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URBAN PLANNING CHALLENGES IN THE DEFINITION OF HERITAGE VALUES IN SOUTHERN CHILE A CASE STUDY OF VALDIVIA- A WOODEN CITY IN SOUTHERN CHILE

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I. INTRODUCTION

Urban culture and heritage have been significantly threatened by the mounting pressures of urbanization. The definition, scope and role of cultural heritage has been widened to include issues that would not have been thought of 50 years ago. These are evident in international tools and guidelines for heritage conservation and safeguarding (UNESCO, 2013; 2017; UNDP, 2015; UN-HABITAT, 2015; 2017). The relevance attributed to conservation management in contemporary Chilean cultural policies considers the contextual relationships between institutionalized heritage sites, their definitions, and their territorial context. This has needed widening the scope of heritage preservation. Under local tools, neighborhoods in historical areas in Southern Chile have been poorly managed to protect them from disappearing, as analyzed by the research team in two Typical Zones in 2017 and 2018 in southern Chile, Puerto Octay (Saelzer, 2018a) and Valdivia (Saelzer, 2018b). The application of local definitions and heritage dynamics still requires a contextual clarity vis-a-vis their link to global standards. There is a major difference between the national legal framework and the global parameters that have arisen from international directives and agreements. Chilean legislation treats protected heritage assets as 'objects', in contrast to recommendations from international cultural heritage guidelines (Duhalde, 2005; González et al. 2012; UNESCO, 2013; 2017). Qualitative requirements are undermined by the lack of greater cross-sectoral coordination regarding heritage assets managed by ministerial portfolios versus their own urban goals and quantitative impact measures for inputs at the national hierarchical level, which do not exist (WHC, 2004). This research contextualizes urban planning and cultural heritage definitions in Southern Chilean cities where heritage assets are mostly wood-built and over 100 years old. The research designates these settlements as Wooden Cities- a reference to the identified cultural landscape in its social and geographical setting. These wooden-settlements aligned with colonial foundations of Spanish cities, the

habitat of predominant Mapuche communities (until the end of 19th Century) and the architecture introduced by German immigration, which resulted in the emergence of the first rural and urban renaissance in Southern Chile (Guarda, 1995; 2001). Currently, these Wooden Cities are facing several challenges regarding a comprehensive rescue and conservation regarding different factors of heritage development. Specifically, settlements and neighborhoods built between the late 19th century until the late 20th century (Araya and Saelzer, 2017). The TZs of these cities are subject to a number of conflicts due to the lack of sustainable conservation procedures and inconsistencies in the visions of cultural heritage preservation and development planning.

In addition, the segmented and state-centralized heritage administration reduces the capacity of local municipalities, concerning innovation, management and scope of projects. This creates conflict and hinders a common rehabilitation development platform between agencies involved in the process. In this regard, the research studies a proposed bridge construction project that will have a massive effect on the TZ of Valdivia. The project is a critical political decision to intervene in a historic zone to upgrade the city's infrastructure. In spite of this, it still appears that the critical impact of the bridge construction, its area of influence and the potential of re-identifying the TZ as part of the city's identity have received limited contextual evaluation. Additionally, public processes that involve legal frameworks, public funding and the introduction of management tools to successfully harness the opportunities of heritage conservation for development have also not been clear.

This paper aims at thoroughly understanding the factors taken into consideration within the law to define TZs and heritage values, and how these influence heritage protection. Particularly, it brings to bare the missing links in the law that impede the protection of TZs as an urban and cultural landscape in the South of Chile, where Wooden Cities are attempting to rescue local values. It looks into the factors limiting the espousal of heritage values as a concept, and restrict its management as a development opportunity for achieving urban context goals. The paper, pivoted on a multi-focal diagnosis approach, attempts to set the background for testing a new concept within the remits of identifying, designing and executing urban recovery initiatives, while acknowledging global tools and guidelines in the definitions of heritage values.

II. THEORETICAL BACKGROUND: HERITAGE VALUES IN A GLOBAL AND LOCAL FRAMEWORK

The international definition of heritage values

The definition of heritage values has significantly changed since the 1960s. Ideally, the definition of heritage has progressed from individual buildings to include groups of buildings, historical

areas, towns, environments, social and cultural practices, values and economic processes (Ahmad, 2006; UN-HABITAT, 2015, SEMO-WHC, 2018, Nyseth & Sognnaes, 2012). In the latter part of the 20th century, heritage definition settled on the common ground between the UNESCO and ICOMOS' definition (2013), to include tangible and intangible facets as well as the environments where they exist. The tangible values are the physical representation of the landscape, clarified as cultural properties to include monuments, groups of buildings and sites (Ahmad, 2006; UN-HABITAT, 2015; Poullos 2010). Its first national manifestation in Chile appeared by the outlining of the Human Heritage polygon of Valparaíso in 1999 and 2003, and the discussions of the interventions in Baron Pier area, ca. 2005 to 2018, around the protection area of the polygon. Ahmad (2006), defined the environmental factors as two main components of Historic Gardens and Landscapes. Moving beyond man-made historic gardens, Montella (2015) had explained landscape as an organic product of a community. This is materialized by the evidence of its entire history regarding what has been preserved and lost in the dynamic transformation of its environment, its needs and its capacity to respond to change. Another definition is what has been declared by the UN-HABITAT, (2015), where historical landscape underscores the result of a historic layering of cultural, natural values and attributes in an urban area. The following Table 1 demonstrates a compilation of literature regarding heritage values and their factors:

Table 1. Factors of heritage values; Source: own preparation, 2019

Extending beyond the notion of tangible values, intangible values have been explained as the representation of knowledge, skills and cultural spaces therein. Intangible values define the recreation of communities in response to their environments, their interaction with nature and their history. Additionally, it includes the sense of identity and continuity and thus promotes cultural diversity and human activity (UNESCO, 2003). Scovazzi (2015) has emphasized the three fundamental components of intangible cultural heritage that were codified by the UNESCO Convention in 2017: *manifestation, community, and cultural space*. Manifestations include oral traditions and expressions, language, performing arts; social practices, rituals and festive events; knowledge and practices concerning traditional craftsmanship (Ahmed, 2006; Scovazzi, 2015). The second component, 'community', is explained as the heritage of humanity where the social component plays the predominant role. Cultural space is understood as not only manifested to, but shared with someone elsewhere to inspire generational transfer of knowledge where cultural diversity is active (Scovazzi, 2015). If the cultural space is active, considering the component of time, then cultural heritage remains a dynamic process which differs through the period of change (CFC-MOP, 2017). National Definition of Historical Values and Typical Zones The declaration of TZs takes its roots from the National Monuments and the related Law No. 17.288, 1970, (NML) which was revised in 2011 to integrate pertinent ordinances. It

considers TZs as National Monuments in terms of their typical or striking architectonic peculiarities (González et al., 2012). Initially, the Law mentions the term TZs in Articles No 29 and 30. The National Monuments Council (CMN)'s decree in 2011 states TZs as:

"... groups of urban or rural real estate, which form a settlement unit representative of the evolution of the human community and that stand out for their stylistic unity, their materiality or constructive techniques; that have artistic, architectural, urban and social interest, constituting areas linked by the buildings and landscape that frames them, highlights and relates, forming a landscape unit, with its own environmental characteristics, that defines and grants identity, historical and urban reference in a locality, town or city". (MINEDUC, 2011, p.20)

From the latter decree, TZs are understood as a recognition of physical structure rather than as a component of urban planning. The Law refers to TZs as a tangible form of buildings, surroundings of historic monuments and typologies like architectural style, morphology, etc. leaving representative historical characteristics, unity and interest as an intangible form of heritage. A reference to natural heritage, as mentioned briefly, was reduced to botanical elements found among the properties subject to attention (MINEDUC, 2017). The expected maintenance of values and surroundings is the preservation of environmental features understood as *the urban setting or the landscape* (Torres et al. 2001). TZs have been classified operationally by the NML in five categories: *historic center, traditional town, environmental historical monument, area and groups of buildings* (MINEDUC, 2006). Such denominations restrict the various forms that characterize a given area in the differentiation of degrees of homogeneity or heterogeneity, spatial dimension, morphological or architectural and historic-cultural features (González et al. 2012). All five categories are restricted in the category of tangible heritage values when juxtaposed against the international definitions mentioned earlier. Table 2 below, categorizes what had been mentioned by the Law regarding heritage value factors in the name of TZs, to clarify the tacit aspects that need to be stated.

Table 2. Factors of heritage values according to the Chilean Law No 17.288 applied in a typical zone Source: own preparation, 2019

The process to declare a TZ in Chile involves individuals leading the application to declare a national monument. The advantages of these processes are the autonomy of local communities and private individuals to lead these procedures if they are fully aware of their heritage value. This opens the capacities of communities to technically and financially declare TZs. Evidently, there have been significant increases in registration and recognition of Chilean TZs during the last decade, despite the lack of a clearer policy for economic incentives and support to private owners to maintain and

renovate such buildings (Erlj, 2004; MOP, 2010; González et al. 2012). Another undifferentiated category relates to archaeological and structural-architectonic interests on a common site. Aside from the overlapping and conflicting objectives, there are also cumbersome procedures and details⁵ to follow (MINEDUC, 2011, p.31-37, p.58, p.101-103). Historical buildings in general are briefly recognized as cultural heritage in the definition of restoration projects for any building, but there are no indications on the procedures for reconstructions and rehabilitation in the same document. Furthermore, the overlapping interests and segmented legal instruments impede the spatial governance of the TZ (see Table 3).

Table 3: Complexities in the Governance of Typical Zones (TZ)
Source: Own preparation, 2019

The entire Typical Zone falls under the jurisdiction of the National Monumental Council, a centralized authority. Historical conservation buildings within the Typical Zone are managed by the regional secretary of the Housing and Urban Development Ministry (Seremi MINVU) under the General Urban Construction Law (LGUC). The local planning instrument (Communal Regulatory Plan), on the other hand, absorbs the TZ into its local regulatory plan and can also create a conservation area under the LGUC, originating a duplicity. Interestingly, MINVU, the municipality or private house owners within the TZ cannot design, renovate or make any alterations to the buildings and the general urban fabric in TZs without express written permission from the National Monuments Council (CMN). In addition, although financial resources are mostly granted through programs and funds under the National Ministry of Culture, Art and Heritage (MICAP) or the Regional Government, often including the regional secretary of the Public Works Ministry (Seremi MOP), the funding guidelines for restoration and conservation projects in the TZ remain under the influence of the sometimes discretionary criteria of the CMN. Taking into account the complexity of heritage definitions and conservancy policies, it is necessary to consider the recent incorporation of cultural heritage and its material and immaterial scope in the Cultural Heritage Law project, actually under national parliamentary discussion. But the funds can still be inflexible when they do not take into account the dynamics or local variations of project areas especially in projects that affect the intangible facets of the Typical Zone.

III. METHODOLOGY

A mix design approach was adopted by the paper, focusing primarily on the review of national policy documents and legislations such as the National Monuments Law (LMN),

General Urban Construction Law (LGUC), Communal Regulatory Plan (PRC), government statistical information, and the opinion and perception of people from surveys and interviews. The secondary sources also explored databases, projects, studies and photographic materials that allow drafting a cadastral analysis, diagnostics and approaches to understand the planning-related impacts of the proposed bridge in the typical zone. In particular, areas that support the resurgence of the cultural identity, tradition and value of the neighborhood as a typical zone, as well as the cultural values, identity and heritage that articulate the neighborhood, were identified and characterized. Additionally, primary data was obtained through direct interviews with residents and with the heads of institutions that have been identified as stakeholders for the implementation of heritage restoration programs, to unearth the level of urban planning, construction and preservation efforts in the case study area. The institutions were: the Ministry of Public Works (MOP), the Ministry of Housing and Urban Planning (MINVU) and the Ministry of Culture, Art and Heritage (MICAP), to triangulate and facilitate the validity, consistency and comprehensiveness of the data while ensuring a high level of error minimization. The research discusses the integral design of “Los Canelos Garden Park” with respect to the international definition of Heritage Values (HV) and standards and the results and findings were thoroughly discussed using maps, parametric and non-parametric techniques, where applicable.

IV. CASE STUDY

The case study documents the valorization of the Typical Zone of Valdivia during the Environmental Impact Assessment System (SEIA) requirements for the bridge construction ordered by the Ministry of Public Works, where its access is planned to use part of the historical area. The area of study dates back to 1774, when the city boundary and its defensive tower (Los Canelos) were built. The process of the research data collection and analysis was influenced by the historical development patterns and evolution of the geographical form of the area. The current TZ of Valdivia was declared in 1991 as a road of old properties and houses, as shown in Figure 1. According to the national SD 89/1991, the former TZ included the following characteristics:

- Two streets (Yungay and General Lagos), which form an axis from the intersection of Lautaro street and the Miraflores district, including the roads and sidewalks.
- The plots that face these two streets, including all their surface areas, which form a polygon and would be constituted as the Typical Zone.
- Buildings for their quality and homogeneity, which is

⁵ Rules/ legislations on excavation of Archeologic, Anthropologic and Paleontological sites.

- understood as a homogeneous set.
- An environmental character with values.

Figure 1. A map of the case study bridge indicating the TZ direct intervention area (in red) and the proposed area of influence (in black); Source: own preparation, 2018

V. RESULTS & DISCUSSIONS

Defining Gaps between Local and International Valorization of Heritage.

The Chilean definition of heritage and its values follows the same definitions of monuments by ICOMOS and UNESCO as factors of tangible and intangible values. Nonetheless, clarity on what is tangible and intangible has not been stipulated. For instance, environments are mentioned ambiguously, relating to aspects like construction style, materials and techniques. These are not combined with the surroundings and definitions, while whether it is an organic product of the community or of nature is not clear (Montella, 2015; MINEDUC, 2017). Table 4 visualizes the current gap through a cross-sectional local understanding of heritage values under the TZs juxtaposed on global definitions of heritage factors:

Table 4. Gaps in the Chilean definition of heritage values as applied in a typical zone (in red polygon) Source: own preparation, 2019

Global tools and guidelines⁶ give prominence to intangible values as a land-based identity, with expanded identification and definitions. By considering these factors, local heritage attributes can be understood as a fabric, which is composed of heritage rehabilitation and the construction of the cultural landscape. They are part of the factors assessed to give shape to the protection of a historic zone based on international tools. The national definition on conservation of environmental characters does not override the limitation of objects as “remains” and “monuments” (LMN, 2011, p.20-21). International definitions consider architectural and landscape factors along with the inseparable environment (social, ecological, economic), the surroundings, the urban fabric, and culture. This is a major difference between the national legal framework and frameworks that have emerged from international consensus. The national legal framework does not offer a proposal for protecting a living habitat and future planning in the urban context. History, culture and the environment are referenced in the document as components of heritage quality. Within the limits of the definitions, emphasis is placed on conservation and restoration projects other than buildings, typologies and morphologies of

urban components. In this sense, Torres (2014) presented that: “in terms of policies, except for volume conservation guidelines, in the Chilean context there are no specific regulations for interventions in architectural heritage”. A recent forewarning by Prieto et al. (2019) made the case for building service life, countering the permissions of location and generic intervention, as defined by the Environmental Sector Permissions (MINEDUC, 2011, p.55). These permissions do not give specifications on restoration and preservation with respect to the lifespan of a building. The recent cases in cultural⁷ and natural heritage⁸ and several other heritage conservation projects in Chile, have shaped and enhanced heritage values within public opinion, whilst making private and public agencies accountable for their externalities which negatively impact societies (Saelzer, 2014). Architectural restorations with urban interest –historic zones– following local and national policies under the National Monuments Law (1970), have resulted in the conservation of facades, protection of plots, links with traffic routes, physiognomy, urban landscape and other spaces of public interest. However, the assignment of heritage value to a building complex would generate a legislative deficit regarding the context, interpretation of surrounding areas and its contribution to territorial (rural or urban) planning. The disconnection regarding urban planning and integral heritage rehabilitation makes integral restorations difficult, due to the overlapping national, sectoral and municipal interests. The Chilean Association of Neighborhoods and Heritage Zones (Asociación Chilena de Barrios y Zonas Patrimoniales) in their proposal for modifications to the National Monument Law, observed the complexity to manage multi-scaled projects (at the local, regional and the national), due to the nature of the Municipality’s organizational chart Act and Sectoral State power (Comunidades Patrimoniales, 2018). The lack of clarity and coordination of legislative instruments hinder developing a better Typical Zones protection policy. Consequently, heritage assets will remain disconnected from sociocultural and socioeconomic developments, and also from the ecological and biocultural systems in spite of the fact that there are relevant natural heritages in the surroundings. Without detecting the causes in detail, anecdotal evidence points to weak protection codes, fines and punishments stipulated in the Act. This has made it possible for real estate activities to sprout in TZs, leading to the destruction of historic buildings, including those protected by the National Monuments Law.

Applying International Definition of Heritage Value on the Local Context: Los Canelos Garden, Valdivia

During the data collection process for this research, residents were asked to define TZ neighborhoods (regarding the scope of impact of the new bridge). They referred mainly to the facades of historical buildings as a valued asset, while few of

⁶ Referring to the SDGs, New Urban Agenda of Habitat III, WHC-UNESCO

⁷ Impact assessment of the Muelle Barón commercial project (Valparaíso) and the Mall (Castro) on the World Heritage UNESCO Site near them.

⁸ Industrial liquid waste pollution in the Nature Sanctuary and Ramsar site in Valdivia, where citizen actions resulted in penalties and sanctions.

them referred to the original families, gardens, industries and warehouses. A handful referred to economic interdependence in the origin of the neighborhood, the street as a personal and social panorama, and the dependence on the river as a form of transportation. The local definition of what heritage values are and what they are not varies against the regulatory frameworks where public spaces and private property are independent concepts in the planning and heritage conservation process. Analyzing the factors taken into consideration by the people in defining Heritage Values (HV), it became apparent that the photographs, symbols and planimetric images that they shared, portray history as an existing urban event with unique attachments. This information allowed identifying several thematic areas in the TZ according to use, the morphology of plots, and their pinnacle as a historic valued extension of the city's urban area (see figures 2a and 2b).

Figure 2a: Land use configurations of the case study area. Own preparation, 2019

Figure 2b: Land use configurations of the case study area.

Source: Own preparation, 2019

The diagnoses were characterized on a diachronic chart as an instrument to organize components, their spatial reference and temporary distribution, morphological changes and their multiple factors: e.g. neighborhood zones, areas of productive infrastructure, neighborhoods, smaller housing areas, street and river shore, and modifications due to natural and anthropic origins. The Environmental Impact Assessment System of the bridge's impact area on a dynamic TZ evolution and the importance of restoration of the architectural heritage catalog, recommended greater coordination at a sectoral level (see figure 3).

Figure 3: Accessibility and Connectivity relationships of the proposed bridge and the impacts on the TZ Source: Own preparation, 2019

The proposed new bridge will increase urban connectivity and will specifically impact the potential of the Typical Zone and its flurry of categorized conservation properties, monuments, and two archeological discoveries. The conceptual inferences of the bridge's impact on the TZ emanate from identifying the tangible and the intangible heritage values that may be affected in a diachronic sense. The "Los Canelos Garden Park" is proposed as a thematic response to the issue of heritage rehabilitation and restoration that coordinates four aspects of the bridge's impact on the TZ: (1) restoration of three historic buildings for public institutions - two of which are incorporated in the state budget for the bridge construction, and one on public-private competition basis, (2) recovery of the botanical features of the area based on the remaining gardens of the houses therein, and gardens in the plots of the three historic buildings, (3) original toponymic landscape instead of records of Republican military fighting indigenous peoples, (4) public accessibility from the street to the

river bank offered to neighborhoods in the TZ periphery , and (5) an approach to understand the dichotomies between public and private spaces in the TZ. The strategy of this public area is an initial focal point that contributes social profitability through the further urban influence and extension of the park. This approach allowed reorganizing heritage values in the following Table 5, which contextualizes the factors and elements studied based on the definition of international HV in the case study area: Table 5. Categorizing factors of heritage values in relevance to the case study area Source: Own preparation, 2019

Going by the original concept of the definition of heritage values (Ahmed, 2006; Scovazzi, 2015; UNESCO, 2017) and the gaps in their definition according to Chilean Law N° 17.288 (see Table 1, Table 2 and Table 3), it can be inferred that the interpretations and definitions of heritage values of a sector under protection policy, must take into account the historical records that emanate from the contemporary day-to-day experience of the people. This is what the study has proposed and collected by acknowledging three categories that reflect the distinctions between the conceived city (given city), the experienced city (represented) and the perceived city (conceptual, imagined) (Lefebvre, 2013). The experienced aspect of the city- which mostly connotes the intangible facets- is often overlooked with limited preservation efforts. As can be seen in Table 4, the Cultural values, knowledge and practices of the TZ in Valdivia are represented by the urban expression manifested in the traditions of German craftsmanship, values, architecture, navigation and paintings. The style, materials, color, detail, proportions, and status of buildings reflects unbridled social practices and traditions. The visible social component reflects the route of commerce, trade and innovation. The cohesiveness and groupings of buildings, linkages of streets and relationships with other buildings express public participation in the cultural definition. The anthropological experiences (identity) reflected the symbols of attachment of the migrant community. The uniqueness, distinctiveness, consistency and inventive showed the current residents something about themselves and those to whom the symbols belong. Environmental measures are conceived as the design of spaces following the cultural and natural heritage conservation policies. Thus, the proposed development of *Wooden Cities* can be used as a generalized or contextual characterization of TZs in regional areas and other urban districts of similar cultural significance, facing the challenges that national frameworks do not envisage.

VI. CONCLUSIONS

The objectives of the study have evolved from the complexities of heritage definitions regarding the regulatory framework of Chile. This research analyzes and reviews the factors taken into consideration within the law on defining TZs and heritage values, and how they influence heritage protection. Within

the limits of the study, it was observed that the national legal framework does not yet offer a proposal to protect a living habitat, and the experienced aspect of the city, which mostly connotes the intangible facets, is undefined with limited preservation efforts; nor does it offer the duplicity of planning scales and rules. Using the Los Canelos Garden Park as a case study, the study found out that the interpretations and definitions of heritage values of a sector under protection policy must take into account the historical records which emanate from the contemporary day-to-day experience of the people. The case study offered opportunities to register unobserved institutional and regulatory framework aspects about the understanding of heritage sites. The perspectives of heritage definition in the national legal framework have to connect with the perception and definition of space. Tangible, intangible and environmental values should be identified through the TZs declaration process and follow territorial planning. Based on local heritage analysis and regional management and governance, the concept of the cultural landscape suggests the attribution towards the better incorporation of contexts into definitions. As demonstrated in the case study area, there is a disconnection of the definition of heritage applied at a local level from the regulatory perspective, where public spaces and private property are separated concepts in the planning and heritage conservation process. There is the need to provide an integrated framework for the definition of heritage values in historical zones, which allows identifying various thematic areas in the TZ according to their uses and their idiosyncrasies as an enrichment of the urban area of the city.

The framework should be compatible with the communal planning instrument regarding the protection of TZs and must provide the basis to safeguard and transfer intangible cultural heritage. The tenets of the case study can, therefore, be a repository for the local-national information learning process regarding the protection of historic zones, which in turn can be considered as a model for the Typical Zones in the South of Chile, that includes the environmental complexities and replicability among *Wooden Cities*.