

## **CONTROL TOOLS FOR CONSERVATION OF HISTORIC TOWNSCAPE WITH CITIZENS' STRONG PROPERTY RIGHT: EXPERIENCE OF KYOTO**

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The efforts to protect cultural properties in Japan started at rather early period in comparison with European countries. The Meiji restoration government enacted a law for the protection of ancient shrines and temples in 1897, but it was different from the way of preservation in European countries. It was that the policy of Japanese government was to select a few buildings to preserve as cultural assets and they were designated as independent works separate from their environments. The quick modernization has been a much more important matter for Japanese government. Designated cultural properties have been exceptional objects in the modernization process of all environments.

On the other hand, in the process of realization of democracy, the Meiji restoration government gave citizens protected proprietary right, including dealing right with immovable properties. New Japanese City Planning Law after the World War began to control functional use of land together with floor ratio control. As a matter of fact, central parts of historical towns, filled with traditional houses, have been designated as commercial area. It means that right to build high-rise buildings is given to the landowners of most traditional centers of towns in Japan. It was not a problem for most large cities of Japan for they already had lost most of their traditional environments in the last war. But it was a serious condition for the conservation of historical townscapes in many small traditional towns and the two big cities, Kyoto and Kanazawa, which were not seriously air-raided.(Fig.1:A streetscape in the central area in 1930. Fig.2: Today's streetscape of the same place as Fig.1)

These are the given conditions for the conservation process of the historical townscapes and environments in the ancient capital of Kyoto.

### **COMPENSATION SYSTEM ADOPTED WITH THE ANCIENT CAPITALS PRESERVATION LAW**

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Japan entered the high growth period of economy in 60's, when people saw developments accompanied with

demolitions of historical environments. Among them even some very important and famous historical sites were included. It was a surprise for some people because they had believed that those significant places should have been protected by regional or national government. It was not true. A law for protection of the sites of historical importance in the ancient capitals was proposed by delegates of the national parliament. It was enacted in 1966, which people called The Ancient Capitals Preservation Law. The purpose of this law was not to preserve historical urban districts themselves but to preserve some areas where historically significant architectural structures and relics meld together with surrounding natural environment in the outskirts of the ancient capitals such as Nara, Kyoto and Kamakura. These areas were designated as Historical Features Preservation Areas.

On the other hand, the property right of landowners had to be protected. At this moment Japanese government decided to compensate landowners in the event that conservation would inflict a loss to them. The compensation system is purchasing of lands in case landowners within the Special Preservation Districts of Historical Landscape appeal against the conservation control.

In Kyoto, approx. 1,300 hectares were designated as special historical features preservation districts at the beginning stage in 1967 and were expanded several times until today to be as wide as 2,900 hectares. The municipality has purchased approx. 190 hectares of the designated districts so far. This number might be smaller than one might expect. The designated districts are mostly mountainous areas where development is basically forbidden by city planning. This fact might be one of the reasons of the small number of the purchase.

### **DIFFICULTIES TO DESIGNATE IMPORTANT CULTURAL ASSETS**

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Agreement of the owners of the land and the building is required for designation of important cultural assets in Japan.

It means that owners of buildings of historical significance can refuse designation of their properties as important cultural assets and that they hold right to demolish them.

Kyoto had many historical European style buildings of brick and stone structure, built in late 19<sup>th</sup> and early 20<sup>th</sup> century. Most of them located in the central part of the town were owned by private companies. Price of land grew expensive especially in the center of towns. Those conditions had made it very difficult to designate those historical monuments as cultural assets. Many of them have already been demolished by now. The fact that brick structure buildings are weak against earthquake might be an excuse, but the protected property right is one of the reasons to allow demolitions.

Kyoto is famous for having many traditional wooden, mostly two storied, town houses, so called “*machiya*” in Japanese. It might be a surprise to know that none of typical traditional “*machiya*” is designated as Important Cultural Asset in the urban area of Kyoto ( “*Sumiya*” is the only Important Cultural Asset, which looks like a *machiya*, but it was a special building for geisha ladies with special building plan). Several typical “*machiya*” houses are designated as cultural assets by municipality. (Important Cultural Asset is designated by national government). This fact is also strongly influenced by property right owned by citizens, even though most of *machiya* houses in Kyoto are rather new buildings. They were built after an incident when fire gutted approximately 70% of the city in the year 1864.

In the historic center of Kyoto, the city planning of the town allows 700 % floor ratio for the area along wide streets and 400 % for the inner areas with narrower streets. The control of 400 % was the smallest number selected from the list of the City Planning Law for commercial area. Many of the citizens hope to hold the right to sell their land expensive to build high-rise apartment houses in the commercial zoning area.

### **CONSERVATION OF HISTORIC TOWNSCAPE AS PRESERVATION OF TRADITIONAL STYLE WITH SUBSIDY**

The integral municipal ordinances for conservation of historic townscape of Kyoto were enacted in 1972, anticipating the national government’s action for the same purpose in 1975.

The persons that were responsible to prepare this conservation system thought that the conservation of townscape should keep the town alive and active. It should be different from preservation done in museums. In those

days people had a kind of allergy against preservation. They doubted that the preservation of townscape would stop the development or change of their town and every day activity would be very inconvenient. Conservation system should accept the change of function of *machiya* buildings, from residence to shop or vice versa. *Machiya* buildings in Kyoto are generally older than 50 years. People might repair and alter their houses or hope to rebuild them. The agreement by the residents of the conservation area was necessary by any means. No one can urge people how to deal with their immobile property.

After arguments the preservation of buildings themselves with their original material was given up. The conclusion was “preservation of traditional style in the façade of buildings”. Style of architectural design, façade types, detail features and additional elements were researched. Location tendency of each façade type in the area was also checked. There was another problem to persuade people. Traditional material of wood and its fine finish of carpentry cost much more expensive than ordinary small buildings. Subsidy was necessary to compensate the expense gap between general contemporary building façade and traditional façade.

This flexible method of conservation with subsidy was accepted by the people of the districts to be designated. Conservation district of this system was named Special Conservation and Rehabilitation District.

The Agency of Culture of national government altered the Preservation Law of Cultural Assets to add a new item for preservation of historic townscape, Preservation Districts for Groups of Historic Buildings (PDGHB). Its conservation system has some common tools for the conservation of that of Kyoto. Preservation is limited to façades of the buildings within the district, which is common with Kyoto’s system. The notable difference is that some buildings are to be selected and designated as Traditional Building in the district, as for which, original façade and structure should be preserved. Other buildings are considered to be treated the same way as Special Conservation and Rehabilitation District, including subsidy system. The municipality of Kyoto adopted this national preservation system, to get supports for the cost of subsidy by the national government. Four districts -*Sanneizaka*, *Gionshinbashi*, *Sagatorimoto* and *Kamigamo*- are so far designated as Important Preservation Districts for Groups of Historic Buildings in Kyoto. None of them are located in the central part of the town where there were fine “*machiya*” houses. The gap between city planning control and preservation rules of this system is too large, which seems impossible for people to understand. *Gionshinbashi* is the only place which is in commercial zoning area where floor ratio control is 400 %.

Here preservation of historic townscape helps their traditional business.

This flexible conservation system to preserve style of building façade requires the skill of staffs to supervise proposed façade design by the residents. In Japan it is general to move staffs from one section to another every three or four years, which makes it difficult to educate skillfull professionals. It is regretful that this demerit is observed in *Sanneizaka* district. This district became a popular tourists' spot which caused frequent alteration of shop design and rebuilding. (Fig3: Model drawings of typical façade. The left one was made to be applied for new function as restaurant or coffee shop. Fi.4: Streetscape in the preservation district of *Sanneizaka*. Fi.5: A building of Fig.4 was demolished and rebuilt into two storied building with traditional façade design.)

### **MORE FLEXIBLE CONSERVATION TOOLS: HISTORICAL TOWNSCAPE PRESERVATION AND ADJUSTMENT DISTRICTS / COMMUNITY TOWNSCAPE DEVELOPMENT DISTRICTS**

Special Conservation and Rehabilitation Districts were defined in Kyoto City Urban Scenery Ordinances enacted in 1972. They were some of the earliest total ordinances to control wide area of a city, including Aesthetic Districts Ordinances to control building designs in important places such as neighborhood area of the Old Imperial Palace and wide area between the *Kamo* River and the East Hills. These ordinances were totally revised to enact new Kyoto City Urban Area Landscape Development Ordinances in 1995.

Noteworthy difference of these new ordinances from the old ones is adding of two new types of townscape control districts; Historical Townscape Preservation and Adjustment Districts / Community Townscape Development Districts.

Historical Townscape Preservation and Adjustment Districts were revitalization of Special Conservation and Rehabilitation Districts, which were not designated after establishment of PDGHB by the national government. The idea of preservation of façade design style was thought necessary and effective to promote conservation of historic townscape in wider areas. Three districts, 14.1 hectare in total, are designated so far. The municipality takes initiative to make Residents' Councils in these districts before designation. Residents' Council decides to adopt this preservation system and makes a committee to supervise change of street façades of the district. In another expression, designation is done only where this process is possible.

Permission by the municipality is required when one attempts to alter building façade including rebuilding whole.

But control is less strict here than PDGHB. No building is designated to preserve structure. To add the third story at the top of traditional two storied *machiya* house such as in *Gion-minamigawa* district. The third story façade should be set backed. Typical façade designs for each district are shown. Planned new façade design should follow one of these typical designs. Guidance of design by the staff of municipality is also flexible. (Fig.6: Streetscape of *Gion-minamigawa* district, where the building of three story is allowed )

Community Townscape Development District is for an area where has identical attractive characteristic in streetscape even if it is not traditional. But so far historic districts where some modern buildings are put are designated as this item of designation. Notification is obliged before alteration of façade design to get guidance by the municipality if it is necessary.

### **FONANCIAL SUPPORT FOR CONSERVATION**

Subsidy system is effective to persuade people to accept designation of some kind of preservation district. In Kyoto, subsidy is six million yen at most for one case in PDGHB, five million yen at most in Historical Townscape Preservation and Adjustment Districts and Community Townscape Development Districts. It sounds like enough to support preservation activity but the whole budget prepared by the municipality for these three kinds of designation districts is fifty million yen for a year. It is a very small budget to deliver to people who need subsidy.

Another financial support is exemption and reduction of tax. The buildings and lands within the designated districts by the national law are exempted from taxation for buildings and land, and gets reduction of heritage tax and corporation tax. As for those in districts designated by municipal ordinances they can get reduction of such taxations.

### **ATTEMPTS TO MAKE BETTER RELATION BETWEEN OLD AND NEW BUILDINGS INCENTRAL AREA**

The areas behind wide streets in the center of Kyoto still now has the largest number of traditional two storied houses, but 400% floor ratio building is allowed in those areas. The municipality made height control of 31 meters for this area, which may not be enough to make harmony with traditional buildings. It would be yet impossible for people to accept strict down zoning. Price of land has been estimated with condition as commercial district. The municipality of Kyoto then made an attempt to make the relation between

traditional buildings and future new buildings. It is a new rule to make buildings. Façade wall is recommended to face street but has to be lower than three stories. Higher stories must be set-backed. The part of the building higher than 20 meters should be set backed more than 20 meters from the other side of the front street, and also be set backed from the border between its neighbor site to mitigate the condition of sunshine (Fig.7: New rules for building in the historic center ). One of the problems of these rules is that empty space in the center of a block behind the traditional houses, which supplied sunshine and wind, is given up to preserve. We need to wait some years to criticize this attempt.

### **CONTROL FOR HEIGHT AND DESIGN OF MODERN BUILDINGS**

Even modern buildings in the wider area of the Kyoto basin is height controlled and design for the purpose of keeping harmony with historical buildings and districts. Control heights vary from 8m to 45m. 20m and 31m control districts cover wide area where there are two storied traditional houses.

Design of tall buildings is also controlled by the ordinance of Aesthetic Zoning. This zoning system is composed of five categories. In categories one and two, buildings are required to be low and have some common design with traditional houses such as inclined roofs. On the other hand it requires only to have Japanese traditional atmosphere or impression in design and colors in wider areas including the central commercial area. This design control started in 1995, therefore today's townscape is a result of old townscape control system with height control only. Design control system would not allow any tall building to have such design as to attract attention with its strange design. (Fig8. Commanding view of Kyoto covered with snow)

These controls would be difficult to say enough or suitable to make true harmony with historical districts. But yet we should recognize its effects to have kept the whole townscape of Kyoto rather in calm impression if compared with other modern cities of similar size. The basic idea of this control is that we should do something even with modern tall buildings to make some harmony with historical environments and to keep identity of the town. If the details of these controls are more carefully designed and if they were applied in much earlier stage of modernization of the town, this kind of control could have been effective.

### **CONCLUSIVE SUMMERY**

Free activity of citizens about land use might be a source of power to promote development and modernization, especially in developing countries. In Japan as one of such countries, preservation of historic townscape has been only possible in the range of understanding and acceptance by the citizens. We had to explore preservation tools which landowners would agree. These tools should metamorphose and develop as citizens' thinking about the value of historical-cultural environment changes. Flexibility in the preservation method, support system both in activity of citizens and financial methods seem to be effective to realize preservation. Campaigns for enlightenment about the value of preservation should be carried out on the other hand.

Many European cities have beautiful and attractive historical townscape with progressed system for preservation. Preservation systems are often pretty severe and deal with detail of the historical environment. But we could say that most of those European cities have developed in the 19<sup>th</sup> century and could be in stable condition in 20<sup>th</sup> century. Central parts of these towns are composed of buildings from four to six stories with high density. Towns in developing countries would have difficulties to preserve historical districts in wider areas of historical towns, as they need developments and enlargement of buildings to accommodate more activity and population. Certain proper districts should be preserved carefully, but sometimes it would be necessary to limit the area of preservation districts. Even in such cases, there may be a different way from treating the developing area, such as quite modern town. There might be various ways to conserve characteristics of historical townscape with traditional identity, from severe preservation system to flexible design control.

Kyoto experienced a lot of difficulties in the later half of the last century in conserving its historic townscape. The city had to develop, at least people believed so. But because of this condition, we made various new methods for conservation with a variety of preservation from rigid to flexible. They hopefully could give some suggestion for historical towns with inevitable development pressures, even though the case of Kyoto is not very successful.

Citizens who have freedom to design their buildings as they like should understand that a town is a kind of common property, and that each building has common nature as an element of the town. When this sense of cooperation to live together is expressed in townscape, together with the sense of continuity of history, the townscape could encourage people to have pride and to live in a profound sense.

**Abstract**

At the beginning of modern era, the Japan government gave citizens the right to deal with their properties including immovable properties; land and buildings. City planning laws allowed people to make enormous modern buildings in quite a wide area of the town. It might be one of the reasons of quick modernization of Japan. Many important historic environments were destroyed or are still in critical situation on the other hand.

Our conservation of historic townscape had to start with such conditions. Citizens' right about immovable properties must be guaranteed as much as possible. Wooden houses of middle class citizens might happen to come to the stage of rebuilding. Two storied traditional buildings could be actually too small. To make the conservation rules and systems have been a work to find the balance between cultural values and modernization of the city. After all, conservation system of historic townscape in Kyoto selected the way to continue the character in some way with modern buildings, and to keep the traditional style in some selected districts, rather than preservation of buildings themselves.

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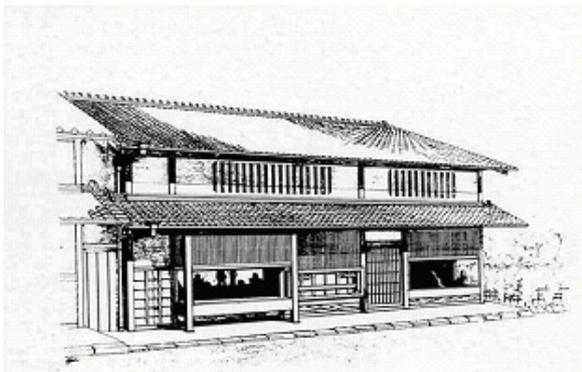


Fig.1 A streetscape in the central area in 1930.

or coffee shop.



Fig.2 Today's streetscape of the same place as Fig.1



Mushiko-machiya - display window type  
むしこ町家飾窓付店舗形式



Mushiko-machiya - "walk-in" style shop with doma  
むしこ町家土間店舗形式

Fig.3 Model drawings of typical façade. The left one was made to be applied for new function as restaurant



Fig.4 Streetscape in the preservation district of Sanneizaka.



Fig.5 A building of Fig.4 was demolished and rebuilt into two storied building with traditional façade design.



Fig.6 Streetscape of Gion-minamigawa district, where the building of three story is allowed.

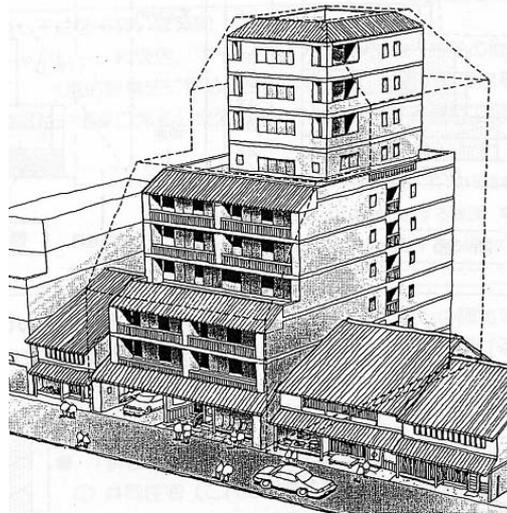


Fig.7 New rules for building in the historic center



Fig.8 Commanding view of Kyoto covered with snow