

Joint urban operation Vila Sonia and the possibility of dialogue

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THE BEGINNING of the twenty-first century in Brazil has proven a unique moment for overcoming the social liabilities inherited from the end of the previous century. Since the beginning of the political opening process started with Tancredo Neves' "election", the country has been groping, trying paths in pursuit of building its new relation of social and political forces.

The 1980s was the time of the legal/institutional reorganization that culminated with the 1988 Constitution. At least on paper, democracy had been built, municipalities revised their organic laws, citizens regained the right to vote and political structures went back to working regularly. But can society already be called truly democratic?

Brazilian society today is primarily urban. According to the 2010 census, the urban population accounts for 84 percent of the population. That is, although we still have serious problems in the rural area - exclusion, violence and environmental imbalance - it is in the cities that the most important battles for the construction of a more just society will be fought.

Social movements and the various organizational structures of society are inevitably concentrated in urban areas. The struggle of the various movements still faces major challenges, since the structural and cultural problems inherited from an unequal and unjust society are yet to be overcome.

Today, it is no longer possible to simply remove slums using force and gunmen. The press (in addition to blogs, websites, social networks and twitters), as well as political, religious and social leaders manage to expose the absurdity of the action mobilizing society against such an act. If, as the media has recently reported, facts like these still occur, we should celebrate the fact they are making the news and are becoming a reason for embarrassment and outrage. Some decades ago, acts of violence such as these would neither make the news nor cause astonishment.

As regards organizing the debate of public actions in territorial planning, we are still watching the construction of paths. No Brazilian municipality disregards, today, the importance of popular participation, but few can achieve consistent results of truly participatory processes.

Articles 182 and 183 of the 1988 Constitution introduced, for the first time ever, the idea that the urban property only fulfills its social function when it meets the basic requirements of the city's planning as expressed in the master plan. This provision clearly contradicts the indelible principle of private property and the expectations of the most conservative forces of society.

The Statute of the City (Law No. 10257 of 7.10.2001), which establishes the legal and institutional framework for the implementation of these articles, provides municipalities with a set of tools to address different challenges facing contemporary Brazilian cities.

Among the principles that guide the Statute is democratic management through the participation of citizens and associations representing various segments of the community in the formulation, implementation and monitoring of urban development plans, programs and projects. But it is not the law that can ensure the democratic participation of a society that is not yet, in fact, democratic.

It is not because we have democratic laws that society is effectively participating in the city's management. This participation has yet to be conquered.

I have had the opportunity to participate in some projects conducted with the participation of the population concerned, but until today I could only see this happen when the debate was among equals, within a more homogeneous community. When the community builds its houses through a task force, when the urbanization project is discussed in the slums, we have dozens or thousands of families with common problems and not very different social conditions. Even so, the process is laborious and time consuming and requires organization, perseverance and effective commitment of both the organizers and the parties concerned (the population) in the pursuit of common interest.

Much more difficult is to organize the debate and build consensus among different stakeholders.

One of the most controversial and debated instruments provided for in the Statute are the Joint Urban Operations (OUC).

Joint Urban Operations were introduced in Brazil in the 1980s as an urban planning instrument capable of promoting the renewal of certain sectors of the city in times of low economic activity and low tax collection by the municipal government.

The fundamental idea is that public investment almost always leads to the appreciation of close by property. The sum of the benefits of this appreciation often outweighs the investment made, thus generating an ethical problem. Investment costs are shared by society at large; after all, it is the result of public resources, but the benefits are private and the privilege of those who own the properties in the valued area. This issue becomes even more serious in a country where, historically, the State caters exclusively to the interests of the elites that sustain it, and that has an extremely unjust society, with perverse income distribution.

In the 1980s, local governments dealt with budgets that mirrored the economic stagnation, with few resources. At the same time, the entire real estate sector took refuge at the top of the social pyramid, limiting itself to catering to the reduced market for high-standard properties, both business and residential.

In this scenario, the Joint Urban Operations emerged as a strategy for the municipal governments to invest in the most valuable areas of the cities, in tune with the interests of the elites and justifying their action by arguing that the funds invested would be recovered by the instrument. Since they had few resources, local governments could invest in upscale neighborhoods, as these investments would ultimately return to the public coffers.

This recovery was based on another urban planning principle. The investment, in theory, would enable increasing density in the area, as it improved its accessibility and infrastructure. Therefore, after the Operation, the government would be able to authorize a densification above that provided for in the zoning regulation in force. This additional share could be “sold” to private investors - the real estate market. The result of that was the establishment of the Onerous Grant, i.e., the possibility of selling the Certificate of Additional Construction Potential (Cepac).

Once the legal difficulties for their sale had been overcome, the Cepac were auctioned to whoever wanted to build in traditionally high-priced areas, the price of which had increased even further by investment arising from the Urban Operation. Joint Urban Operation Faria Lima raised about 1.6 billion reals; Água Espraiada, about 1.3 billion reals.¹

There is an important aspect for the understanding and the ideological coherence of the instrument - all funds received from the sale of Cepac have to be reinvested in the Urban Operation area. If the municipality makes some initial investment, it can recover these resources and freely dispose of them, but the idea is that the resources of Cepac should be transformed into investments in construction and improvements in the area of the Operation, within its limits.

The Joint Urban Operation is therefore a specific municipal law (discussed and passed in the City Council), which defines the area for its application, establishing the rules (and areas) that allow or restrict construction, besides the civil works and improvements that should be carried out with the funds received.

They do not arise with the Statute of the City, since in São Paulo alone four Operations had already been proposed before this the Statute was approved.² However, in view of the criticism (especially during the administrations of Paulo Maluf and Celso Pitta) against Urban Operation Faria Lima, the Statute gave it greater legitimacy and established more transparent and democratic operating rules.

The 1988 Constitution, in turn, stated that the Urban Operations had to be “based on the master plan,” which did not happen with Joint Urban Operation Faria Lima. The Statute of the City reinforced this condition, hoping to ensure some consistency between local action and other municipal actions.

Both the Constitution and the Statute establish that the Joint Urban Operation comprises

*the set of interventions and measures coordinated by the municipal government, with the participation of owners, residents, permanent users and private investors, with the goal to achieve, in an area, structural urban transformations, social improvements and environmental enhancement.*³ (emphasis added)

This shows the distance between the world of laws and the complex interplay of interests that makes up the urban space. To explain this problem, I will use Urban Operation Vila Sonia which, while occupying spaces in the media and debates on the city, has not yet been passed by the Council, and therefore does not exist.

In the Marta Suplicy administration, Urban Operations continued to be essential tools for the viability of many urban actions. Besides giving continuity and special attention to the four⁴ operations already underway, the creation of nine new Urban Operations was proposed: Vila Leopoldina, Diagonal Norte, Norte-Carandiru/Vila Maria, Celso Garcia, Tiquatira, Rio Verde/Jacu Pêssego, Diagonal Sul, Santo Amaro and Vila Sonia.

So far, only Joint Urban Operation Rio Verde-Jacu (Law No.13872 of 6.12.2004) has been regulated albeit with few benefits.

Part of the obstacles that are preventing these operations from being implemented and yielding fruit is the difficulty in establishing consensual projects in such an unequal society, broken and unused to debate; another part stems from how the local government works.

Any architect or urban planner knows that, when developing a project they need to find a qualified interlocutor - preferably the person that actually holds the decision-making power. When designing a house or an industry, it is no use to waste hours discussing the design with anyone who is interested but does not have the power to decide on the design features. If the power does not rest in only one person, the solution is to create the conditions for discussions to be held between the main forces at work to build consensus and agreements that meet different expectations.

The design is always a consequence and a reflection of this balance of interests. Until a few years ago, Mubarak could implement any construction project he saw fit in Cairo; surely, the new Egyptian government will have to side with whoever support the implementation of any proposal.

The question lies in the ability of Brazilian society to build consensus. Urban Operation Vila Sonia is a good opportunity to check limits and possibilities.

I believe that sooner or later this Urban Operation will materialize for various reasons.

The first and most important reason is that there is huge real estate interest in the area. Vila Sonia and Vila Leopoldina are areas that give continuity to the areas along the valley of the Pinheiros River, which is the backbone of the

areas of interest to our more elitist real estate market. The operations proposed for the east and north zones seek to attract investment and the interest of the market, while interest in this region already exists. Thus, Urban Operations Faria Lima and Água Espraiada are the ones that have actually attracted investors and generated business.

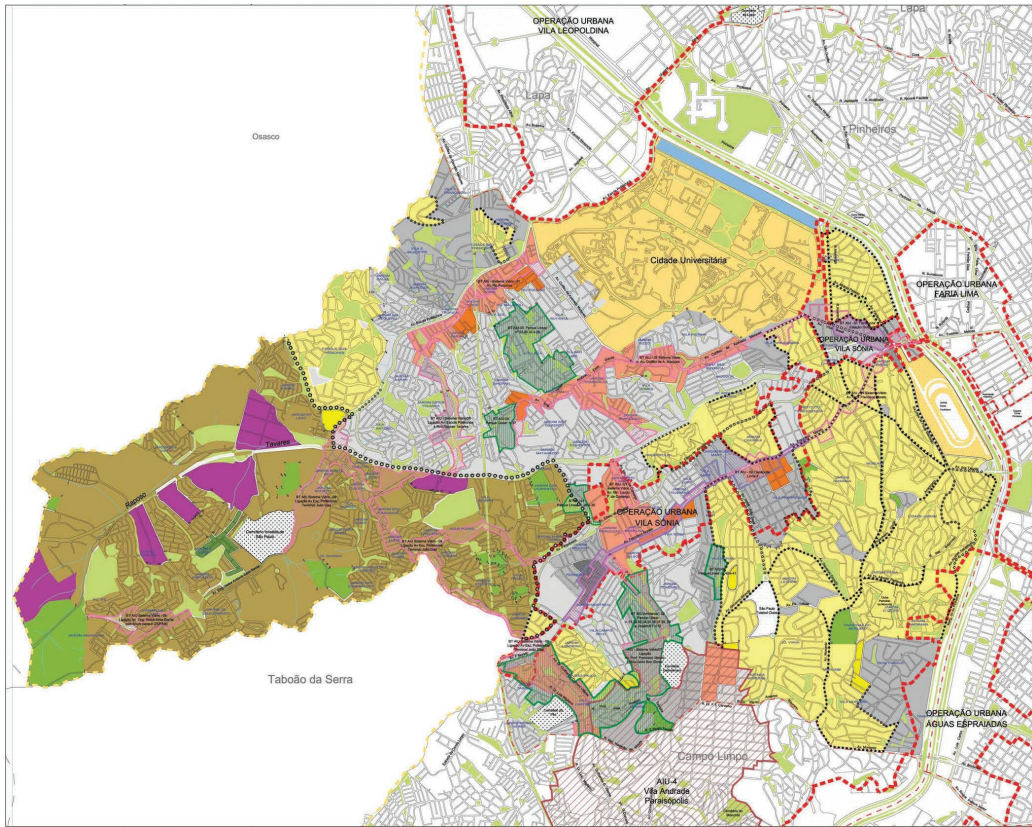
The second reason is the implementation of the Subway Yellow Line. According to a study by the Metropolitan Company of São Paulo, its construction increased the price of real estate in the region by 30 percent. This is the most important construction project under way in the city, because it changes the operation of the entire metropolitan transport system by linking the Green, Blue and Red Lines, besides the C Line of CPTM near Marginal Avenue. The Yellow Line could contribute even to improve the traffic of motor vehicles in the west zone of the city.

The main public work, therefore, the one that “would allow” densification and appreciate the value of the area, is practically completed. The Yellow Line Consortium has put into operation the first stations and in the coming years the entire system will be operational. Unlike Operations Faria Lima or Água Espraiada there are no road works eating up the resources raised by the possible Operation. One can think of works more committed to issues other than simply the road system.

Part of the interest in the operation is due to the fact that it comprises a large part of the basin of an important stream in São Paulo, the Pirajussara stream. The stream starts in the municipality of Embu and runs 17 kilometers to empty into the Pinheiros River, near University City. This entire basin is being urbanized, having its density increased and being sealed, thus increasing the occurrence of floods in several points. The works aimed to tackle the problem have not been successful. Big pools have been built, streams have been channeled, but the problems persist.

The area of Joint Urban Operation Vila Sonia is all within the borough of Butantã, which encompasses a social diversity representative of contemporary Brazilian society. Income in the neighborhoods of Caxingui, Rio Pequeno and Educandário is well below that of Jardins Guedala, Morumbi and Cidade Jardim.

The Urban Operation proposed in 2004 established its limits, thereby avoiding the inclusion of the upscale neighborhoods, especially exclusively residential areas, thus incorporating only non-residential areas (such as the area of Vital Brazil Avenue) and humble, low-income and high-density neighborhoods like Jardim Rebouças, Jardim Brasiliana, Jardim Trussardi, Jardim Oriente, Ferreira and Vila Ford.



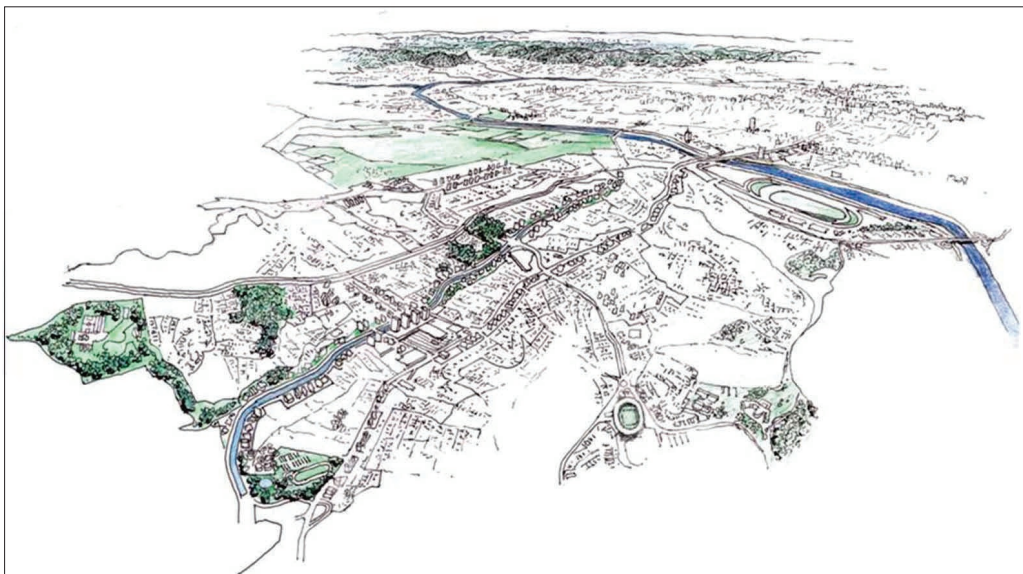
Sources: Municipality of São Paulo; Municipal Secretariat for Urban Planning; Borough of Butantã; Regional Strategic Plan; Urban Development Map 5, 2004.

Figure 1 – Urban Operation Vila Sonia appears on the map forming, with Urban Operations Faria Lima and Água Espreiada, the frame of the set of upscale neighborhoods in the region of Morumbi.



Source: Hector Viglicca Office.

Figure 2 – Proposal for Vital Brazil Avenue - the areas not included in the north and west are exclusively residential areas.



Source: Hector Vigliecca Office and urban designer Vallandro Keating.

Figure 3 – Vallandro Keating’s perspective for Hector Vigliecca’s design, 2004. The figure clearly shows the connection between Morumbi Stadium and the tunnel under Previdência Park connecting Jorge João Saad and Corifeu de Azevedo Marques avenues.



Figure 4 – Layout of the tunnel presented in 2004 to the borough: on the right-hand side are Butantã mall and Jorge João Saad Avenue; in the center is Previdência Park, and on the left-hand side is the group of buildings that today flank Elis Regina Square.

Exclusively residential areas - previously Zones I in the Zoning Law of 1972 - are considered by an important segment of the São Paulo elite as nonnegotiable, true “heritage to be defended by all.” But the truth is that their residents always manage to have their neighborhoods excluded from any Urban Operation.⁵ This leads one to believe that one of the characteristics of the OUC is to contribute to the reclassification and renewal of areas along upscale areas, thus increasing their price and making their even more exclusive by expelling unwanted neighbors.

This process of gentrification and eviction of lower-income residents does not respect the limits of the Urban Operation, and therefore is feared even by the residents of neighborhoods that are not directly affected by the Operation. The two Operations implemented - Faria Lima and Água Espraiada - have not increased either density or the number of residents. In fact, the appreciation in the value of these areas generates the replacement of residents. Out go the dense and popular sets of houses crowded in small lots and in come gated communities with towers and large parking lots. Normally, the area loses its resident population, and traffic conditions are worsened by the introduction of other uses such as schools, offices, services and shops.

It is therefore necessary to check what the Operation Urban offers residents, in both neighborhoods within its perimeter and bordering neighborhoods.

One of the more complete versions of Urban Operation Vila Sonia was developed by the Vigliecca Hector & Associates Office⁶ in 2004. The work was widely publicized in the specialized media and the beautiful designs and mock-up were presented to the public.

The design defines the volume along Vital Brazil Avenue, proposes wide sidewalks and the removal of the existing central garden. It also proposes that the block that would house the Butantã subway station should be fully dedicated to the station, the terminal and its users. In mock-ups presented later, this same block takes various features and arrangements. Certainly, throughout the process it became apparent that the Yellow Line Consortium had no intention of buying all properties in the block.

The station, which has not yet opened, and the attached bus terminal certainly are no sign of improvement in local conditions. Intended to receive bus lines of Raposo Tavares Highway, besides the Itapevi-São Paulo corridor, it certainly will not have the desirable quality and generosity, thus creating inconvenience to users and complicating traffic in the region.

Proposals such as these require lengthy and detailed discussions with all stakeholders: residents, users, property owners and investors.

In 2005, various residents' associations of Butantã learned about Urban Operation Vila Sonia and the project for the tunnel under Previdência Park. At the request of the community, the Municipal Planning Secretariat (Sempla) presented the Urban Operation in the Borough of Butantã, in December, to approximately 16 entities, pledging to continue the dialogue. The second meet-

ing was scheduled for the beginning of the following year, but ended up being cancelled and was never resumed.

In 2009, several newspapers reported that works of the tunnel proposed by Urban Operation Vila Sonia would be resumed as part of the works that qualified Morumbi Stadium to host matches of the World Cup 2014.

The news and the proposal are not absurd. It is known that the road system in the region is poorly connected. The four major routes of the region - Professor Francisco Morato, Eliseu de Almeida and Corifeu de Azevedo Marques avenues and Raposo Tavares Highway - run parallel to converge in Eusébio Matoso Bridge, connecting the neighborhoods to downtown São Paulo and making up barriers that hinder north-south connections.

The proposed tunnel, however, jeopardizes the integrity of Previdência Park, one of the best preserved and significant green areas, used by the population. Even worse is destroying Elis Regina Square, which is surrounded by schools and average-standard apartment buildings, and hosts craft fairs and children's games, in addition to being largely used by all residents of the vicinity.

The news quickly mobilized several associations in the region, which invited the local government and organized the meeting on 5 August 2009,⁷ attended by the Municipal Secretary of Urban Development, the Technical Advisory for Urban Operations, the Secretariat of Green Areas and the Environment and the deputy mayor. At least 16 residents' associations were present to demand information, clarification and participation in decision-making processes. The technicians of the municipality informed what was being done in the region, not only the works under Urban Operation Vila Sonia, including because it did not yet exist. They informed that the project for the tunnel was being developed, but that alternatives were being considered for its layout.

The associations regretted that the proposal that was bringing them all together was for another road work and nothing indicated the intention to increase the number of green areas or tackle the flood issue. It were the residents who demanded that the tunnel should allow the traffic of pedestrians, cyclists and public transport.

Secretary Bucalen emphasized that he was not there to defend the proposal for the tunnel, but to start a dialogue on the subject. The agenda of the next meeting, scheduled for September 2, 2009 was then defined. The meeting was postponed a few times and never occurred.

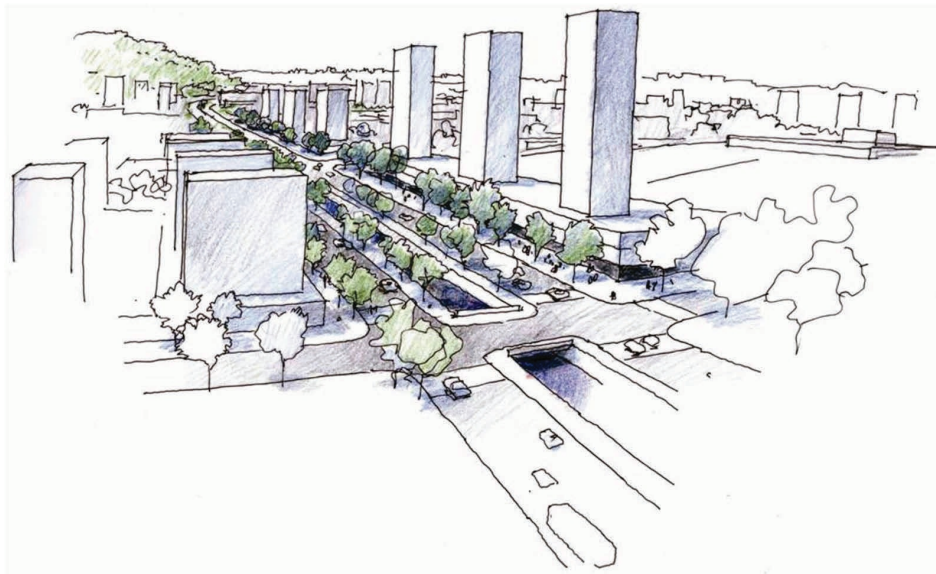
This issue led to the creation of the *Butantã Pode* (Butantã Can Do It) Association. This association attempted to reestablish the dialogue with the municipal government many times, but to no avail. As a form of mobilization, an event was held at Elis Regina Square on March 20, 2010, the week when the singer's birthday was being celebrated, with live music, painting workshops and collection of signatures.

It is not hard to imagine that nobody from city hall attended the event or scheduled any other meeting.



Photo by Fábio Mariz Gonçalves

Photo 1 – Photo of the meeting between the associations and the municipal technicians on August 5, 2009, in the auditorium of Previdência Park.



Source: Hector Vigliecca Office and urban designer Vallandro Keating.

Figure 5 – The layout presented in 2004, with the open Pirajussara Creek, wide lanes and sidewalks remains the lonely dream of its authors.

It is amazing how difficult it is for the municipal government to establish a dialogue with the population. The two meetings, in the borough in December 2005 and at Previdência Park in 2009, were held in different administrations: the first in the Serra / Kassab administration (2004/2008) and the second in the government of Kassab, who is still in office.

Throughout these years, the population has remained uninformed about the development of the Urban Operation and its proposals.

The design originally proposed for Eliseu de Almeida Avenue included the debuffering Pirajussara Stream, enlarging its sidewalks, promoting its afforestation and building a bike trek. All the proposals have their own interest and logic, and certainly would find supporters and critics. In all these years, avenue users suffered from having the traffic compromised by construction works along its length. The works were completed in late 2010, and only then traffic was released.

What one sees is the stream covered as before, with unfinished inspection holes and unkempt lawns. The sidewalks are still irregular and, at some points, so narrow that they barely allow the traffic of pedestrians. Accidents with pedestrians involving vehicles are the result of conflicts between pedestrians, cyclists and vehicles.



Photo 2 – Eliseu de Almeida Avenue.

After years of works to reconstruct the bed of the Pirajussara stream, the situation is the same as before, but aggravated by the clumsy actions for the Yellow Line Consortium and by all other civil works that were implemented without any relation to the plan developed.

The houses on the left continue to be compacted and reformed by its residents. The concrete covers on the lawn are technical accesses to the stream, which was buffered again. The project presented to society did not represent any government commitment to the population.

There is no democratic society without dialogue. Besides the lack of tradition of our society in participating in the planning and management process of the city, it should be noted that it is the government that should mobilize to welcome the spontaneous or motivated organization of the population.

As the local government fails to establish channels of dialogue and debate, it is left to society to conquer this space. It is up to social movements to pressure for the construction of dialogue and democracy.

According to Montandon & Souza (2007), the Japanese experience shows that negotiations can be transparent, technical and successful. Surely, Japanese society has not reached this level of efficiency without struggle, effort, negotiation and intense dialogue between the parties. We are just starting the process!

Notes

- 1 Information Website of the Municipality of São Paulo. Available at: <http://www.prefeitura.sp.gov.br/cidade/secretarias/desenvolvimento_urbano/sp_urbanismo/operacoes_urbanas/agua_espraiada>. Accessed in February 2011.
- 2 Urban Operation Anhangabaú, Law No. 11090/91; Urban Operation Centro, Law No. 12349/97; Urban Operation Água Branca, Law No. 11774/95; Urban Operation Faria Lima, Law No. 11732/95.
- 3 Federal Constitution, Section X, Art. 32, § 1.
- 4 OUC Faria Lima, OUC Água Branca, OUC Centro and OUC Água Espraiada.
- 5 In Urban Operations Água Espraiada and Faria Lima, several exclusively residential areas are bordered, but none of them had any stretch included. In the development of one of the versions of Urban Operation Água Espraiada, there was an attempt to include Z1 with no compatible afforestation and permeable soil. It was proposed that in case these neighborhoods did not succeed in consistently improving these aspects within approximately five years, they should be freed for other uses and new investments. The proposal was rejected by all parties.
- 6 Project developed in association with the office of architect Anne Marie Sumner for Sempla / CNEC.
- 7 The Municipal Urban Development Secretariat (SMDU) was represented by Secretary Miguel Bucalen; the Technical Advisory for Urban Operation by the coordinator, architect and urbanist José Geraldo de Oliveira Martins, and by urbanist Pedro M. Rivaben Sales, who participated in the preparation of the project for this Urban Ope-

ration within the scope of implementation of the Master Plan; architect and urbanist Lisandro Frigerio, team member; the Secretariat of Green Areas and the Environment (SVMA) and the Department of Environmental Planning (Deplan) by the director, architect and urbanist Alejandra Devecchi; the Decentralized East-West Management Center 5 by the coordinator Pedro Agustín Céspedes Pérez; and the Borough of Butantã by the Counselor Régis Ghelen de Oliveira and his assistant Maurício.

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ABSTRACT – The paper presents the Joint Urban Operation as one of the most used urban instruments in the last four administrations of the city of São Paulo. Although criticized as a strategy for meeting the real estate interests of the priciest neighborhoods, it requires, by law, the debate and open and free participation of the population and all those involved in the drafting and management process. Urban Operation Villa Sonia was announced and presented in 2004. It continues to appear on newspapers, alarming the local population of Butantã, even without having been approved in the City Council. It is a good example of the municipal government's inability to dialogue with social movements.

KEYWORDS: Joint Urban Operation, Urban law, Social movements, Popular participation.

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