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Note

The Possibility of Conserving and Handing Down Urban Landscape by Means of Participatory Community Building

A Case of Ninenzaka District in Higashiyama Ward, Kyoto

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Abstract

In what way has the perception of urban landscape evolved in the modern period? Nishimura holds that since Haibutsu Kishaku (an anti-Buddhist movement at the beginning of Meiji era) of the 1860s, there has been a "wave" about urban landscape at about twenty years' interval. The "wave" has severed the link with the past and brought about change on the one hand and has been accompanied by some reaction on the other.

However, the balance has started to crumble, and reaction as a corrective measure has stopped taking place. Unilateral discontinuity and change has destroyed the urban landscape. People have started to change topography to seal off natural disaster and discarded the past without a second thought. One of the factors is change in our awareness initiated by "the devastating damages inflicted on cities." There is, however, another problem. That is the trivialization of conservation/handing-down strategies which should be resisting destruction/development.

First, there is convergence to "design control. It goes without saying such "design control" plays an extremely important role in the site of conservation/handing-down of landscape on the ground. However, on the other hand, can't we suspect this has engendered some awareness that urban landscape is a subject that can be manipulated at will? Secondly, there is the entrenchment of "beneficiary centrism" in relation to urban landscape. This appears to give birth to a framework of understanding that urban landscape is always in a competitive or trade -off relationship with some kinds of rights, and has strengthened it.

Understanding basing on "design control" and "beneficiary centrism" is fundamentally skewed as an approach to conservation/handing-down of urban landscape. If the route to be sought is to recover our "public sensitivity" to turn urban landscape into "commons" again, how could it be achieved? The current article is to explore clues for this question through an examination of a case of participatory community building.

Key words: Urban Landscape Cconservation, Ninenzaka, Kyoto city, Important Historic Buildings Preservation District, Participatory Community Building, Voluntary Regulation, Design Control

1. Introduction

(1)The end of urban landscape?

One Hundred Famous Views of Edo by Utagawa Hiroshige was published from February of Ansei 3 (1856) till Ansei 5 (1858), a year after Hiroshige's death. It vividly depicts vibrant urban life against the background of natural and artificially built environments. Nishimura (2008) argues that the concept of "urban landscape" in Japan was already emerging at this time.

In what way has the perception of urban landscape evolved in the modern period? Nishimura holds that since *Haibutsu Kishaku* (an anti-Buddhist movement at the beginning of Meiji era) of the 1860s, there has been a "wave" about urban landscape at about twenty years' interval. The "wave" has severed the link with the past and brought about change on the one hand and has been accompanied by some reaction on the other. For example, the policy of dismantling castles served as a trigger for the Ancient Temples and Shrines Preservation Act of 1880, a policy to conserve historical landscape, and the progress in regional development, including the building of railways, led to the launch of Historical Sites, Places of Scenic Beauty and Natural Monuments Preservation Society in 1911, a kind of resistance to the development. Urban landscape in Japan has been formed with these interactions and balances, and people, who lived there, arguably acquired a highly developed sensitivity to the landscape.

However, the balance has started to crumble, and reaction as a corrective measure has stopped taking place. Unilateral discontinuity and change has destroyed the urban landscape. People have started to change topography to seal off natural disaster and discarded the past without a second thought. Why was the balance lost? Nishimura seeks the answer in World War II. The devastating damages inflicted on cities led to the loss of "public sensitivity" to urban landscape and the urban landscape became "un-commons."

Cities in Japan have been destroyed by disaster countless times in the past, and each time they have re-emerged. This must have involved various discontinuities and changes. But these did not lead to the loss of "public sensitivity" and did not make the landscape "un-commons." Then, why has the experience of WWII led to such a turn-around? This is a question that goes beyond the author's capacity; however, we can probably agree that changes in urban landscape brought by the destruction in war and during the recovery period that followed were extremely dramatic.

Still, there was some reaction in the postwar period. Against the deregulation during the rapid eco-

nomic growth period, awareness of street conservation started to emerge. Various regulations containing words such as beautiful sites and scenery were legislated by local authorities across the country, which led to the revision of the Cultural Properties Protection Act in 1975. The crazed “scrap-and-build” boom of the 1980s, induced by the asset bubble, has also contributed to the mainstreaming of legislation of community building regulations, setting up of community building centers and residents’ participation based on these. As such, it appears that the postwar urban landscape has also been shaped by dynamics between destruction/development and conservation/handing-down. Nonetheless, the vector towards the end phase—turning the landscape to “un-commons”—never wavered. One of the factors is, as Nishimura argues, change in our awareness initiated by “the devastating damages inflicted on cities.” There is, however, another problem. That is the trivialization of conservation/handing-down strategies which should be resisting destruction/development.

(2)The trivialization of urban landscape conservation/handing-down strategies

First, there is convergence to “design control.” Each of regulations to conserve beautiful spots/scenery, which were legislated by local authorities across the country around 1970, the District Planning Act of 1980 and the Scenery Act of 2004 is based on a clear motivation to protect landscape which is being lost in the face of overwhelming pressure to develop. However, in terms of implementation, these regulations appear to be confined in technology to correct tears, distortions and break-ups in landscape by manipulating forms, such as height and volume, material, color and design including shaping.

It goes without saying such “design control” plays an extremely important role in the site of conservation/handing-down of landscape on the ground. However, on the other hand, can’t we suspect this has engendered some awareness that urban landscape is a subject that can be manipulated at will? Or has it not led to a situation in which we do not have any problem with understanding of urban landscape as something that is independent of all other urban activities, a subject of control?

Secondly, there is the entrenchment of “beneficiary centrism” in relation to urban landscape. Since the 1960s, court cases on the right to scenery or scenic benefits have been pursued intermittently. At the law suit on Kyoto Tower and scenery (1964-), the plaintiff, who argued for the right to scenery, lost. One of the turning points is the law suit regarding the block of flats in Kunitachi (2001-), which was widely reported on media. The act of development, which did not contravene any legislation, broke a tacit local rule that the height of the building should not exceed that of the existing cherry and ginko trees lining the street but was in the end ruled to be lawful (2006, ruling by the Supreme Court). On the other hand, the judiciary also judged that “scenic benefits are eligible for legal protection.” In other words, the ruling, while acknowledging the existence of “scenic benefits,” determined that the act of development in question did not violet them.(1) In any case, we can say this ruling was unmistakably ep-

och making in the discussion of conservation/handing-down of urban landscape. In fact, in the law suit regarding the plan to landfill and to build a bridge in Tomonoura (Fukuyama-shi, Hiroshima Prefecture, from 2007), the Hiroshima District Court determined its historical and cultural values as a "national asset." The Court ordered to suspend the landfill license to the Prefecture/municipality, and the plan was later formally withdrawn. Unlike the case of Kunitachi, in the case of Tomonoura, there was a problem of adverse effect on local people's life due to constant traffic jams in the foreground. The issue was whether the plan to landfill and to build a bridge in order to solve traffic jam should be approved at the expense of historical/cultural values.

These developments have made significant contribution to the nation's landscape perception by exercising direct influence on the passing of the Scenery Act, for instance. On the other hand, the device called a law suit narrows the disputed point and puts the question of whose and what rights are to be protected or violated in the foreground. The series of law suits have dealt with landscape in this context. This appears to give birth to a framework of understanding that urban landscape is always in a competitive or trade-off relationship with some kinds of rights, and has strengthened it. "Beneficiary centrism," in which urban landscape is legitimized by the presence of clear beneficiaries, has been established.

Understanding basing on "design control" and "beneficiary centrism" is fundamentally skewed as an approach to conservation/handing-down of urban landscape. Then, can we clearly show what alternatives there are in reality at this point of time? If the route to be sought is to recover our "public sensitivity" to turn urban landscape into "commons" again, how could it be achieved? The current article is to explore clues for this question through an examination of a case of participatory community building.

2. The overview of Ninenzaka district

Ninenzaka, located in Higashiyama Ward in the municipality of Kyoto, was developed early as an eastern suburb of Kyoto. Its history goes back to Heian period and has constituted major urban landscapes of Higashiyama with landmarks such as Hōkanji Temple, Yasaka Shirine and Kiyomizu-dera [Figure 1]. Masuyacho where Ninenzaka is found is said to have been developed by Masuya Kibei, a merchant, during Kyoho and Horeki eras in Edo period, and it has developed as a path connecting Kiyomizu-dera and Kodai-ji.

The streets which have been handed down to the present generation had largely been formed by the beginning of Taisho era. Appreciation of the importance of the district which preserves traditional landscape led to its designation, together with adjacent San'nenzaka district, as Important Historic Buildings Preservation District (hereafter IHBPD)(2) in 1976 [Figure 2]. Many Sukiya-style modified townhouses line stone steps and cobbled streets [Figure 3].

The author has been continuously involved with community building in Ninenzaka district(3) for about 17 years, starting as an advisor to the group in 2001. The local volunteers meet approximately once a month and the number of meetings has exceeded 160. The current article describes the activities in Ninenzaka district based on my participant observation. There is potential in participatory community

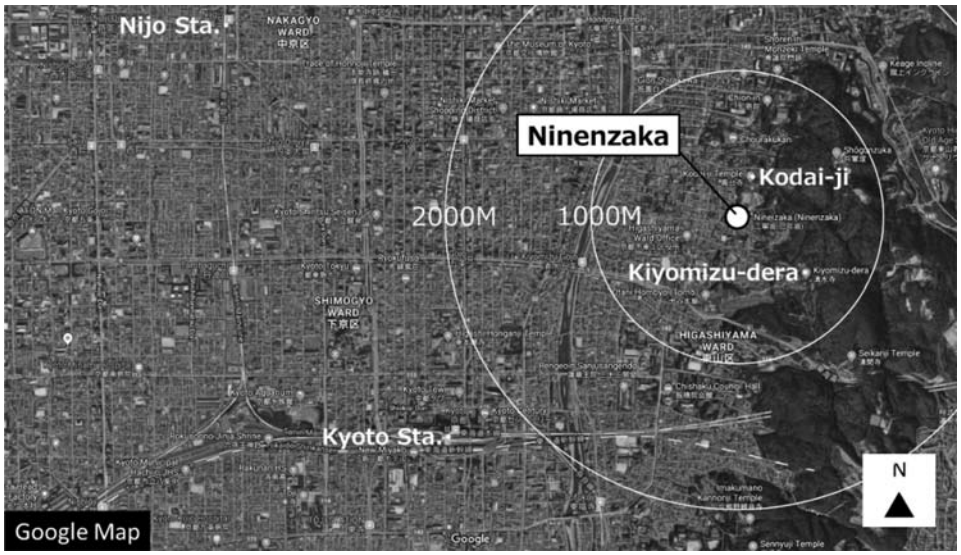

Figure 1　The location of Ninenzaka

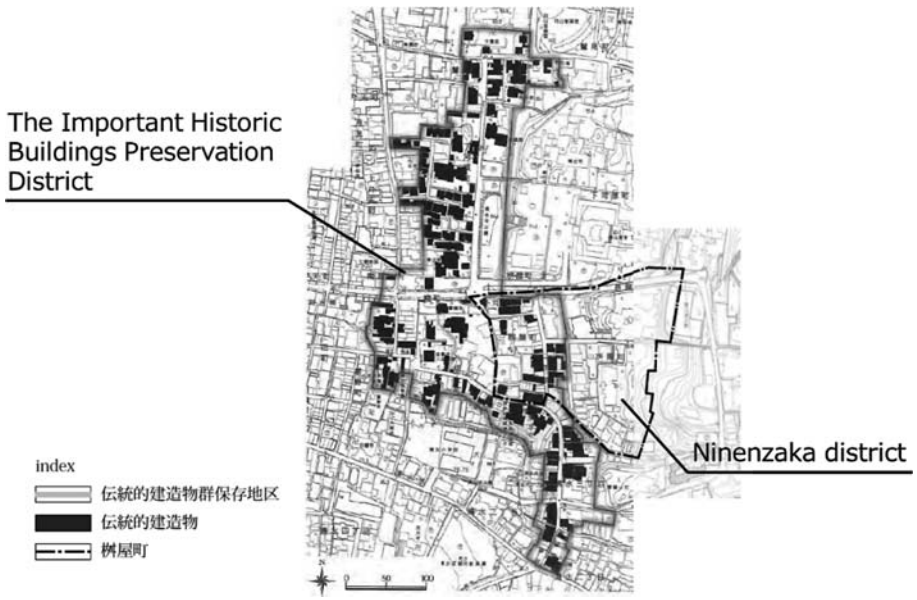

Figure 2　The boundary of the Important Historic Buildings Preservation District



Figure 3　An example of Sukiya-style modified townhouse

building. That is, the potential to dismantle the framework of understanding of landscape based on "beneficiary centrism" and to liberate the approach to conservation/handing-down from the curse of "design control."

3. The history of community building

(1)Pre-history (from 1984)

In 1984, six volunteers started to work on launching an organization for autonomous community building. At that time in Kyoto, there was a fierce conflict between the government and the Buddhists in regard to the "ancient capital tax.(4) In exchange for the introduction of the ancient capital tax, the Buddhist side decided to "suspend visits." It was inevitable that tourism would be badly hit by this. Strong condemnation and opposition was directed to both the municipality's decision and to the "suspension of visit."

However, in Ninenzaka distract, it was decided to keep some distance from these disputes. It is worth special mention that while being sandwiched by Kiyomizu-dera and Kodai-ji, two cultural heritage sites, they made the decision to carry on with autonomous community management. With this shared understanding, "Koto ni moeru kai (organization which thinks of the ancient capital)" was organized in 1986.

The society first designated burying electricity cables in the ground as the priority, and discussions started to realize the plan while negotiating with the electricity company. Due to topography as well as local conditions, such as the street width/road alignment, it was concluded that it was impossible to bury these cables in the ground, and the "backyard method," in which electricity cables would be moved to the back of the houses facing the main street, was adopted. As it is easily expected, the residents who

would be affected by the move of electricity cables were opposed to it, and the project disappeared without reaching an agreement.

(2) The launch of the "Study Session for Community Building" (from 2001)

From October 2000 till March the next year, Kyoto Center for Community Collaboration held "community building seminars." The event was, in fact, training in participatory community building and together with volunteers from neighboring San'nenzaka district, "Koto ni moeru kai" took part in the seminars. Taking advantage of this, with another neighboring distinct of Yasaka-uemachi, the three districts started to jointly hold the "meeting to think about scenery/community building in Kiyomizu (the study session).". It was May 2001. Since then, the "Study Session" has been meeting approximately once a month to date.

However, the neighboring districts withdraw in the meantime, and the "Study Session" is, in fact, constituted by "Koto ni moeru kai" only. Discrepancies in awareness of the problem, ideas as to how to deal with the problem and how cost should be met certainly contributed to this, but the biggest factor appears to be whether they had bases for activities since the "ancient capital tax." Because "Koto ni moeru kai" became the only member of the "Study Session," the distinction between activities of both became an issue. Right from the beginning, because the "Study Session" started as collaboration of three districts, it was never a decision-making body. It was simply a venue for discussion and debates, and its outcomes remained at the level of clarifying the problem. Since the "Study Session" now had only one member, it could have been upgraded to be a decision-making body, but it was avoided. This was because the director concluded that in order to be clear who made decisions on what and when, while maintaining an opportunity for everyone to come in and to speak freely, it was desirable to maintain the "Study Session" as an important venue for discussion. This came to assume particular importance in the process of drafting strict local rules later.

Starting with the "workshop to think about the community's vision of future" in August 2001, the "Study Session" has been tackling various challenges, including the district-wide street survey, introduction of voluntary rubbish collection/dust bin management system, a survey on the use of tourist car parks and a survey on lighting during night time. In the meantime, an opportunity to bury electricity cables in the ground came up. In the background of the municipality-wide initiative, Ninenzaka was selected as a "model district" in which implementation of the project was made a priority. Since the burying of electricity cables would be carried out as public works, there was no cost implication to the local people. However, as mentioned earlier, due to topography and the street shape, burying cables completely in the ground was difficult. The "backyard method," which was considered before, was excluded from the list of options this time round.

With the “backyard method” off the table, and the complete burying of the cables being difficult, a new method called the “soft burying” method was proposed. This was a kind of compromise in which while utility poles would be left intact, electricity cables would be laid in each property directly to eliminate suspended cables, and the local community accepted this. Given that burying electricity cables in the ground was the major wish of “Koto ni moeru kai” ever since its launch, it feels rather surprising that they accepted the compromise. It appears in addition to the difficulty in reaching a consensus there were two kinds of change which had come about through the participation in the “Study Session” in the background. First, collectively, it was felt wrong to act on the assumption of asymmetry between the main street and its backyard and second, the significance of burying electricity cables in the ground for the community. In the past, to realize the burying the cables in the ground was the aim and goal. But now, it was only one of outcomes of their activities, and the members’ concern had shifted to how to add value to the landscape in which the cables were buried in the ground.

(3) Examination of “voluntary regulation” (from 2008)

Since around 2008 when the burying of electricity cables became more feasible, discussions on outdoor advertisement started. Thanks to the burying of cables in the ground, the skyline of the street became dramatically clearer, and the façade was much easier to see. This change, on the other hand, brought outdoor advertisement to the foreground. Originally, Ninenzaka presented a landscape in which not shops but “dwelling houses” lined the street. In other words, an increase in outdoor advertisement meant deviating from the historic form of street. While gradual change in the use of the building should be permitted, excessive exposure of and an increase in outdoor advertisement was considered to be a problem that would affect the district’s identity. However, it was not easy to draw a line between permission and restriction. The “Study Session” carried out a detailed survey on outdoor advertisement in the district with help from a nearby university (Kyoto Women’s University), with which they had established relationship, and discussed the appropriate permitted line.

On the other hand, the municipality of Kyoto legislated “regulations on outdoor advertisement” in 1956 and had been implementing the regulation consciously from early on. Also, the IHBD, in which Ninenzaka was located, had already been under very strict regulations based on “the landscape development plan in regards to outdoor advertisement in the special restriction district in San’nenzaka, Kyoto.” Nevertheless, there was a huge discrepancy between the situation at that time and the district’s vision of future. The reason was found not in the non-alignment of legislative regulation but in the ambiguity in the regulation and lax implementation. Expressions such as “calming” and “does not disturb harmony,” in regard to the color criteria, and “Japanese atmosphere” or “in tune with the specificity” in regard to shape/design were highly subjective. The application and examination procedures at the municipality

level were not fully followed. Not many people were aware such procedures existed. Monitoring after the approval was overwhelmingly scarce, and most of contraventions were overlooked.

At the “Study Session,” to solve these problems, the members discussed the district’s own regulations and implementation rules. As for the color criteria, drawing from the aforementioned survey, a clear line was drawn. The method adopted was not to specify the threshold value by way of Mansell value, but to provide concrete options of permitted color [Figure 4]. As for the shape/design criteria, instead of concretizing/tightening up the content of regulation, a method to evaluate the proposal through prior consultation was proposed. What was aimed for here was to emphasize the existence of the regulation while guaranteeing some freedom in design, and furthermore to limit reliance on subjectivity, a problem left by Kyoto regulation. A “voluntary regulation declaration” with these contents was drafted and approved/adopted at the general assembly of “Koto ni moeru kai” in 2009.

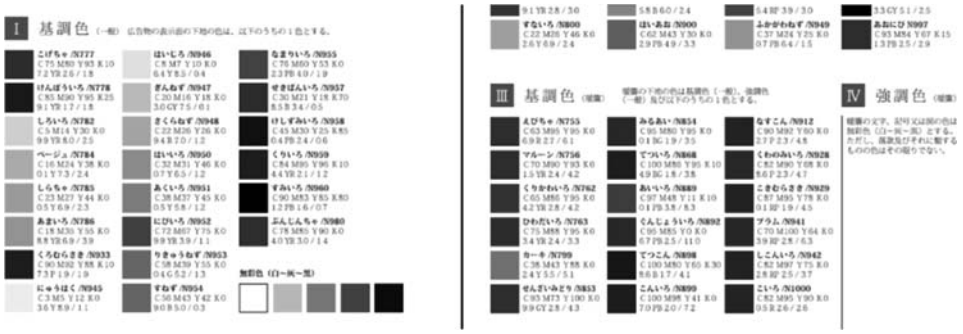

Figure 4　The color criteria according to the “voluntary regulation declaration”

(4) Towards the “Local Landscape Building Council”(from 2010)

At the same time as the start of implementation of the “voluntary regulation declaration,” there were cases in which important buildings were reformed in contravention to legislation. In order to refurbish buildings in the IHBD, one needs permission from the government. In particular, in the case of “historic buildings,” whose high cultural values are officially acknowledged, in principle, it is required to maintain the current appearance. Still, reforms going beyond the permitted range for change in the use of building were made. One of the reasons for this was the limitation of the government’s power. Another is the maturity of the monitoring function carried by “Koto ni moeru kai,” which by now had had 20 years of activity. In other words, because of the thorough checking function at the community level, it was now possible to detect cases which could have been unnoticed before.

However, the improvement in the monitoring function is only effective after the event. There were therefore needs to restrict inappropriate refurbishment itself. The simplest means to achieve it was to demand the government to do its job thoroughly. In fact, in implementing the outdoor advertisement regu-

lation, which we have seen earlier, the government assumes a strong enforcement role as part of the "Kyoto New Landscape Policy,"(5) and substantial revision and tightening up of the restriction was attempted. From the Ninenzaka district's point of view, because they had already engaged with voluntary regulation ahead of the government, this simply meant that the municipality finally reached the start line. In terms of the municipality as a whole, enforcement/restriction was strengthened, but because Neneizaka had already exceeded the "average mark" by a big margin, there was not much change. From the view point of the municipality as a whole, the "contravention" in Ninenzaka appeared to be extremely minor (Takamura 2012). Most likely this applied to the "historic buildings." Although the local residents saw excessive refurbishment, from a more macro point of view, it was within the margin of error.

Under the circumstances described above, the "Study Session" worked on conservation/handing-down of local cultural values in two ways. First, they maintained steady activities in order to fill the gap with the government's understanding. By now, governmental officials were always in attendance at the "Study Session" meetings. Of course, it is not easy to change the understanding of the governmental organization itself, although the officials in charge might have achieved different understanding; still the view from the ground could carry weight. Constant dialogue was still on-going. Secondly, an idea to expand the prior consultation process appeared, something that was attempted in the "voluntary regulation declaration," to buildings. The idea itself is far from novel. For example, the "landscape agreement" in the Landscape Act (2004) and the "community building agreement" in Kobe Community Building Regulation(6) (1981) have a similar system. What was distinctive about Ninenzaka's approach was to make use of the system of voluntary consultation which had been already built in the district.

At this point, the "Kyoto New Landscape Policy" had just instituted the "Local Landscape Building Council scheme," a scheme to put the prior consultation process with local residents in place. The "Study Session" took making the most of this scheme into consideration and prepared itself. For Ninenzaka, with an activity base with accumulation of experiences over many years, clear purposes and with experience of prior consultation, it was not very difficult to obtain accreditation from the municipality based on the scheme. "Koto ni moeru kai" was accredited as a "Local Landscape Building Council" in 2012 and in the following year, submitted the "local landscape building plan" to the municipality.

(5) The implementation of the "local landscape plan" (from 2013)

The first characteristics of the "plan" is its linkage with the "voluntary regulation declaration." When proposing an outdoor advertisement, a prior consultation based on the "Local Landscape Building Council Scheme," drawing from the content of the "voluntary regulation declaration," would take place. Needless to say, at the basis of all these are the Important Historic Building District Regulation and

Outdoor Advertisement Regulation.

The second characteristic is its wide range of subjects for consultation. In addition to outdoor advertisement, buildings and constructs, public facilities including roads (including private roads) are subjected to consultation when repair/refurbishment is carried out. This is only logical provided that spatial elements that constitute urban landscape are widely spread, regardless of their owner/manager/user. However, as far as the author is concerned, there are very few examples in Japan in which public properties and road space are subjected to consultation at the community level in the context of "landscape building."

The third characteristic is the multi-layered structure of the consultation regime. As discussed earlier, the "voluntary regulation declaration" guarantees some freedom in design while emphasizing the existence of restriction; it does not concretize/tighten up the restriction content in regard to the shape/design criteria of outdoor advertisement. Because of these conditions, it was required to limit reliance on subjectivity, to encourage high quality shape/design and to guarantee a democratic procedure. In response to this, the "Council" set up a "Design Committee" which was separate from the "Board," a usual venue for consultation. It was stipulated that the "Council" would have two members other than the director and two external experts. The "Design Committee" will be called, during the prior consultation process, when the board finds it difficult to make judgment. "Difficult to make judgment" refers to a situation in which, while there is doubt on the compatibility of the application, active efforts are made to improve the quality to complement it, not to a situation when the application does not fit the "plan" (in this case, as a rule, a request for change will be issued).

Based on the "plan" with the aforementioned features, since the inception, thirty prior consultations over 24 items have been carried out in about five years. Only once the "Design Committee" was called. The reason for the call was not doubt on compatibility but because a more careful discussion was called for due to the size of development. The case in question was construction of a foreign hotel with the



Figure 5　The "local landscape building plan" (partial)



Figure 6　The structure of prior consultation

site area of 8,796.47 m^2, two floors above ground and four floors below ground and the total area of 13,698.11 m^2. The construction plan which includes transfer/conservation of existing building and trees in the site area has been initiated in 2017 after several changes in design, both minor and major, during the consultation process.

4. Discussion

What implication does the practice of participatory community building at Ninenzaka have in regards to "public sensitivity" to urban landscape and to turn to "repeated commons" as discussed at the beginning? We discuss what has been reported so far.

(1) The risk of "minor contravention"

The landscape of Ninenzaka is outstanding. Much attention has been paid to any change to it. The landscape has been managed by multi-layered local rules including the "voluntary regulation declaration" and the "local landscape building plan" in addition to the IHBD and Outdoor Advertisement Regulation. Strict and detailed rules detect various contraventions of both major and minor size, and as discussed earlier, in the context of the municipality, contravention at the level far exceeding the "average mark" has been largely considered to be of minor importance. The implementation of the Regulation was focused on those below the "average mark." Powerful contravention detection/improvement guidance based on the "New Landscape Policy" has been faithful to the subject. While the local rules are supported by the municipality's regulations, they are outside the remit of the regulations.

The government's logic is certainly rational in one respect. More tangible effects can be expected by eliminating clear contravention due to ignorance or on purpose. But they are after all just "tangible effects." These "tangible effects" are either temporary or enforced permanence. We cannot regard en-

forced permanence as “commons.” Temporary effects do not cultivate “public sensitivity.” Above all, there is a fundamental flaw in assuming that “tangible effects” constitute “landscape building.”

“Minor contraventions” are not minor from the community’s point of view, because it is not just about the degree of contravention. Regardless of the size, a contravention can be a potential factor to disturb the “balance.” Takamura (*ibid.*) has stated that in a situation where regulations are not shared, “the balance means everyone behaves in such a way that each ignores regulations, puts out brash outdoor advertisement and competes to attract more customers to one’s own shop.”

In the past, there was a “balance” which was similar to this in Ninenzaka. The level of the “balance” was gradually raised through patient practice of the “Study Session.” What sustains the “balance” is “public sensitivity.” In other words, a contravention not only brings down the “balance” but also leads to the loss of “public sensitivity” and can be a risk of going back to the so-called “tragedy of commons.”

(2) Controlling the risk based on the tension with the government

The “Local Landscape Building Council” does not institutionally have the competence to determine whether the consultation has reached an acceptable conclusion or not. It can make statements about sections which are not compliant with the content of the “plan” and to request revision, but the final decision making is left to the government. On the surface, this system appears to be a kind of governmental paternalism which constrains the Council’s competences to “prevent the community from overstepping the mark.” But at least in the case of Ninenzaka, this “brake” has an important implication, because the process through which the government makes final decisions serves as an opportunity for the community to monitor the government.

The “Council” is always watching what judgment is made. The government cannot slight the prior consultation process, even if the issue could be a “minor contravention” from the municipality’s point of view. Here there is a tension between the government whose decision is finale and the community which carefully monitors how the government uses its power. The neglect of a “minor contravention” is therefore avoided and the risk of the break-down of the “balance” and the reduction in “public sensitivity” is mitigated.

(3) Potential values of participatory community building

What the “Study Session” and “Council” have been grappling with is tightening of existing rules regarding the size, shape and color of buildings and outdoor advertisement, in short, “design control.” While the current article has not discussed the content in detail, it is very detailed to the point of being obsessive. In particular, control over outdoor advertisement is literally nitpicking. Does this mean that

participatory community building has not escaped from the curse of “design control”? Probably not.

In community building at the local level, sharing of knowledge/information/awareness is essential. As the discussion becomes more narrowly focused as to the level of nitpicking, the discrepancy in knowledge/information/awareness among residents widens. The “Study Session” was a venue to fill the gap. It was normal to go back to the beginning, and the starting point was repeatedly confirmed. There is a process of sharing like this behind the pursuit of the method of “design control.” This has cultivated the community’s “public sensitivity.”

This is where we find potential value which is unique to participatory community building. On the surface, their activity certainly looks as if they were exploring how to implement “design control.” But the process, in fact, cultivates urban landscape as “commons” by spreading “public sensitivity” to the community by sharing knowledge/information/awareness.

5. Conclusion

The current article has examined the possibilities found in the approach to conservation/handing-down of urban landscape through the practice of participatory community building in Ninenzaka district in Higashiyama Ward, Kyoto. Their practice is clearly distinguished from the framework of understanding based on “beneficiary centrism,” which regards urban landscape as the subject in struggle for rights, and it has not been caught by “design control” which regards urban landscape as a subject that can be manipulated arbitrarily. Of course, there have been problems of various conflict, disharmony and division. However, they have managed to build a unique conservation/handing-down approach while containing these problems. In place of a conclusion, a summary of main points is offered.

(1) How has “beneficiary centrism” been rejected?

Let us reconfirm problems with “beneficiary centrism.” As national awareness of urban landscape gradually matures, a one-sided view in which urban landscape is understood as something that produces for certain rights with some beneficiaries has widely spread. The so-called landscape law suits have pulled both sides. That a series of judicial rulings has confirmed that scenic benefits exist as the subject of legal protection and that ruling has been made to prioritize the protection of landscape in trade-off with transport convenience has underpinned the deepening of national understanding of landscape in Japan.

On the other hand, the concept of scenic benefits appears to assume that the value of landscape can be treated in equal measures with “view” and “sunlight” while distinguishing it from the two. Still in the law suit on Tomonoura, the court acknowledged its value as a “national asset” and the landfill was

suspended because it would exceed the value of convenience for an area. This possibly means that it is not necessarily treated in equal measures with "view" or "sunlight" with limited beneficiaries. However, it does not appear to have escaped from the existence of beneficiaries in so far as it opposes some conflicting/competitive rights and regards the "landscape" as a subject of dispute with these.

The above suggests the principle limitation in the understanding of urban landscape as a subject of rights. As long as we are caught in this understanding, "public sensitivity" towards urban landscape will not be cultivated, and the route to making urban landscape commons will not be opened. The reason why Ninenzaka has escaped this trap is because it has always internalized intra-community conflict. It is difficult to avoid an emergence of conflict in the process of community building. However, we can avoid drawing lines among groups such as beneficiaries, victims, by-standards premised on conflict. The community has made information and discussion public and rather than avoiding different views, it has brought them into discussion. Line drawing is rejected and constant efforts are made to internalize conflict. Because of these, it is assumed that the community has managed to not fall into the trap of "beneficiary centrism"

(2) Why was it that "design control" is discussed despite strict regulations?

Why in the IHBD, in which the strictest "design control" in Japanese urban space is applied, has further voluntary regulation been discussed? The answer is extremely simple. There was a discrepancy between the "strictness" in the regulation and that of the community.

Urban landscape has been produced under local rule without legal basis or institutional infrastructure. It is an uncodified code of conduct, something that is reliant of accumulation of experiences. This, however, is the premise of "design control." From Ninenzaka's point of view, "design control," based on the Important Historic Building District Regulation, contains some discrepancy from what they have inherited. What is problematized here is not the level of regulation (whether it is strict or not) but discrepancies from the code of conduct which has been inherited. When a community becomes aware of this discrepancy, it is almost inevitable that institutional "design control" is questioned again. The voluntary regulation created by the community as a result may take the form of adding some rules to the existing system, but in fact, we should take a view that the IHBD scheme occupies some parts of the local rules as voluntary regulation.

If there are no established local rules, and if there is only the Historic Building District Regulation, what will happen? Ushitani *et al.* (2004) have analyzed development in a historic town and shown how the Historic Building District Regulation has gradually re-written local specificity. It is reported that in that district, a particular design which was originally adopted under a particular set of conditions is "dramatically increasing without any academic examination." Design, one of the characteristics of diver-

sity, is easily copied and permeated because it is written in the scheme. The scheme of IHBD itself spoils “the landscape underpinned by the local specificity which original historic streets have” and replaces it with an easy image of ‘historic street.”

What can stop this is the agency of the community which demands “academic examination” of the design. “Design control” would not take root in places where there is no subjective awareness as to who has created the landscape, and who is trying to do so now.

(3) In what ways has the conversion to “design control” been overcome?

The biggest problem with the idea of “design control” is that it wipes out a sense of discord about regarding urban landscape as a subject that can be manipulated arbitrarily. As discussed above, at Ninenzaka, a sense of discord with institutional “design control” has led to the drafting of a new local rule called voluntary regulation. The drafting process manages to escape from the harmful influence of “design control” while discussing it.

Voluntary regulation literally means a local rule without any legal basis vested to each individual’s agency. Since it relies only on each individual’s agency, naturally there are discrepancies in the level of agency. Leaving the discrepancies unattended would mean the collapse of the rule. The major players in community building were quite aware of this fact. In order to overcome discrepancies in knowledge/information/awareness among the residents, they repeatedly went back to the drawing board and reconfirmed in the drafting process. This was indeed a new approach to conservation/handing-down of urban landscape which refuses to be trapped by “design control.” Soon, agreement was reached on voluntary regulation. It was at the same time, achieving a higher level of the “balance” underpinned by “public sensitivity” towards urban landscape.

Voluntary regulation later acquired legal basis in the implementation called “The Local Landscape Building Council Scheme.” This has established a more secure prior consultation system in response to any change to the built environment in the district. Furthermore, by monitoring the government’s exercise of power in the form of making final decision regarding the consultation items, they have managed to eliminate cases which could have been ignored as minor contravention at the municipality level. As I have repeatedly argued, the presence of contravention, regardless if it is minor or not, is a trigger for the collapse of the “balance” and a risk to reducing “public sensitivity.” The prior consultation system which produces positive tension with the government mitigates such risk.

As shown above, participatory community building has the potential to sustainably cultivate the community’s awareness of urban landscape while escaping the trap of “design control” which regards urban landscape as a subject that can be manipulated arbitrarily. Still, these are conclusions which have

been obtained through an observation of a single case of Ninenzaka. To develop similar possibility, what kind of conditions must participatory community building have? We need to investigate this conditions list.

Notes

(1) See Igarashi (2002) and so on.

(2) The Historic Buildings Preservation District system was introduced by the revision to the Cultural Property Protection Act in 1975. As for November 2017, there are 117 Important Historic Buildings Preservation districts in 97 municipalities across 43 prefectures.

(3) "The Ninenzaka district" in fact refers to a district which combines Ichinenzaka and Ninenzaka, and it is at the corner of Masuyacho.

(4) Fujimura (2016) describes the history of the conflict as follows: "The municipality of Kyoto regarded entrance fees to temples and shrines to view buildings and statues as viewing of cultural properties and attempted to collect ancient capital co-operation tax (ancient capital tax) by adding it to the entrance fees of temples and shrines. The temples regarded visiting as a religious behavior (. . .) and fiercely resisted the proposal by a variety of means including suspension of visit. In the end, the conflict was concluded by the municipality abolishing ancient capital tax."

(5) The "New Landscape Policy" has been implemented since September 2007 as a "precise policy which responds to characteristics of the local landscape."

(6) The official title is "Kobe Regulation on District Planning and Community Building Agreement." This is known as the first community building regulation in Japan.

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3) Takamura, Gakuto (2012) *Urban Renewal from Commons,* Minerva-shobo (in Japanese)

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