of historic areas”. This document criticized the urbanization model that “under the pretext of expansion or modernization, demolition ignorant of what it is demolishing and irrational and inappropriate reconstruction work is causing serious damage to this historic heritage”. Great metropolitan areas had adopted this model, including Rio de Janeiro, particularly in its central area. The “Recommendation of Nairobi” also criticized the absence of a effective legislation concerning the architectural heritage and its relation to urban planning.

The assimilation of these concepts in Brazil has been delayed for the Military Dictatorship and the lack of Heritage management framework in local authorities. Although in National level Heritage protection has been established in 1937, only in 1965 there was the first listing at local level\(^\text{15}\) and in the 1980’s decade that Heritage protection policies have been comprised by the city urban planning.

The pioneer policy in Rio de Janeiro is known as “Corredor Cultural” – Cultural Corridor, and has been a paradigmatic experience, started in 1979 and regulated in 1984 (Pinheiro, 2004). Thus, in 1980’s decade it has been established a process of urban heritage

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\(^\text{15}\) The city was then Guanabara State (1960 to 1975) and in 1965 was created a Heritage Department. On the municipal level, the legal framework and department only were instituted in 1980.
conservation through the demarcation of protection areas, known as APA (Environmental Preservation Areas). There were designated several APAs, including the São Cristovão one, issued in 1986, which protected traditional architectural assembles, within the Local Plan, as will be treated in next section.

Meanwhile the studies for that preservation area, there were listings at Municipal and State level, according to less elitist criteria, recommended by Venice Charter and further ones. In the 1980’s it was listed, at State level, the Coreto of Campo de São Cristovão (from 1906, listed in 1985). At municipal level, there were listed the Frei Antônio Hospital (mid XVIIIth century, listed in 1985) and the Pedregulho Residential Complex, the Modernist project by Reidy for proletarian housing (from 1947, listed in 1986).

Following the widening of heritage concept, SPHAN listed, in 1985, the National Observatory complex, dated from 1915. It is interesting to highlight that the Imperial legacy in São Cristovão was declared National Monument yet in 1938, whereas the Observatory site has been listed only then. That can be explained for the latter be an Eclectic architecture, which was barely regarded as heritage interest at National level. Yet, the listing of the Observatory site is on the Historic and on the Archeological, Ethnographic and Landscape books, not on the Fine Arts one.

Another International document was launched in favor of the inclusion of heritage issues in urban contemporary life. It was the “Charter for the Conservation of Historic Towns and Urban Areas”, referred as “Washington Charter”, from 1987. Complementing the “Venice Charter” this text defends the preservation of historic character, including urban patterns and various functions. It also encourages the involvement of the residents for the success of the conservation program. Yet, it is remarkable to note that the preservation policies in Rio, at municipal level, had already adopted this approach on APA and Cultural Corridor programs.

In addition, São Cristovão’s heritage was increased with the listing of functional architectural and engineering structures, such as the water reservatories of Quinta (from 1867, listed in 1998) and Pedregulho (from 1880, listed in 1999), Eclectic architecture schools, listed in 1990 and the São Cristovão Railway Station (from 1926, listed in 1996).

These events of the 1980’s were implied in the Post-modernism paradigm, which encompassed a memory cult, through cultural structures consumption as a critical reaction to Modernist model, as discussed by several authors (Harvey, 1993; Arantes, 2000). Yet, in the 1990’s, following the globalization model, the cultural approach has passed to focus on opportunities of economical rehabilitation, in the sense that the appearance of historic city becomes attraction-city, as observes Sant’anna (2004) and Vaz (2004). These kind of interventions have given priority to the town center, as most visible area, and punctual projects. In this sense, São Cristovão has remained in its decaying situation, but got the recovery of the Pavilion for the Center of Northeastern traditions.

On the other hand, the increasing engagement of society in heritage preservation may be perceived as a reaction of the globalization trend of homogeneous space, according to Abreu (1998), in his reflection on memory. At this point it is relevant to remind Choay’s criticism on the current heritage cult, conceived by her as a preservationist euphoria, which she refers as “Noah complex” (Choay, 2001). This attitude

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16 The first was Santa Teresa (1984). From this period there is also the remarkable case known as SAGAS, gathering the docklands region of Santo Cristo, Saúde e Gamboa.
devalue Historic Monument notion, turning heritage protection commonplace. Hence, it is important to highlight that the urban preservation struggle should be grounded on cultural significance notion. Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.

5. Urban Legislation trajectory and São Cristovão Urban Conservation

Throughout the succession of urban legislations applied to the district, the rules edited in 1935, 1937, 1970, 1976, 1986, 1990, 1993 e 2004 can be considered normative milestones. These 8 rules can be gathered as 6 zoning ordinances. Those rules prior to 1976 were general for the city, whereas the following ones are rules issued by local plans, which incorporate conservation rules.

5.1 City scale Zoning ordinances

São Cristovão’s existing infrastructure, especially water and transport systems, made the area lend itself to industrialization since mid XIXth century. The first functional zoning ordinance of the city, decree n° 5595/1935, has corroborated with this location’s tendency, designating part of São Cristovão as an Industrial Zone. Shortly afterwards, this Decree was substituted by Decree n° 6000/1937, the first Building Code for the City, at that time the federal Capital, which ratified 1935’s zoning.

The Decree n° 6000/1937 restricted the construction of villas, limiting the construction to the back of the lot and prohibiting the construction in wealthier areas. This limitation caused a great impact in São Cristovão since the villas were, and still are, common to the district, as an adjusted solution for the land subdivision, with deep lots with slender fronts. After that, the villas had to be built at the rear of the lots, hidden by residential buildings. This Decree suffered several alterations made by other decrees and laws. The Industrial Zone gradually grew, covering the whole district in 1946, spreading out towards the suburbs. Even though São Cristovão was an Industrial Zone, most of the multiple-storey residential buildings were built during the long validity of that decree.

The effective substitution of Decree 6000 was brought into force with Decree n° 3800/1970. Following the functional city model, this zoning ordinance maintained the region as an Industrial Zone, in detriment to existing residential use. Nevertheless, there is a fundamental difference in both zonings. Whereas the federal district’s Building Code did not explicitly restrict housing in the industrial zone, Decree n° 3800/1970 disposed as inappropriate such typology in that zone, except for mixed use typologies located in certain commercial areas.

Formulated on the city’s scale, Decree n° 3800/1970 did not contemplate the place’s particularity, such as existing housing tradition. The characteristic villas in São Cristovão

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17 According to Australia ICOMOS Burra Charter (1999), which revised the former one (1980).

18 It has to be clarified that the term typology appears here with two meanings: the morphological connotation, and as an urban design parameter applied to the city development control since 1970. The determination considering the allowed typologies, relates to the shape and building’s function, inspired on functional principles of the architectural rationalization, which also influenced urbanism.

19 In these areas – the district centers - only two story buildings were allowed, drastically reducing the possibility of residential buildings.
were prohibited from that moment on. This decree engendered the establishment of activities such as wholesale commerce, warehouses and transportation companies, complementary to secondary sectors already established on big lots on the landfill area of the port.

1970’s Zoning Ordinance was substituted by Decree n° 322/1976, which created the Industry and Commerce Zone, which reinforced industrial purpose, as well as commerce, but defined a small area as a Residential Zone, where there were already settled a residential buildings near “Quinta da Boa Vista”.

If considered social-economical context of then, the so-called "economic miracle", a moment of real state market growth and availability of home financing, São Cristovão has been excluded of the massive urban renewal moment, because the restriction posed by Decree n° 3800/ 1970. This legislation was yet responsible for increasing environmental pollution, giving São Cristovão an industrial district stigma.

5.2 Local Plans and Heritage Conservation Areas

The introduction of Local Plans, called PEUs – Urban Structural Projects – in town planning represented a rupture on the city’s model of urban regulation of prescriptive and homogeneous parameters for the city as a whole, implemented since 1935 and ratified in the 1970’s. The favorable political moment - end of Military Dictatorship – has encouraged community participation in urban planning decisions, including claims for preservation of traditional old areas.

Decree n° 5840/ 1986 was the first local legislation for VII R.A. with the intent of addressing environmental control issues and redemption of the Imperial quarter character and the traditional residential vocation. This PEU drastically restricted industrial activities, designating the whole region as residential zones. Product of an effort of integrated work, Planning local authority and SPHAN (National heritage Authority), that was a first movement to incorporate historical preservation into city planning, as a strategy to rescue the imperial district. From the studies for the surrounding settings of historical monuments, an APA was demarcated, as can be seen at the Map of APACs below.

In part, this PEU accomplished its role and brought better environmental conditions to the district. However, its restrictive characteristic was responsible for other problems such as the decay of economic activities and constructions (RJ. SMU, 1999). In spite of local community participation, this PEU made the same mistake as the totalitarian previous norms, for did not consider existing industrial activities, already established in the area. Even though São Cristovão had a broad residential contingent, the district was undoubtedly not only a residential area. Moreover, all non-residential activities were required to fall into some kind of building typology, thereby restricting the occupation of existing buildings, particularly heritage ones.

Afterwards, the Law n° 24/ 1993 reviews 1986 São Cristovão PEU due to popular demands and to the construction of “Red Line”. This law modified the zoning, maintaining only two residential zones and created three mixed zones. The construction

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20 This PEU was later issued as the Law n° 1638/ 1990, with similar contents.
21 National Museum, Marquesa de Santos’s House and National Observatory.
22 “Linha Vermelha”, already mentioned.
of “Red Line” in 1991, despite the Heritage Conservation Area in force, results in a review of its delimitation, by reducing its extension. The preservation area was reduced by the PEU’s APAC in 1993, suppressing the buildings under the influence of "Red Line's" viaducts, as can be observed in the Map below. This is in disagreement with Heritage Conventions, particularly Washington Charter, which clearly condemns motorway projects in historical areas.

Finally, Law nº 73/2004, the urban ordinance in force today, means the third PEU and fourth normative act which disciplines the land use and occupation of the VII RA. This law revokes 1993 PEU except for articles 27 to 37 related to the APAC, which review was not finished at that moment. Thus, until new preservation criteria are established, the APAC from PEU 1993 remains in force. This point reveals the complex management of heritage areas by distinct sectors of local authorities.

PEU 2004 tries to stimulate the rehabilitation of the urban space by encouraging residential use with the utilization of existent storage sheds, the valorization of cultural heritage and the stimulus to economic and productive activities, and tourism interest (RJ. SMU, 1999).

Recent real estate developments in São Cristovão indicate a new transformation: big residential building projects with service and leisure options to the middle income population, similar to other district's projects and very distinct from local projects. Near “Quinta da Boa Vista”, these projects utilize an imperial image appeal in advertisements, yet emphasizing the proximity to downtown and easy transportation. These developments occurred following the urban parameters alterations made by PEU 2004, but specially arises as a result of the exhaustion of lots with high construction potential and low cost, in the south zone of the city.

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23 The Heritage Local authority had an insufficient management structure at that time. Besides, their works had been focused on new APACs in the South Zone, instead of central area. In 2006 that authority has been upgraded to Secretary - Secretaria Extraordinária de Promoção, Defesa, Desenvolvimento e Revitalização do Patrimônio e da Memória Histórico Cultural da Cidade do Rio de Janeiro - SEDREPAHC.

24 The high costs of South Zone had increased after new series of APACs have been issued in Leblon, Ipanema and Jardim Botânico since 2001. Thus, real state market is seeking new locations.
5.3 Normative urban design and preservation

Besides zoning ordinances, street alignment by-laws, known as P.A.s - Alignments projects, also rule urban morphology. These determine street redesign through the progressive setback of buildings. Some current P.A.s in São Cristovão were projected between the decades of 1940 and 1960, and reflect an anachronism in relation to contemporary urban paradigms. Although some of the P.A.s by-laws were revoked by Heritage Protection Zone, there are still numerous houses subject to clearance, as determined on P.A.s for widening streets.

In some cases, a more attentive analysis reveals a paradox: some buildings have been preserved by the PA. Since construction has become unfeasible in some lots because of the new alignment, the PA avoids demolition of buildings in this situation. However, due to the properties’ decreased value, these buildings are often abandoned by the landowner, becoming deteriorated.

Even though anachronistic, these P.A.s are still in force in numerous streets. Although recognizing the necessity of an urgent PAs review citywide, the public authority is unable to develop management resources to review this project-norm.

6. Final Considerations

All along the normative trajectory of São Cristovão, the restriction of residential and industrial uses are alternately observed, demonstrating a dichotomy in relation to the association of both. Examining zoning maps, it is noticeable that functional zones were altered successively in certain areas as if they were an empty area.

On the other hand, the urban legislation with a functional character and a renovating impetus could have destroyed São Cristovão’s traditional urban morphology,
if it had followed legislation’s building potential. The lack of real estate development promoted urban preservation, however not preventing physical decaying.

Local legislations, frequently did not consider the city’s dynamics. A continuous movement of scales is necessary to situate the area’s dynamics related to the city, including urban projects. The example of “Red Line” in São Cristovão is obvious in this sense. Since its trace crosses part of the preservation area, the solution was to alter the ordinance, by suppressing the APAC area, instead of altering the project. In this case, in the costs and benefits balance, the metropolitan transit system, based on a 1960’s city model grounded on automobile circulation, has prevailed.

Large number of buildings is listed as part of the preservation area (APAC), which means that their contribution as urban assembly is assured, on paper, by law. But it is not enough, as the area needs rehabilitation efforts. In fact, the case just presented can be considered an illustration from the Choay’s argument that urban conservation would not be a question to be formalized only by laws, but, primarily, should be an attitude of mentality formation (Choay, 2001). Hence, more than cultural policy, it is necessary to include heritage in the formation of political culture.

The conceptual course of this research demonstrates that, at a reflective level, the articulation of urbanism, urban planning, urban law and cultural heritage is worthwhile. The same may occur in terms of city management, which would result in integrated urban ordinances, towards urban conservation.

São Cristovão’s cultural heritage is a notable case from the viewpoint of protection policies in relation to urban legislation. Heritage is a key issue to gather morphological and planning matters, for its structural role in community public space. The equation of preservation interests with contemporary urban interests should converge to urban ordinances through integrated management strategies, as integrated conservation principles. This attitude can be understood as a step towards an urban legislation fully compromised with qualifying urban spaces as places.

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