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Codes under scrutiny. The cases of municipality of Lanús (province of Buenos Aires) and of municipality capital (province of San Juan) (2008-2022), Argentina

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KEYWORDS

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INTRODUCTION

This article arises from the exchange in the doctoral paths of both authors, who work in dissimilar urban contexts, but share similar thematic axes. The main objective of the research is to describe the current state of the building codes and/or urban planning (CE), as well as complementary regulations, of the municipalities of Lanús (province of Buenos Aires) and the Capital department (Province of San Juan) in Argentina. In relation to the purpose of the work and the academic contribution, the aim was to generate a descriptive evaluation that sets the new thematic and instrumental horizons of urban and territorial planning.

Both case studies are geographically located in the central strip of Argentina. The San Juan Metropolitan Area is part of the Cuyo Region in the center-west of the country, and the Buenos Aires Metropolitan Area is part of the Pampas Region. The Lanús district is one of the 24 districts that make up the Greater Buenos Aires (CB). It borders Lomas de Zamora, Quilmes, Avellaneda and CABA. It is one of the smallest municipalities in the suburbs and has a population of 462,051 inhabitants. The Capital Department of San Juan is the only municipality in the province that has 100% of its surface urbanized, and the highest population density in the province, 3,792.43 inhabitants per km².

METHODOLOGY

The article presents a work based on a qualitative methodology, in which a review of secondary sources was carried out and field work was carried out to complement and validate the information through primary sources. The systematization of the data was carried out through the thematic analysis technique taking into account the following axes: planning, implementing entity, urban zoning, socio-territorial condition,



densification. The thematic analysis methodology is based on identifying, analyzing and interpreting patterns or themes within a set of data. In this research, work was done in a differentiated way with each CE, as an analysis unit (UA). This methodological design obeys a case study (Stake, 1998) and not a comparative framework, which does not mean that the UA cannot be observed under common analytical dimensions.

Once the thematic analysis was carried out, a total of 45 categories were constructed, from which a total of eight analytical dimensions emerged that allowed structuring the analytical development of the two cases under study. They are: Socio-territorial condition, role of the State, political transparency in the design and/or modification of urban regulations, standardized technical indicators, relationship between different instrumental scales, real estate dynamics, promotion of the real estate business and legal framework.

RESULTS

As a result of the analysis, we can consider as a finding the detection of old codes, which predate the real estate boom between 2002 and 2008 in Argentina, secondly, the contextual framework of the territorial planning for the CE with legal framework, which in the case of San Juan is absent and in the case of Lanús referring to laws from the dictatorial period of the 70s. Another relevant aspect detected for the treatment of the CE is the scale of intervention, provincial or municipal. This means thinking about the complexity of the management of urban land, and the multi-scalarity of the instruments that complement each other. Should planning instruments, such as urban codes, respond in jurisdictional terms to the municipality or the province, or both simultaneously? While the relevance of the discussion lies in the fragmentation of the norm or the centralization of the same for the management of the city.

In turn, the article describes the points of relevance and the gaps that prevent local governments from being active actors in comprehensive urban development. Regarding the case of Buenos Aires, we can mention: The main contemporary milestone of planning in the Metropolitan Region of Buenos Aires (RMBA) is its Strategic Guidelines published in 2007. These constitute an elementary basis for thinking about the framework on a regional scale. In the case of Lanús, it was designed with the Urban Territorial Strategic Plan (PEUT) that was published in 2012. It had a detailed description of the history of the municipality, a diagnosis of the situation at that time and main strategic guidelines for the execution of local public policies. During the period 2015-2019, two strategic plans were designed (Municipality of Lanús, 2016; Municipality of Lanús, 2018) and a specific plan associated with the development of the sustainable environment (Lanús Verde). The analytical approach to these Plans will be a matter of future works; in this work only the district CEs are addressed.

In relation to the city of San Juan, this case is a paradigmatic precedent in the history of Argentine urban planning, since it had to be rebuilt due to a devastating earthquake in January 1944. Under the figure of the urban and architectural advisor José Pastor This process was carried out, resulting in the conception of the first Regulatory and Zoning Plan ratified by Provincial Law and National Decree. In January 1973, under Provincial Law 3769 (1973), the creation of the Urban Planning and Development Directorate (DPDU) was sanctioned, a centralizing entity for urban territorial planning of the entire province and which remains in force to this day.

Lanús, for its part, went through the period 1990-2011 with the CE sanctioned in 1983. During this interval, Lanús underwent major urban transformations in its traditional centrality that were managed with outdated regulations. In the early 2010s, the Modifying Ordinance 11152 (2011) was approved, which modifies the CE of 1983. The legislation establishes, for the first time, a specific zoning to regulate heights. To do so, it differentiated three areas of which two are of particular interest to us: the urbanized sub-area and the special districts (E8). Within the urbanized sub-area are the districts S1-SA, S1-R1 and S2-R4. For the purposes of this work, it is interesting to look at the Modifying Ordinance of the Code (2022), which is a new modification to the CE of the district. In the S1-R1 district, this ordinance differentiates between areas according to access to the sewage system.



In the case of San Juan, the CE was approved by a resolution on building requirements (Resolution 5580, 1951) and is currently in force, with amendments. The DPDU is the entity in charge of applying the CE, excluding municipalities from its autonomy for the technical-administrative management of construction. However, the Provincial Constitution of San Juan (1986) provides for autonomy for municipalities with a municipal (organic) charter in Chapter II, Art. 247; a situation that highlights a subsidiary role of the municipality in making urban territorial decisions. In this case study, the CE has a provincial scope of application, considering a single zoning for the AMSJ which is organized by districts with homogeneous characteristics, and is defined by the following indicators: use, height, area (building surface and subdivision) and building material. For the purposes of this work, the analysis focuses exclusively on urban zoning within the limits of the Municipality of Capital.

Following the results obtained, three thematic categories are reached: The window state, technocratic regulations and the real estate market as an urban promoter. The window state functions as a residual spectator of urban development in the hands of the business sector. Technocratic regulations also encourage the process of real estate appreciation through territorial asymmetry. The lack of instrumental harmony between the POT and the CE leaves gaps that the real estate business occupies, generating uneven territorial development. The real estate business without strict and updated legal conditions generates an intervention matrix associated with incentives for real estate developers and ignoring the logic of comprehensive urban development. Empirical evidence shows that, faced with the lack of coordination between the regulated and the planned, local executives play a passive role and sometimes promote - when they do not explicitly promote - urban asymmetries.

CONCLUSION

Finally, it is concluded that it is necessary, at present, to have an approach directed towards comprehensive urban development. In this line, planning and territorial planning with its battery of instruments should contemplate three fundamental components: normative technical indicators for building and urbanization, socio-territorial conditions linked to an Urban Plan and a multi-scale relationship between the different management instruments. The work is an introductory contribution, from case studies to the theoretical-methodological approaches of urban-territorial regulations and planning.