

REGULATING INEQUALITY: ORIGINS AND TRANSFORMATION OF SÃO PAULO'S ZONING LAWS

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ABSTRACT

For over thirty years São Paulo's 1972 Zoning Law was an important reference for both apologists and critics of comprehensive land-use zoning policies in Brazil. When it was passed by the city council, in the shadow of the 1964-1985 military regime, mayor Figueiredo Ferraz, its main instigator, hailed it as the only means to control São Paulo's explosive growth. Based in part on ambitious modernist master plans such as PUB (1968) and PDDI (1971), stringent building ratios and detailed land-use rules were applied for the first time on the city as a whole, and subsequent fine-tuning of the law transformed it into a sophisticated model for similar initiatives in other Brazilian cities. However, the huge planned investments in expressway and mass-transit systems that should have accompanied this regulation did not occur in the required scale; and when criticism of conventional comprehensive planning models came to the fore in the 1980s, São Paulo's all-encompassing, minutious zoning legislation became a major target.

Meanwhile, the vast majority of the population, settled in peripheric areas with few improvements, either informal squatter settlements (favelas) or irregular subdivisions, benefited little from the law. Even though amnesties, urbanization initiatives and regularization policies have given this immense portion of the city some legal status, it remains excluded from the main real estate market. In a deeply unequal society, where urban policies historically tended to reinforce social divisions, the transformation of zoning measures into a more effective instrument aimed at improving social justice, reducing urban inequality and providing for better-quality city spaces is a challenge which has only begun to be addressed.

INTRODUCTION

In November 1972, under Mayor Figueiredo Ferraz, the city council approved São Paulo's first comprehensive zoning law. Since then, this legislation, of which the main elements remained effective for over three decades, became a major reference for apologists and critics of zoning in Brazil. Perfected, extended and

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detailed in the following years, it resulted in intricate legislation, affirmed as the city's main regulatory instrument, but addressing mainly the city's well-consolidated regions, while irregular and low-income occupation followed the logic of disorder in the social production of urban space – since without adequate social and housing policies, intensive, poorly regulated urban growth was one of the major conditions for Brazil's economic development model, with its profound social divisions.

Focusing on zoning, São Paulo's regulatory framework took long to incorporate other instruments, such as real-estate appreciation recovery mechanisms, regulatory measures of a fiscal nature and a consistent land distribution policy – themes that gained strength throughout the 1970s inside and outside the municipal administration. And when the critique of integrated planning models gained force in the 1980s, and traditional master plans were surpassed by the paradigm of strategic planning and localized urban projects, resolving zoning's identity crisis became a major challenge.

The zoning legislation inaugurated in 1972 had a long life: other master plan proposals, whether liberalizing (1988), or innovative (1991), did not manage to change its major guidelines. Only with the new Strategic Master Plan approved in 2002, the innovative instruments of the City's Statute and the approval of Regional Master Plans for each Subprefeitura (the city's sub-regional divisions), a new Land Use and Occupation Law was enacted in 2004. Its gradual implementation involves the first comprehensive reformulation of the previous zoning framework, although it is not clear whether the problem of irregular occupation may be reversed by such instruments.

This paper, derived from a research project sponsored by the Lincoln Institute of Land Policy, explains the law's antecedents in partial zoning measures enforced in preceding decades, designed primarily for the protection of upscale residential areas; and focuses on the decisive period (1971-1981) when a comprehensive system regulating land use, occupation, development, subdivisions, etc. was put into force - between the heyday of comprehensive planning in the 1960s and its crisis since the 1980s, when proposals for deregulation, participative planning and private sector involvement, along with criticism of traditional zoning and its legacy of segregation and social exclusion, began to put into question the fundamentals of this legislation.

Even though the zoning legislation inaugurated in 1972, which inherited seemingly modern and ambitious proposals from the previous decade, persisted for thirty years as São Paulo's main regulatory instrument, in a city notoriously lacking mechanisms of this kind, and was continuously improved during this period, in the end it proved only partially effective. Echoing previous partial zoning measures, this legislation focused mainly on more consolidated and/or upscale regions, while major portions of the urban area, formed by peripheric and low-income occupation, remained marginalized.

ANTECEDENTS: INITIAL LEGISLATION

Urban regulation institutionalized in São Paulo since the First Republic (1889-1930) involved volume and height control, housing sanitary conditions – also involving the State of São Paulo's Health Code (Lemos, 1999) – street development standards and protection of high-income residential areas. In terms of spatial differentiation, some measures may be regarded as precursors of zoning laws: since the

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nineteenth century, tenements and other forms of popular housing had been outlawed in the central perimeter (Rolnik, 1997); volumetric uniformity of Haussmanian inspiration was adopted in some central streets and avenues (Law 1585/1912); and the city had been divided into rural, suburban, urban and central zones since 1915 (Law 1874).

The first compilations of the Municipal Building Code, containing insolation and ventilation parameters (Acts 849/1916 and 900/1916), were incorporated and detailed in the Municipal Standard (Law 2322/1920) that also established maximum heights connected to street widths in the central zone (Somekh, 1997). Resolution 171/1921 restrained verticalization outside the city center, but was repealed in 1929 for broader streets (Law 3427/1929). The Land Subdivision Law (2611/1923) established demanding standards for new neighbourhood development; a revised version of the Municipal Building Code (Act 663/1934) kept maximum heights connected to street width in the alignment, but authorized greater heights by means of successive setbacks, up to a limit of 80m (50m in some central streets).

In the 1940s, Mayor Prestes Maia imposed lower limits (40 and 60m) on the narrower streets of the city center, while specific volumetric controls and higher limits (up to 115 m) in the new avenues proposed in his 1930 Plano de Avenidas (Avenues Plan) encouraged a disciplined verticalization (Decree 163/1941 e Decree-Laws 41/1940, 75/1941 and 92/1941) (Campos, 1999).

An important – and symptomatic – precursor measure was Act 127/1931, through which Mayor Anhaia Mello defined Jardim América (an exclusive garden district already protected by rules established in deeds by the developer Companhia City) as strictly residential: after 1937 (Law 3571), this provision, incorporated since 1934 as Article 40 of the Municipal Building Code, was extended to other high-income streets and districts. However, it usually allowed for apartment buildings with setbacks, whereas Jardim América itself was additionally protected by forbidding construction of apartment buildings (Act 99/1941). Other garden districts also had deed restrictions establishing this horizontal single-family character. None of those rules, however, worked as an effective and comprehensive law on land use and occupation for the whole city.

Zoning according to American standards has been defended by urban planners such as Anhaia Mello since the 1920s (Mello, 1929), by the Sociedade Amigos da Cidade (Friends of the City Society) created in 1935 (that ordered a study on the subject by Prestes Maia), by the City Plan Regulating Committee created in 1947 and by the municipal Urbanism Department created in the same year (Decree-Law 431). They all developed several zoning and master plan proposals, with no success (Lefevre, 1944; Andrade F^o, 1955; Lodi, 1957; Lodi, 1958). Some zoning projects prepared in 1947, 1949, 1952, and 1955, as amendments to the Municipal Building Code, did not even make it to the city council. From 1952 they were inspired by New York's example: prescription of zones with different parameters for uses, heights and building areas, typifying functions into categories and resorting to mathematical indexes to define occupation standards (Feldman, 2005).

In addition to controlling densities and uses, American zoning was employed to establish socio-spatial segregation and protect real estate values (Mancuso, 1978, p.306). Even so, proposals of this type in São Paulo were barred by city councillors. In the 1950s, vertical growth intensified with huge office and kitchenette apartment buildings occupying the central area (Sampaio, 2002), while irregular growth was

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legalized by means of periodical amnesties (Laws 4371/1953; 4663/1955; 5968/1962; 7180/1968).

While the city lacked a master plan and comprehensive zoning, Article 40 of the 1934 Building Code, defining strictly residential use (with exceptions for local commerce/services), was extended by decree to a number of districts and streets; after 1954 this process accelerated impacting most of the higher-income Southwest quadrant. The principle of enacting partial laws, designed to protect high-income urban areas, rather than a comprehensive zoning law, aggravated unequal treatment of social groups by urban policies. There were also streets with special setbacks, templates, architectural treatment and other specifications (Caldas, 1958).

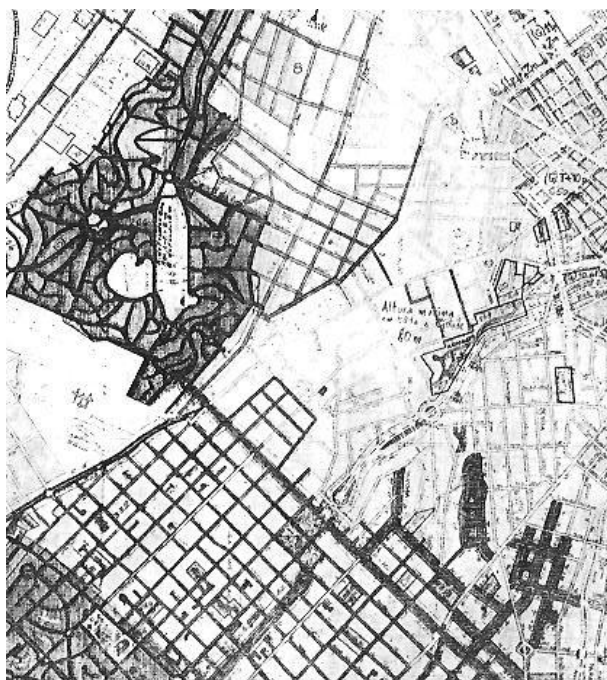


Figure 1: Map detail showing streets with special rules (Caldas, 1958, p.36).

In 1957, following a proposal encouraged by Anhaia Mello and the City Plan Regulating Committee, Law 5261 established maximum building ratios for the whole municipality without differentiating zones: four times the lot area for residential use and six times for commercial uses (Somekh, 1987). In order to curb density (Meyer, 1991, p.169-179), it required a minimum quota of 35m² of land per housing unit for apartment buildings, and imposed a maximum net density of 600 residents/hectare. The offer of smaller apartments or kitchenettes was restricted. Law 5261 raised violent opposition and came to be circumvented by the approval of apartments as offices or hotels, or by the designation of bedrooms as living rooms. Successive alteration initiatives culminated in the approval of Law 6877/1966, establishing a ratio of 6 for all uses, and excluding garages and piloti floors from the computation.

In 1956, Mayor Toledo Piza ordered an important survey based on the precepts of Lebrez and his Economy and Humanism movement, pointing out urban deficits and proposing a district-area subdivision (Leme, 1999). Its stress on local sub-centers, along with the principle of neighborhood units, guided the Urbanism Department's proposals for zoning (Sangiradi, 1959).

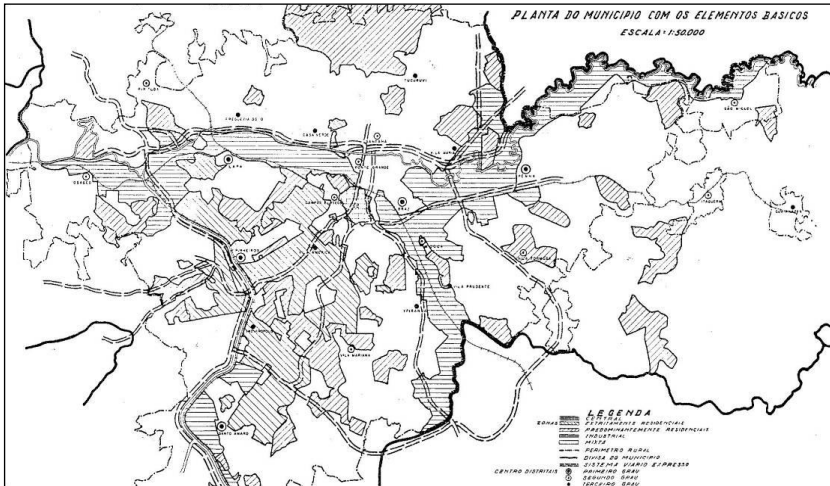


Figure 2: Zones and sub-centers proposed by the Urbanism Department in 1959 (Sangiradi, 1959, p.13).

With increasing verticalization of the central region, the extension of Article 40 by decree, and multiplication of peripheric irregular subdivisions, unequal regulation became the norm: it protected privileged residential districts, was more permissive in the city center, and absent or ineffective in peripheral regions. Even after the enactment of the 1972 Zoning Law, this situation would continue to characterize São Paulo's urban regulation, imposing limits to its range and efficacy.

MASTER PLANS: FROM PUB TO PDDI

The military regime established in 1964 enforced a national planning system that included urban planning. In São Paulo, the Faria Lima administration (1965-1969), marked by ambitious road works and by the start of subway construction, created (Decree-Law 6942) the GEP – Grupo Executivo de Planejamento (Executive Planning Group) in 1967 (Intraurbe, 1983b), and ordered the PUB - Plano Urbanístico Básico (Basic Urbanistic Plan), drawn up in 1968 by a consortium of consulting companies (PMSP, 1969).

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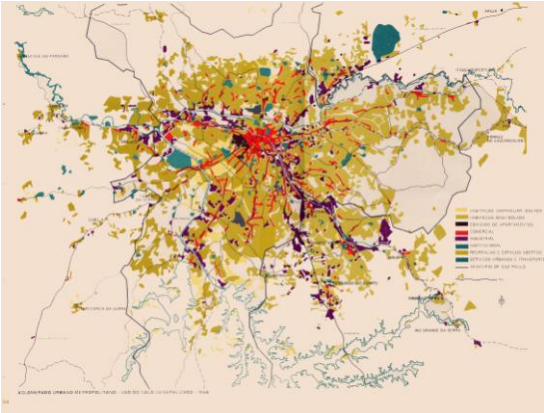


Figure 3: Land use in 1968 (PMSP, 1969, p.45).

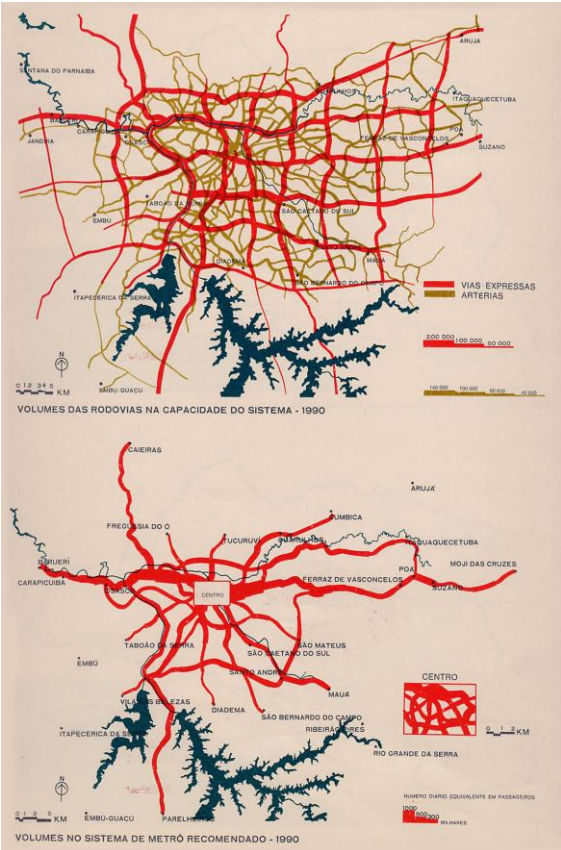


Figure 4: Expressway grid and subway system as proposed by PUB (PMSP, 1969, p.76).

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With its ambitious scope PUB became a major example of so-called “super-plans” of the 1960s (Villaça, 1999, p.215). Unlike previous plans that prioritized growth, PUB intended to curb urban expansion through greater density control: residential densities between 300 inhabitants/hectare in the center and 75 inhabitants/hectare in outlying areas (PMSP, 1969). A grid of 815 km of expressways, defining semi-autonomous urban units, would counterbalance the existing radial-perimetral urban structure and excessive centralization of urban activities; the plan also proposed 450 km of subway lines, along with ambitious goals in terms of housing, infrastructure and services. But the next mayor did not show interest in PUB and removed it from discussion.

Notwithstanding, efforts towards a master plan went on. In 1971, engineer José Carlos de Figueiredo Ferraz was appointed mayor, and demanded an immediate plan proposal, drawn up by GEP and approved by the city council in the same year: PDDI – Plano Diretor de Desenvolvimento Integrado (Integrated Development Master Plan), São Paulo’s first official master plan (Law 7688/1971).

PDDI incorporated some aspects of the PUB proposal, but it is marked by an essentially regulatory vision, denouncing São Paulo’s accelerated urbanization rate with no efficient control mechanisms. It required fixed demographic densities and ordering of urban activities. Reducing land-use ratios would be a basic condition for urban discipline.

Therefore, the plan would dramatically reduce prevailing building ratios: ratio 4 was defined as the absolute limit, allowed in a few areas, while in most of the city, only one or two would be the norm. PDDI also adopted a system of hierarchic territorial units: level 1, corresponding to neighborhood units, level 2, intermediate units, and level 3, equivalent to the Regional Administrations created in 1967. Zoning would be the most important urban development control mechanism. There would be eight types of zones:

- Z1/strictly residential single-family zone;
- Z2/predominantly residential, single- and multi-family zone, with local commerce/services;
- Z3/predominantly residential zone of medium density with larger commerce and services;
- Z4/mixed density zone;
- Z5/mixed central high-density zone;
- Z6/predominantly industrial;
- Z7/strictly industrial zone; and
- Z8/special uses.

THE 1972 ZONING LAW

After the plan bill was passed, Ferraz focused on the law regulating land use and occupation along its terms, also drawn by GEP, particularly by engineer Benjamin Adiron Ribeiro, formerly from the Urbanism Department. Backed on concepts also present in PUB – grid road structure, decentralization, growth curbing and large investments in expressways, subway, housing – and on previous municipal administration studies (Lacerda, 1966), the first comprehensive zoning law for São Paulo, proposed as the city’s main regulatory instrument, was approved by the city council in November 1972, in record time, with little discussion and no alterations to the mayor’s proposal (Law 7805/1972) (Nery Jr, 2002).

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Its explanation makes explicit the connection with PDDI and contains similar principles to those defended by Ribeiro in his planning manual (Ribeiro, 1988, p.141-142). Although it lists the functions of the Athens Charter, such as housing, work, leisure and circulation, it does not adopt absolute separation between them. Of the eight zones stipulated, only strictly residential single-family Z1 would have a single function. The others would be mixed, with single- and multi-family residences, commerce/services, institutional and industrial uses in different measures.

Its definition of zone perimeters sought to accompany existing occupation trends, mainly in the central area, industrial belts, and the West/Southwest quadrant, covering high-income sectors and major real-estate interests.

Garden districts, some of them already protected by Article 40, were transformed into Z1; their green and horizontal nature contrasted with the mixed and verticalized profile of other zones. Industrial belts along rivers and railway lines were established as Z6 or Z7. With use and occupation parameters differentiated for each case, Z8 covered special uses such as parks and airports, in addition to areas chosen for reurbanization projects and the rural zone (Z8-100).

Maximum density (Z5) would be permitted only in the historic center, Rua da Consolação and Avenida Paulista. Well-established sub-centers, mainly in the West/Southwest vector, such as Lapa, Pinheiros, Itaim and Moema, were defined as Z4. Both zones were usually surrounded or sided by Z3. Some expressways designed for automobiles only were isolated by restrictive zones; higher densities were associated to bus lines and proposed subway lines.

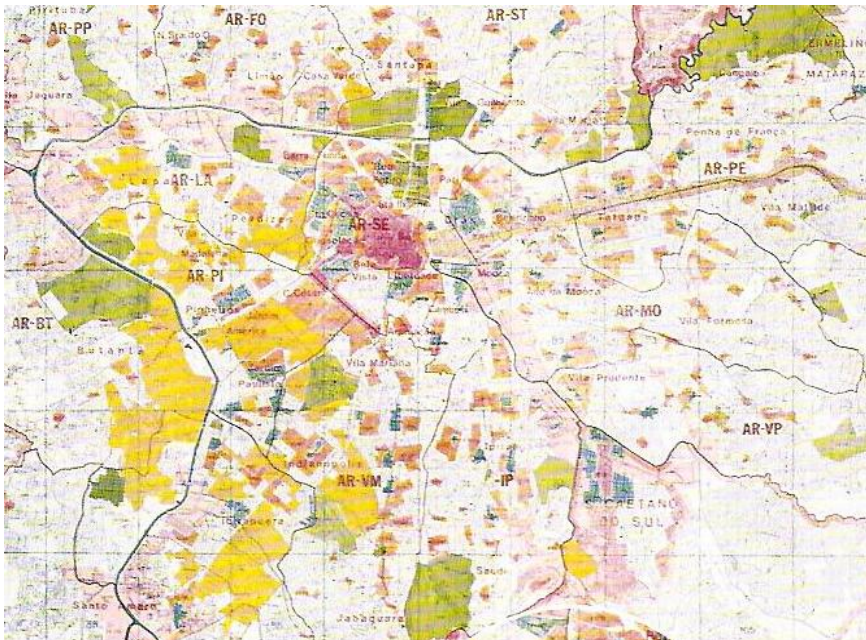


Figure 5: General zoning map established by Law 7805: Z1=yellow, Z2=white, Z3=beige, Z4=blue, Z5=magenta, Z6 and Z7=pink, and Z8=green (CAMPOS, 2002, p.127).

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The whole urbanized area not defined as other zones was designated Z2: most of the intermediary ring and the periphery became an immense and predominantly residential undifferentiated low-density zone, with low building ratio, discouraging private investment.

Popular quadrants (East, North) were zoned according to mostly unrealized proposals for expressways and subway lines, determining the location of Z3 ranges and Z4 poles on a Z2 background; corresponding to units imagined by the PDDI: Z2 in the simple neighborhood units; Z3 and Z4 in the neighborhood centers (level-2 territorial units) and regional sub-centers (level 3).

Whereas several sub-centers in the East and North zones never achieved the estimated density, in the privileged West/Southwest vector (Villaça, 1998) – even areas only developed later, such as Avenida Luís Carlos Berrini and Vila Olímpia, were already defined as Z4 in 1972. At the core of Law 7805 is the controlling posture that gained force in the Ferraz administration: according to the mayor, the purpose was to “impose severe reductions in the occupation rate and building ratios (...) avoiding a disordered occupation and providing for better defense of the buildings in regard to height, reciprocal setbacks, lighting, insolation and hygiene” (Ferraz, 1991, p.56).

For each type of zone, adequate uses were defined, as well as minimum areas and lot fronts (generally 250 square meters and 10 meters), minimum front, side and back setbacks, maximum building projection rate and, more importantly, maximum building ratio. In Z1 and for almost all uses in Z2, the ratio would be only once the lot's area. In Z3, it would be 2.5 times, with a maximum projection rate of 50%; in Z4, 3 times, with a rate of 70%, and in Z5, 3.5 times, with a rate of 80%.

Echoing the modernist ideal of isolated towers in green areas, the maximum ratio of 4 could only be achieved in Z3, Z4, or Z5 by reducing the projection rate through a mechanism known as “Adiron Formula.” By privileging zones that represented only 10% of the urban area, a scarcity of land for development was created. According to the same principle, in Z2 (that is, in 80% of the urban area), the same mechanism applied only to residential development consisting of one or more vertical blocks with common leisure spaces, and reaching only ratio 2. Height limits proportional to setbacks were established in a new Building Code (Law 8266/1975) encouraging thinner buildings and curbing development in smaller lots. Location of Z5 and Z4 zones favored displacement of verticalization and tertiary uses in the traditionally privileged West/Southwest vector (Campos, 2004).

Inside developments, common and leisure spaces were excluded from the ratio count. This legislation reinforced the emerging culture of the closed condominium by which residents retreated to collective private spaces, walled and guarded (Caldeira, 2000, p.257-284). However, the scarcity of large lots led most development to adopt this principle on a reduced scale, squeezing attractions in lots that rarely exceed 2,000 m², in blocks fragmented by walls and gaps, isolated by fences. And legislation encouraged construction of underground garages, exempting them from ratio and setback controls (except for front setbacks), covering lots and hindering natural drainage.

IMPROVEMENT AND DETAILING (1973-1981)

Throughout the following years, the legislation was detailed, improved and amended in many aspects, in more than 30 instances (Nery Jr., 2002) however

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keeping its basic guidelines. One year after the approval of Law 7805 it was rewritten with minor wording changes and improvements (Law 8001/1973). Ambiguous perimeters were better defined. Another restriction was created: minimum width of streets for implementation of uses in any zone. Apartments would only be authorized on streets with at least 12m section; commercial uses on streets with 14m or more; and wholesale trade and manufacturing industries, minimum 18m. The law also created special use corridors in certain streets and avenues.

Although the basic Z1-Z8 framework was maintained in most of the urban area, another eleven zones were created, in addition to new corridors and five types of rural zones. Some uses (hotels, hospitals, schools) were granted concessions (Laws 8006/1974; 8076/1974; 8211/1975; 8904/1979; 8964/1979). Important amendments took place in 1975, 1978 and 1981. Law 8328/1075 detailed numerous Z8 zones; it created Z8-200 (historic preservation) and new zones with intermediary situations:

- Z9, a popular version of Z1 that gained local commerce/services through Law 8800/1978;

- Z10, strictly residential with apartment buildings (also gained tertiary uses in 1978, through Law 8840); and

- Z11, similar to Z2 but without industrial uses.

Z12 was created on an intermediary level between Z2 and Z3, and was similar to Z2 with a higher ratio (2.5-4) in larger lots, encouraging reincorporation of lots.

In 1978, Law 8769 established Z13, similar to Z2, with a variable ratio according to lot area (this item was repealed in 1981); and three zones of very low density for water supply source protection areas:

- Z14, horizontal residential zone in large lots (minimum 2,000 square meters);

- Z15 (minimum 5,000 square meters); and

- Z16, for clubs.

However, those measures did not prevent densification of water supply source protection areas; on the contrary: demanding standards discouraged regular land developments, creating a vacuum that favored irregular and low-income occupation.

In 1981, Law 9300 regulated the rural zone, providing for the implementation of housing projects: in certain perimeters they would be the only multi-family residential use allowed, facilitating public acquisition of large tracts at a low price – outlining an innovative land policy, but retaining outdated large-scale peripheral housing solutions.

To create transition areas between Z1 and adjacent vertical zones, Law 9049/1980 established Z17 and Z18, permitting apartment buildings up to 25m or eight floors. Z1 perimeters and its transition zones were consolidated by Law 9411/1981.

The regulatory effort of the 1970s had its last expression in the Subdivision Law (9413/1981), updating subdivision rules according to guidelines established on a national basis by Federal Law 6766/1979. Its minimum lot of 125m² in Z2, Z9 and Z11 covered almost all the city's periphery. Although the law provided for prosecuting clandestine land developers, such rigor was never really applied, and the system of regularizations and amnesties was perpetuated instead (Grostein, 1986).

Throughout this period there was constant conflict between the city council and the Zoning Committee established alongside the municipal planning agency (COGEP, later SEMPLA) regarding competences as to alterations of zoning legislation (Nery

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Jr., 2002). Still, although a number of minor changes responded to specific interests, the major legal framework was maintained.

MASTER PLAN REVIEWS, PROPOSALS AND NEW LEGISLATION (1985-2004)

In the Setúbal administration (1975-1979) debates on new planning instruments, together with changes in the political landscape, led to new discussions on the master plan issue; a PDDI review was begun by municipal planning agency COGEP, then headed by Cândido Malta Campos Filho (1976-1981).

The purpose was to formulate an urban development policy that could be a starting point for reviewing the plan and its zoning concepts, based on the recognition of the consequences of unequal growth, the contradictions present in space production and the possibility of advancing in the concept of a civil society reinvigorated by the country's redemocratization (COGEP, 1980, p.15-17).

To serve as grounds for the revision of the legislation on land use and occupation, presuming that density should be compatible with infrastructure support capacity – particularly the road and transportation systems - a reference term for MUT - Modelo de Usos do Solo e Transporte (Model for Land Use and Transportation) was developed, consisting of a computerized system that previewed the impact of different policies (COGEP, 1979a, p.176-180).

At the same time, a computation system for urbanization costs was developed (COGEP, 1979b), along with studies on new planning instruments, resorting to French, American and Italian examples (COGEP, 1979c). 999

However, the PDDI review was not completed, and from the end of the Barros administration (1979-1982) zoning itself became a status quo increasingly challenged both by real estate interests lobbying specific alterations through city councillors and by urban planners themselves, denouncing its segregating consequences (Mancuso, 1978).

In the Covas administration (1983-1986) the municipal planning agency, now presided by Jorge Wilhelm, designed a new proposal for a master plan (1985), providing for Urban Operations that would relax some controls in terms of uses and ratios in perimeters defined by specific laws. In the Quadros administration (1986-1989) a new master plan (Law 10676/1988) was approved, prioritizing private sector participation in the planning process.

Starting in the 1980s, measures discussed in the previous decade such as public participation in the planning process, housing and urban development funds, and new planning instruments such as payment for building ratios, progressive territorial taxes and real estate profit taxation (COGEP, 1980, p.23;34;49) were sought at federal level by planners and other leaderships, leading to their incorporation in the 1988 Federal Constitution and in the 2001 City Statute 2001.

In São Paulo, such instruments were highlighted in the 1991 master plan proposal of the Erundina administration (1989-1992) (Antonucci, 1999), and finally incorporated by the 2002 Strategic Master Plan (Law 13430/2002) approved in the Suplicy administration (2001-2004) – which, together with the Strategic Regional Plans prepared by each Subprefeitura, gave rise to the new Land Use and Occupation Law (13885/2004), implying the first comprehensive review of the zoning legislation enacted in 1972 – although principles such as protection of high-income residential districts have been kept.

CONCLUSIONS

Even though it had become the city's major regulating instrument, and was the object of constant revision and detailing during the period in question, São Paulo's zoning law, heir to ambitious modernist proposals, was only partially effective. Operating as the city's main regulatory instrument, the comprehensive zoning concepts established from 1972 controlled densities and provided rules for development, but conferred unequal treatment to different regions of the city, consolidating existing dualities between center and periphery, and between richer and poorer regions. Whereas zone distribution corresponded to existing conditions and trends in upscale sectors, lower-income areas were zoned based on the application of concepts such as poles and corridors connected to mostly unrealized expressway and subway proposals. Also, legislation generated a scarcity of lots with greater building ratios. The discrepancy between valued and peripheral regions was exacerbated, reinforcing the reproduction of inequality.

Verticalization control focused on building ratios, setbacks and projection rates in individual lots, with little regard to the resulting cityscape. Echoing previous measures that protected high-income neighborhoods and favored vertical development along major avenues, it focused on more affluent urban areas - enhancing existing processes by which real estate values, commercial uses, and residential high-rise development soared hand-in-hand with public investment in infrastructure (costly highways, bridges and tunnels) concentrated on the city's Southwestern quadrant, where new centralities have sprung catering to high-income residents and global corporations.

The vast majority of the population, settled in peripheral areas with few improvements, either informal squatter settlements (favelas) or irregular subdivisions, benefited little from the law. Even though amnesties, urbanization initiatives and regularization policies have given this immense portion of the city some legal status, it remains excluded from the main real estate market.

So, in the long run, it could be asked: what would be the use in having a zoning system with such limited, socially biased implementation? Subsequent efforts to improve or replace the 1972 law and its complementary legislation have tried to propose regulating systems and policies that would combat inequality instead of reinforcing it - the most brave attempt being made in the frustrated 1991 Master Plan proposal; aspects of which have been incorporated in present legislation such as the 2002 Strategic Master Plan and the 2004 Regional Plans / Land Use and Occupation Law. Still, in a deeply unequal society, where urban policies historically tended to reinforce social divisions, the transformation of zoning measures into a more effective instrument aimed at improving social justice, reducing urban inequality and providing for better-quality city spaces is a challenge which has only begun to be addressed.

Mechanisms present in the space production process, often reinforced by public policies, exacerbated land profits in certain areas, impairing formal access to housing by lower-income groups. Consequently, most of the city continues to be occupied in a precarious and/or irregular manner, privileged areas elected for real estate development still require constant public investment in infrastructure renewal, and peripheral regions remain marginalized - a perverse logic that zoning was unable to eliminate.

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