URBAN CONSERVATION AS AN OWNERSHIP PROBLEMATIC: ZEYREK – ISTANBUL

A THESIS SUBMITTED TO THE GRADUATE SCHOOL OF NATURAL AND APPLIED SCIENCES OF MIDDLE EAST TECHNICAL UNIVERSITY

BY UTKU SERKAN ZENGİN

IN PARTIAL FULLFILMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF SCIENCE IN CITY AND REGIONAL PLANNING

MAY 2010

Approval of the thesis:

URBAN CONSERVATION AS AN OWNERSHIP PROBLEMATIC: ZEYREK – ISTANBUL

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ABSTRACT

URBAN CONSERVATION AS AN OWNERSHIP PROBLEMATIC: ZEYREK – ISTANBUL

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May 2010, 110 pages

The aim of this study is to investigate the relation between the ownership issues and the conservation of historical housing areas, which is still an ongoing problem in Turkey. The study was carried out with respect to the local and international conservation approaches, as well as three urban conservation experiments from Turkey and Italy. Istanbul - Zeyrek World Heritage Area was taken as a case study to understand further on the issue.

Approaches of international authorities on urban conservation such as UNESCO and European Council, and existing conservation legislation in Turkey were studied in relation with the concept of ownership and integration of property owners into the conservation process. Besides, recent changes in Turkish conservation legislation were studied and criticized from the same perspective.

Three urban conservation experiences, "Renovation of the Historic Center of the City of Bologna" from Italy, "Rehabilitation of Fener and Balat Districts Programme" and "Tarlabaşı Urban Renewal Project" from Istanbul Turkey were also studied within the frame of this study. These practices supplied information about how property owners' integration into the process effects conservation of urban environments, from three different perspectives.

Zeyrek World Heritage Area is a conservation area with monumental buildings from Byzantine Period and timber houses from Ottoman Period. Although many conservation plans concerning the area has been prepared, historical building stock of the area is in danger. Conservation problems and opportunities of the area were investigated by analysis and social and economic research in the area.

At the end of the study, with reference to the experiences discussed, it was emphasized that Zeyrek World Heritage Area could be conserved, with an approach considering property owners within existing social and economic conditions of Zeyrek and current conservation legislation.

Keywords: Urban Conservation, Ownership, Zeyrek, Bologna, Tarlabaşı, Fener Balat, Istanbul

MÜLKİYET PROBLEMİ OLARAK KENTSEL KORUMA: ZEYREK – İSTANBUL

Zengin, Utku Serkan Yüksek Lisans, Şehir ve Bölge Planlama, Kentsel Tasarım Tez Yöneticisi: Doç. Dr. Baykan Günay

Mayıs 2010, 110 sayfa

Bu çalışmanın amacı, mülkiyet ile Türkiye'de halen devam etmekte olan tarihi konut alanlarının korunması sorunu arasındaki ilişkinin incelenmesidir. Çalışma, mevcut ulusal ve uluslararası koruma yaklaşımlarını, Türkiye ve İtalya'dan üç koruma deneyimini ve İstanbul - Zeyrek Dünya Mirası Alanı alan çalışmasını kapsamaktadır.

UNESCO ve Avrupa Konseyi gibi uluslararası kentsel koruma otoritelerinin yaklaşımları ve Türkiye'deki koruma mevzuatı, mülkiyet kavramı ve mülk sahiplerinin koruma sürecine dahil edilmesi açısından irdelenmiştir. Ayrıca Türkiye'deki koruma mevzuatında son yıllarda gerçekleşen değişiklikler aynı bakış açısıyla incelenmiş ve eleştirilmiştir.

Üç kentsel koruma deneyimi; İtalya'dan "Bolonya Tarihi Kent Merkezi'nin Renovasyonu", İstanbul Türkiye'den "Fener ve Balat Semtleri Rehabilitasyon Programı" ve İstanbul Türkiye'den "Tarlabaşı Kentsel Yenileme Projesi" çalışma kapsamında incelenmiştir. Bu koruma pratikleri, mülk sahiplerinin sürece katılımının kentsel korumaya olan etkileri konusunda üç farklı bakış açısından kaynak oluşturmuştur.

Zeyrek Dünya Mirası Alanı Bizans Dönemi'nden kalma anıtsal yapıları ve Osmanlı Dönemi'nden kalma ahşap evleri barındıran bir koruma alanıdır. Alanla ilgili birçok koruma planı yapılmış olmasına karşın alanın tarihi yapı stoğu hala risk altındadır. Bu çalışma kapsamında alanda yapılan fiziksel analizler ve sosyal ve ekonomik araştırmalar ile alanın sorunları ve koruma kapsamındaki olanakları ortaya konulmuştur. Bu çalışmanın sonucunda, mevcut koruma mevzuatı, incelenen koruma örnekleri ve alandaki mevcut sosyal ve ekonomik koşullar doğrultusunda, Zeyrek Dünya Mirası Alanı'nın, mülk sahiplerinin koruma sürecine dahil edildiği bir yaklaşımla korunabileceği vurgulanmıştır.

Anahtar Sözcükler: Kentsel Koruma, Mülkiyet, Zeyrek, Bolonya, Tarlabaşı, Fener Balat, Istanbul

To My Family

ACKNOWLEDGMENTS

I would like to express my gratitude to my supervisor Assoc. Prof. Dr. Baykan Gunay, for offering intellectual guidance and prudent criticism throughout the study. His insightful comments and suggestions have released my vision in the congestive stages of my study.

I would also like to thank my other committee members; Assoc.Prof. Dr. Adnan Barlas, Assoc. Prof. Dr. Nil Uzun, Assist Prof. Dr. Güliz Bilgin Altınöz and Assist Prof. Dr. Müge Akkar Ercan for their comments and suggestions.

I am thankful to my friends and colleagues; Miray Özkan, Eylem Gülcemal, Ulaş Akın, Burcu Ataoğlu, Elif Kısar Koramaz, Kerem Koramaz, Seçil Özalp, Özge İmrek, Yiğit Adam, Emine Barışkın Bilgili, Yasemin Aslan, Pınar Bingöl Yüksek,Tuçe Yasak, and other friends for their patience to encourage me to write this thesis. Also, I would like to thank my Director Murat Cemal Vefkioğlu for his tolerance and support.

Finally, I would like to thank to my parents for their endless patience and supports. This thesis would not be realized without their confidence.

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GLOSSARY

Bylaw Concerning the Construction Principles of the Immovable Cultural Beings to Be Conserved and Its Control Koruma Amaçlı İmar Planları ve Çevre Düzenleme Projelerinin Hazırlanması, Gösterimi, Uygulaması, Denetimi ve Müelliflerine İlişkin Usul ve Esaslara Ait Yönetmelik

Conservation Development Plan Koruma amaçlı imar planı

Conservation Site Sit

Contribution to the conservation of immovable cultural beings *Taşınmaz kültür varlıklarının korunmasına katkı payı*

Contribution to the conservation of immovable cultural beings *Taşınmaz kültür varlıklarının* onarımına yardım sağlanması ve katkı payı

Development of Cultural Conscious Foundation Kültürel Bilinci Geliştirme Vakfı

Directorate of Conservation Application and Control Koruma Uygulama ve Denetim Müdürlüğü

Fatih Land Registery Office Fatih Tapu Sicil Müdürlüğü

Flat easement Kat irtifakı

Flat ownership Kat mülkiyeti

General Directorate of Foundations Vakıflar Genel Müdürlüğü

General Directorate of National Palaces Milli Saraylar Genel Müdürlüğü

Historical Peninsula Urban Design Group Tarihi Yarımada Kentsel Tasarım Grubu

Implementation Plan Uygulama İmar Planı

Istanbul Historical Peninsula Conservation Development Plan Istanbul Tarihi Yarımada Koruma Amaçlı İmar Planı

Law on Ancient Works Eski Eserler Yasası

Law on Conservation by Renovation and Use by Revitalization of the Deteriorated Historical and Cultural Immovable Property Yıpranan Tarihi ve Kültürel Taşınmaz Varlıkların Yenilenerek Korunması ve Yaşatılarak Kullanılması Hakkında Kanun

Law on the Formation and Duties of the Supreme Board on Immovable Ancient Works and Monuments *Gayrimenkul Eski Eserler ve Anıtlar Yüksek Kurulu Teşkilini ve Vazifelerine Dair Kanun*

Law on the Formation and Duties of the Supreme Board on Immovable Ancient Works and Monuments *Gayrimenkul Eski Eserler ve Anıtlar Yüksek Kurulu Teşkilini ve Vazifelerine Dair Kanun*

Law on the Protection of Cultural and Natural Beings Kültür ve Tabiat Varlıklarını Koruma Kanunu

Listed Civil Architecture Sivil Mimari Örneği

Ministry of Culture and Tourism Kültür ve Turizm Bakanlığı

Pious Foundations Law Vakıflar Kanunu Prime Ministry Housing Development Administration Başbakanlık Toplu Konut İdaresi Shared ownership Paylı mülkiyet Tarlabaşı I. Phase Urban Renewal Project Social, Economic and Spatial Structure Study Tarlabaşı I.Etap Kentsel Yenileme Projesi Sosyal, Ekonomik ve Mekansal Doku Çalışması Tarlabaşı Strategic Social Plan Draft Stratejik Sosyal Plan Taslağı Tarlabaşı Urban Renewal Project Tarlabaşı Yenileme Projesi Tax on wealt Varlık vergisi The Municipality Road and Building Act Belediye Yapı ve Yollar Kanunu Transfer of development rights İmar hakkı transferi Turkish Civil Law Türk Medeni Kanunu Turkish National Assembly Department of National Palaces Türkiye Büyük Millet Meclisi Milli Saraylar Daire Başkanlığı Walled City Master Plan Suriçi Nazım İmar Planı

LIST OF ABBREVIATIONS

ECAH	European Charter of Architectural Heritage
ICCROM	International Centre for the Study of the Preservation and Restoration of Cultural
	Property
ICOMOS	International Council on Monuments and Sites
IMP	Istanbul Metropolitan Planning and Urban Design Center
İMÇ	Istanbul Dry Goods Market
ITU	Istanbul Technical University
LCA	Listed Civil Architecture
RFBDP	Rehabilitation of Fener Balat Districts Programme
SESS	Tarlabaşı I. Phase Urban Renewal Project Social, Economic and Spatial Structure
	Study
SSP	Tarlabaşı Strategic Social Plan Draft
токі	Prime Ministry Housing Development Administration
TURP	Tarlabaşı Urban Renewal Project
UNESCO	United Nations Educational, Scientific and Cultural Organization

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CHAPTER I

INTRODUCTION

Conservation of historical and natural beings, since the date it set on a scientific base, has become one of the fundamental objectives of planning for the purposes of conveying the information about the social and artistic life of the previous civilizations and societies, to the new generations. On the other hand whether it is called rehabilitation, renovation, renewal or revitalization, as Baykan Günay indicated in his "Property Relations and Urban Space" preservation is a mode of reproducing space (Günay, 1999, 197). These definitions differ with respect to the level of physical changes, social integration and the interventions in the ownership pattern.

Among many reasons why historical environments are conserved the first one is associated with the information gathered from these cultural beings. The role of historical environments for the education of history is emphasized in the European Charter of the Architectural Heritage adopted in October 1975 as:

"The architectural heritage provides a wealth of material for explaining and comparing forms and styles and their applications. Today, when visual appreciation and first - hand experience play a decisive role in education, it is essential to keep alive the evidence of different periods and their achievements."

Conservation of cultural and natural beings is also a result of efforts for sustaining and for enabling cultural diversity. "The Universal Declaration on Cultural Diversity", adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2001, emphasizes the significance of the conservation of cultural heritage in terms of the cultural rights which is an integral part of human rights.

Besides buildings such as monuments and civil architecture, many other buildings which are not in use anymore with their original function, are being conserved and are given contemporary functions since they reflect the technological or economic structure of the society at that time. Santral Istanbul within the campus of Bilgi University, Istanbul, Turkey, for instance, is one of the examples of converting a powerhouse into cultural uses, with its industrial and historical characteristics.

Most of the time the basic elements that are composing the identity of a city are natural elements shaping it, and the manmade structures and spaces that are accumulated through the time. In his article entitled "Urban Tissue and Character of Towns", Karl Kropf defines the historical town as a product of a long process including additions, subtractions, replacements and transformations result of which is the variety, richness and individuality (Kropf, 1996, 255). Conservation of these additions, transformations or results of any change in the formation of the city will safeguard its character and uniqueness.

Historical environments also recall many historical events shaping the city itself and its culture. According to Aldo Rossi (Rossi, 1992, 130) "...the city itself is the collective memory of its people, and like memory it is associated with objects and places. The city is the locus of the collective memory." For refreshing and sharing this "collective memory" with the new generations, it is necessary to conserve the natural and cultural beings that are composing the urban environment.

The reason behind conserving cultural and natural beings is also explained by Baykan Günay, with an ontological approach in his article "Conservation of Urban Space as an Ontological Problem". He claims that the instinct of preserving natural and cultural beings is not just a result of epistemology but a human behavior related with its existence, referring to Norberg – Schulz (1980) in that "architecture is the spatial foothold of man, where dwelling is the basic element of its existence"(Günay, 2009, 124). He explains the relation between ontology and conservation as followings (Günay, 2009, 151):

"...conservation of natural and cultural beings and their perpetuation through various policies of reproduction of urban space will mean the perpetuation of the

human being itself. As accentuated throughout the paper, the objects of conservation only exist; the *Da-Sein*⁽¹⁾ however has a world in which the other beings are cared for. When the society as a whole becomes aware of this crucial attachment between the human being and all other natural and cultural beings, then conservation may become a successful human approach to its being. "

Several reasons can be explained with different approaches for the conservation of cultural and natural beings. In order to survive these valuable environments, many international organizations such as United Nations Educational, Scientific and Cultural Organization (UNESCO), International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), International Council on Monuments and Sites (ICOMOS), and Council of Europe serve as an authority and consultant, and supply financial and technical support to member states for the maintenance and development of cultural and natural assets.

Maintenance and the development of the cultural and natural assets became an international issue that states are responsible not only to their community but also to other states and communities. Conservation of these assets is defined by the authorities mentioned before, as the main objectives and goals of the city and regional planning as well as a national policy. Thus the issue concerns architects, planners, economists and owners or the individuals living in these environments as well as local and central authorities or other decision makers.

I.I. Problem Definition

Rules and regulations about the conservation of cultural and natural beings in Turkey have been developed parallel to those in European societies in coordination with the international organizations and related activities. Although many public and private institutions have made great efforts to emphasize the importance of the issue, the conservation of cultural and natural beings is an ongoing problem in Turkey. Situated in the area between two continents and having a wide range of natural gifts, Turkey had been a place for different people and cultures for thousands of years⁽²⁾. Every culture with their own abilities created new artifacts or transformed the previous ones. But the

modernization process of Turkey has brought terrific changes and difficulties in the maintenance and transformation of natural and historical assets.

Ministry of Culture and Tourism is the main body that is responsible for the conservation of cultural and natural beings. Public buildings from Ottoman and Seljukid periods are somehow being conserved by the General Directorate of Pious Foundations or other public institutions such as the Turkish National Assembly Department of National Palaces or ministries. Also, the Ministry of Culture and Tourism is responsible for all the archaeological sites and museums. However, rapid urbanization and increasing populations after 1950s in metropolitan areas such as Istanbul, Ankara and Izmir, resulted in considerable damages in historical urban areas, whether old traditional centers or housing areas.

After 1950s, historical housing areas in city centers and its vicinities were preferred by the migrants coming from rural parts of the country and the other low income groups, because the rents of these old buildings are relatively low compared to the other neighborhoods (Şahin, 1995). As Günay said in 1992, housing policies of the state were inadequate, so the private sector supplied houses for increasing population (Şahin, 1995). 5 - 6 storey buildings were constructed on the small lots gained by demolishing historic buildings.

Demolishing and constructing activities in historical urban areas could only be prevented by "conservation site (*sit*)" designations. With the designation of an area as a *sit* all the previous plans concerning the area are annulled with reference to the 17th article of the Law No: 2863. Then related authorities have to prepare "conservation development plans", which define development principles in these areas. With *sit* designations, developments in historical urban areas are restricted by conservation plans. People living in historical buildings generally prefer to move to apartment flats, which supply their contemporary needs and is a symbol of social status (Şahin, 1995). Consequently, conservation areas remain as housing areas for low-income groups which do not have economic power to finance the maintenance or restoration costs of their historic buildings.

"Conservation Development Plans" are the basic legal tools for the conservation of historical urban areas. Although conservation development plans are prepared by the related bodies, deterioration and decay in these areas could not be stopped, therefore many of the historical buildings have been collapsed.

I.II. Aim and Objectives of the Study

Conservation of historical urban environments is perceived by the major decision makers as conservation of the physical environment. Necessary strategies to integrate the property owners into the conservation process of cultural beings were not developed. However, property owners are responsible for the conservation and maintenance of their properties. The aim of the study is to examine the contributions of property owner integration into the conservation processes of cultural beings.

Accordingly, the main objectives of the study are listed below:

- To investigate the relation between the conservation of historical urban areas and the ownership with respect to the rules and regulations concerning the conservation of historical urban environments, conservation plans and projects and how major decision makers and related authorities percieve this relation in general
- To discuss the scope of the approaches in Turkey, concerning conservation of historical urban environments
- To investigate the integration of property owners into the conservation process in the cases of Bologna, Fener – Balat and Tarlabaşı
- To investigate the conservation problems and opportunities related with ownership in the case of "Zeyrek World Heritage Area"
- To develop suggestions about how ownership relations could be integrated with conservation strategies

I.III. Research Methodology

The methodology that is used in this research is the multiple case study.

Renovation of the Historic Center of Bologna, Rehabilitation of Fener and Balat Districts Programme and Tarlabaşı Urban Renewal Projects are studied to evaluate their approaches to the integrating property owners into the conservation process and results of these approaches. Zeyrek World Heritage Area is analised in detail in terms of socioeconomic condition of owners and users, ownership pattern to determine conservation problems and potentials related with ownership.

Basic resource is being used in this study for gathering information about the Bologna experience, is "The Bologna Experience: Planning and Historic Renovation in a Communist City" of Francesco Bandarin. Also Assoc. Prof. Zeynep Merey Enlil's article entitled "Keeping a Historic Neighborhood Lively: Integral Preservation Approaches in Paris and Bologna" is used as a secondary resource.

Interview with Fatma Ensaroğlu Eren from Fatih Municipality is the basic source of information about the final numeric data about the Rehabilitation of Fener and Balat Districts Programme (Fener ve Balat Semtleri Rehabilitasyon Projesi - RFBDP). Also, the web page of the Programme is used for collecting information about the historical development of the area and the process of the Programme.

General information about the "Tarlabaşı Urban Renewal Project" (Tarlabaşı Yenileme Projesi - TURP) was gathered through interview with the project coordinator Nilgün Kıvırcık. More detailed information and the numeric data about the Project was obteined from booklet of the project, powerpoint presentations of the project prepared by the project team, Tarlabaşı I. Phase Urban Renewal Project Social, Economic and Spatial Structure Study (Tarlabaşı I.Etap Kentsel Yenileme Projesi Sosyal, Ekonomik ve Mekansal Doku Çalışması - SESS) and Strategic Social Plan Draft (Stratejik Sosyal Plan Taslağı - SSP).

"Zeyrek a Study in Conservation" dated 1999, was mostly used as a reference for the Zeyrek World Heritage Area and its planning background. The study was prepared by the staff members of the Urban and Regional Planning Department of the Faculty of Architecture at Istanbul Technical University (ITU), Prof. Dr. Nuran Zeren Gülersoy, Dr. Azime Tezer, Dr. Reyhan Yiğiter and the Chairperson of the Restoration Division of the Faculty of Architecture at ITU, Prof. Dr. Zeynep Ahunbay. Historical information about the site and the conservation and planning works concerning the area are gathered from this resource. Analyses that are done within the context of the "Zeyrek a Study in Conservation" are used to make historical comparisons. Analysis concerning the listed buildings, ownership pattern and structural condition are gathered from 1/5000 Scale Historical Peninsula Conservation Development Plan dated 2005 and from the Historical Peninsula Urban Design Group. The data obtained from these analyses are updated by the author of this study by means of site survey. Detailed information about the land registries are gathered from the Historical Peninsula Urban Design Group (Tarihi Yarımada Kentsel Tasarım Grubu) and Fatih Land Registry Office (Fatih Tapu Sicil Müdürlüğü).

The archive of the Historical Peninsula Urban Design Group was very useful for gathering photographs and maps of the site from different periods. Also the archive of the Istanbul Metropolitan Planning and Urban Design Center (Istanbul Metropoliten Planlama ve Kentsel Tasarım Merkezi - IMP) is utilized for the maps prepared by the author.

About the recent conservation activities in the area, there was made interview with Sema Özyılmaz from Fatih Municipality and Levent Sığırcı from Directorate of Conservation Application and Control (Koruma Uygulama ve Denetim Müdürlüğü - KUDEB)". These meetings were done to get information about the scope, finance and the conditions of the conservation activities carried out by these institutions.

Questionnaires are the major tools for collecting data about the owner and user profile of the area. Questions that are included in the questionnaires can be classified into two major groups. The first one is related with the ownership of the property, whether it is shared property or not. The relation of the shareholders, the way that they got the property and whether it is used by the owner or the tenant are also questioned. Since maintenance of the civil architecture is the responsibility of the property owners, the ability and the intention of the property owners and the tenants is questioned under the second group. Although the aim was to get information about each listed property, only %35 of the occupiers was met. Also about %10 of the listed buildings were unoccupied since they are just repaired or worn out.

I.IV. Structure of the Thesis

This study consists of 5 main chapters including introduction and the conclusion.

The first chapter which is introduction includes definition of the problem, aim and the scope of the study and the methodology.

In the second part of this study a brief history of conservation of cultural and natural beings in the European Countries tried to be given besides rules and regulations concerning the conservation of historical urban environments with reference to the ownership regulations in Turkey.

The third chapter includes three different practices concerning historical residential areas, Conservation Plan of Historical Center of Bologna from Italy, Tarlabaşı Urban Renewal Project and Rehabilitation of Fener and Balat Districts Programme from Istanbul, Turkey.

In the fourth chapter Zeyrek World Heritage Area, its brief history and conservation and planning works related to the area is explained. These planning and conservation works are explained in terms of their relation with the ownership relations. The chapter also includes analyses in the area and the questionnaires.

The last chapter includes the conclusion.

CHAPTER II

DEVELOPMENT OF LEGAL IMPLEMENTATIONS CONCERNING OWNERSHIP AND URBAN CONSERVATION

In this part of the study a general definition of "ownership" will be developed. Evolution of the concept of ownership and legal framework in Turkey will also be summarized. Then, developments concerning "urban conservation" in the European countries and in Turkey will be explained considering the ownership relations.

II.I. Concept of Ownership and Development of Ownership Relations in Turkey

Ownership is defined by Encyclopedia Britannica as the legal relation between a person (individual, group, corporation, or government) and an object. The object may be corporeal, such as furniture, or completely the creature of law, such as a patent, copyright, or annuity; it may be movable, such as an animal, or immovable, as land. On the other hand, the definition of the concept of property is done by Encyclopedia Americana as "anything that may be possessed or become the subject of ownership, in broadest sense, whereas it is defined by Baykan Günay as "the rights of ownership - the rights to possess, enjoy, use and dispose of things, in legal context" (Günay, 1999, 32).

Distinction between possession and ownership according to Günay is, the former is "factual control over an object" while the latter is "complete control on physical objects", and this distinction derives from Roman Law. Thus, definition of ownership is done by Günay (Günay, 1999, 35) as:

"the exclusive right to possess, to enjoy, to use beneficially, and to alienate (transfer) the property in a manner consistent with law",

whereas possession is

"occupancy or supervision and is prima facie evidence (valid evidence unless otherwise proved) of ownership".

For a very long period until the 19th Century, the concept of private ownership had not been existed in Ottoman Empire, since all the land belonged to the Sultan. Others were the possessors and property disputes were solved by "*Kadı*" who was the legal representative of the Sultan. In 1808, as a result of the decline in central authority, private property was recognized with Deed of Agreement (Sened - I İttifak). But the first comprehensive land law concerning the registration of real property was in 1858. With that law, traditional rules converted into a legal framework (Günay, 1999, 235).

The law adopted in 1858 defined five different groups of land: private property (mülk), state property (miri toprak), pious foundations (vakıf), common property (metruk toprak) and dead land (ölü toprak). The first group covered the private property possessed by the people living in towns and villages whereas the second group was the state property that was possessed and appropriated by the peasants. Pious foundations included religious uses and the land used for the needs of these institutions. *Metruk* toprak was the common property of the villages and towns and dead land was the land that has no owner (Günay,1999)

Foundation of the Turkish Republic in 1923 changed the Ottoman land ownership regulations. All the buildings symbolizing the Ottoman State, its history and its social institutions were transferred to different establishments in the new organized system (Şahin, 1995, 3). Turkish Civil Law (Türk Medeni Kanunu), first adopted in 1926, abolished Ottoman legislation for private property (Mecelle) and fully recognized and legitimized the private property (Günay, 1999). Although there had been several amendments in the Turkish Civil Law, its content was totally renewed by 2001 and it is still effective.

The content of the property rights is defined by the 683rd article of the Turkish Civil Law as the owner (malik) of a thing has the rights to use, enjoy and dispose of it, within the

frame of jurisprudence. The conditions of shared ownership (paylı mülkiyet) are also defined by the 688th article of the Law as:

"In the case of shared ownership more than one person are the owners of the whole of a thing, which is not fragmented physically, with certain shares. Unless otherwise determined, shares are accepted as equal".

As well as property in general, the Turkish Civil Law also includes definitions concerning the ownership of immovable things. According to the 718th article of the Law, ownership of land embraces "the air above it and the layers of the earth beneath it, as long as it is beneficial to use". This ownership also includes buildings, plants and resources, in condition that legal restrictions are operative. These restrictions are generally originated from specific articles of the laws concerning public interest, such as conservation of cultural and natural beings or regulations concerning coastal areas.

II.II. Development of Urban Conservation in the Europe and its Relations with Ownership

Destructions in many historical European cities during the First and Second World Wars, necessitated conservation of historical buildings after these Wars (Jokilehto, 1999). Early documents concerning the conservation of Europe's architectural heritage, such as Athens Charter (1931) and Venice Charter (1964), generally focused on monumental buildings, in other words focused on public properties.

The destruction of the historic cities in the First World War also promoted an increasing interest in the field of modern architecture and city planning. The Athens Charter, which was the result of the Fourth International Congress of Modern Architecture (Congres Internationaux d'Architecture Moderne - CIAM) in 1933, included paragraphs concerning the conservation of historical districts and monuments as well as planning and architecture (Jokilehto, 1999). But their approach was considering only monumental public buildings to be conserved and ignoring the fragmented private property which they claimed to cause unsanitary housing (Günay, 1999, 198).

The Council of Europe declared 1975 European Architectural Year and European Charter of Architectural Heritage (ECAH), also called Declaration of Amsterdam, was adopted by the members in the same year. The Declaration of Amsterdam brought a new definition of what is to be conserved. This definition emphasized that the European architectural heritage consists not only of monuments; it also includes "the groups of lesser buildings in old towns and characteristic villages in their natural or manmade settings" (ECAH, 1975). With this definition the subject matter of conservation was extended to include more modest buildings constructed on fragmented private property, which was once blamed by modernist approach.

"Integrated conservation" was another concept that was defined with the Declaration of Amsterdam. The main objectives of the integrated conservation of architectural heritage are stated by the Resolution 76 as the conservation of monuments, group of buildings and sites, and integration of these into the physical environment of present day society through revitalization and rehabilitation programs. With this resolution, it is also emphasized that social groups and property owners should be integrated into the conservation process.

The Declaration of Amsterdam (1975) emphasized the extent of the conservation and the roles and responsibilities of the public authorities and the society. It is also mentioned in the document that "to help meet the cost of restoration, adaptation and maintenance of buildings and areas of architectural or historic interest, financial support and fiscal relief should be made available to private owners" (ECAH, 1975).

About the conservation of common cultural heritage of all humanity, UNESCO has an effective role since it was established in 1945. The General Conference of the UNESCO, met in Nairobi at its nineteenth session, in 1976 and "Recommendation Concerning the Safeguarding and Contemporary Role of Historic Areas" was adopted by the member states. In the 35th paragraph of the document integration of the users and the owners of the properties that are to be conserved has stressed as below:

"Safeguarding activities should couple the public authorities' contribution with the contribution made by the individual or collective owners and the inhabitants and users, separately or together, who should be encouraged to put forward suggestions and generally play an active part. Constant co - operation between the community and the individual should thus be established at all levels particularly through methods such as information adapted to the types of persons concerned; surveys adapted to the persons questioned; establishment of advisory groups attached to planning teams; representation of owners, inhabitants and users in an advisory function on bodies responsible for decision-making, management and the organization of operations connected with plans for safeguarding, or the creation of public corporations to play a part in the plan's implementation".

As well as public authorities private owners have many responsibilities for the conservation and maintenance of cultural properties. But not all the property owners are aware of the cultural beings and the necessity of conserving them, or have the economic power to afford the conservation of these properties. In general, the result of this situation is the transformation of the property which may cause "gentrification". In its broadest sense, gentrification can be defined as the displacement of the local people by a conservation plan or project. In order to avoid gentrification, 12th paragraph of the Recommendation of UNESCO (1976) suggests public intervention:

"These laws should also in principle include provisions designed to prevent any infringement of the preservation laws, as well as any speculative rise in property values within the protected areas which could compromise protection and restoration planned in the interests of the community as a whole. These provisions could involve town-planning measures affording a means of influencing the price of building land, such as the establishment of neighborhood or smaller development plans, granting the right of pre - emption to a public body, compulsory purchase in the interests of safeguarding or rehabilitation or automatic intervention in the case of failure to act on the part of the owners, and could provide for effective penalties such as the suspension of operations, compulsory restoration and/or a suitable fine".

II.III. Historical Development of the Legislation on Conservation in Turkey and its Relations with Ownership

The actual rules and regulations on City Planning and conservation processes in Turkey, date back to Ottoman Period. Building Regulations and Roads and Buildings Regulations (Ebniye Nizamnameleri and Turuk ve Ebniye Nizamnamesi) were the first regulations in this field (Şahin, 1995, 1). The Municipality Road and Building Act (Belediye Yapı ve Yollar Kanunu) introduced in 1933 during Republican period was the second step in the field of urban planning. There was a single sentence in the Act guiding urban conservation activities: "the near surroundings of monumental buildings up to 10 meters should be kept empty". This sentence considered the conservation of monumental buildings in the possession of public authorities or the foundations, but not the traditional civil architecture that is fragmented private property. It was the dominant basic design approach in that period and the actual urban tissue was not taken into the consideration (Şahin, 1995).

The first documentation and listing work for historic buildings were started in 1933 with the establishment of a new commission for that work, in the body of the Ministry of Culture. To give the responsibility of all Turkish - Islamic buildings, Pious Foundations Law No: 2762 (Vakıflar Kanunu) was settled in 1935, to reorganize old foundations in the Ottoman system. Also General Directorate of Foundations (Vakıflar Genel Müdürlüğü) was set up in order to look after those foundations. The maintenance of actively used mosques, masjids, inns and public baths not owned privately or by the municipalities were given to the responsibility of these foundations (Şahin, 1995, 4).

After 1950s many cities faced with rapid and unplanned urbanization due to the changes in the socio-economic structure of the country. These developments caused irreparable damages in the existing urban tissue as well as natural and historical environments (Zeren Gülersoy, 2001, 14). Because of the insufficiency of policies and economic sources to develop new lands, private developers entered the housing market in existing built up areas to tear down the older buildings for new constructions. Şahin explains the reflection of this situation to the historical urban areas as (Şahin, 1995, 6):

"So, the land speculation created by rapid urbanization increased the destruction of historic urban areas in the 1960s and 1970s. Because the preservation of the private estates were neither economic nor prestigious when the new building demands of the popular culture were concerned".

The "Law on the Protection of Cultural and Natural Beings No: 2863" came into force in 1983 instead of the two previous laws "Law on Ancient Works, No: 1710 dated 1973" and "Law on the Formation and Duties of the Supreme Board on Immovable Ancient Works and Monuments, No: 5805 dated 1951". With this Law a new organization "The Supreme Board of Protection for Cultural and Natural Assets" and its regional sub committees were established. With the Law, the term *sit* was redefined to cover "the products of various civilizations from ancient times up to the present; those cities or city remains representing the social, economic, architectural etc. characteristics of their times; those places where significant events had taken place and some other areas to be protected because of certain natural characteristics" (Zeren Gülersoy, 2001, 20).

Conservation Law No: 2863, restricts development rights of the owner of listed properties. First of all, according to the 5th article of the Law, no matter who is the owner, all of the listed cultural and natural beings are considered to be the property of the state, except the ones that are owned by foundations. Registration of a property, a piece of land, a building or any other man made or natural being, as a cultural or natural being that is to be conserved, deprives the owner of the property of many of the rights that other property owners have. Any physical intervention and constructional activity including repairing, construction, installation, drilling the ground, pulling down partially or completely, excavation, and that violate the decisions of Board of Protection are forbidden by the 3rd article of the Law numbered 3386 (modified by the 9th article of the Law No: 2863 on June 17th 1987).

Moreover, according to the 12th article of the "Bylaw Concerning the Construction Principles of the Immovable Cultural Beings to Be Conserved and Its Control" dated June 11th 2005, after a cultural property has collapsed, the construction conditions, location in the parcel, height of the building and architectural features, of the new building that will be constructed in place of the collapsed cultural property has to be

defined with reference to the collapsed cultural property, and its project has to be approved by the related Board of Protection.

On the other hand, the Law No: 5226, dated July 14th 2004, introduces the concept of "transfer of development rights". It is stated in the article that municipalities or the governorships are responsible for designating areas for the "transfer of development rights", which are restricted with the registrations or conservation development plans. Development rights that are valid for the transferred area are defined considering the limitations in the registered parcel.

The Law No: 2863 also brings about some regulations about the expropriation of the cultural properties. The properties of those who are not able to afford the maintenance or the repairs that are mentioned in the Law are expropriated. Also listed buildings that are proposed to be used for cultural purposes within the related Conservation Development Plan can be expropriated by the municipality.

Another step forward taken with the 21st article of the Law No: 2863 is that it provided the private owners two compensations as a solution to their financial problems: A special fund for the repair and restoration for the immovable cultural assets would be established, and listed monuments of the first and the second categories would be automatically made exempt from all sorts of taxes.

In addition to Conservation Law No: 2863, financial resources for the conservation of individual buildings were tried to be supplied by Law No: 5226 introduced in 2004. According to the 6th article, about the 10% of the real estate tax that is paid by each owner is paid as "contribution to the conservation of immovable cultural beings". That payment is collected by the local municipalities from each property owner and these payments are kept and allocated by the Special Provincial Administrations. The amount of money allocated for each conservation project reaches up to the 95% of the cost of the project. It depends on the amount and condition of the listed buildings that are included in the project and the contribution of the project to the cultural beings within the borders of the province.

To provide property owners financial support some modifications are done concerning the Prime Ministry Housing Development Administration (Başbakanlık Toplu Konut İdaresi - TOKİ). The 6th article of the Law No: 5226 necessitates the usage of the 10% of the housing loans supported by the Administration for the restoration, reparation or maintenance of listed immovable cultural beings. The amount of the loan that is supported to each person is changes every year and the maximum amount of the loan is 80.000 TL for 2009. The duration of payment is 10 years at most.

The 4th article of the Law No: 5226 dated 2004, introduces a new department within the organization of local authorities, in order to facilitate conservation applications. With reference to the article, metropolitan municipalities, governorships and the municipalities that are authorized by the Ministry of Culture and Tourism, establish offices for conservation, implementation and control.

Besides these changes, another Law on "Conservation by Renovation and Use by Revitalization of the Deteriorated Historical and Cultural Immovable Property" No: 5366 (Yıpranan Tarihi ve Kültürel Taşınmaz Varlıkların Yenilenerek Korunması ve Yaşatılarak Kullanılması Hakkında Kanun) has been introduced in 2005. The aim of the Law is stated in the 1st article as reconstruction and restoration of the dilapidated cultural and natural beings that are within the borders of metropolitan municipalities, municipalities with a population more than 50.000. Other purposes of the Law are:

- redevelopment of these areas with respect to the region they are located; introducing residential, commercial, touristic and social uses,
- adopting necessary measures for natural disasters and,
- revitalization and conservation of these areas.

These renewal areas are defined by the Provincial Assembly or Municipal Council and approved by the Council of Ministers in three months. Renewal projects concerning the areas are approved by newly established related Boards of Protection and by the municipalities. Applications and expropriations are realized after the approvals. Related authorities organize meetings with property owners and people living and working in the area to give information and enable their participation to the project. Related authorities also can organize consultation meetings with the universities, chambers of professions, nongovernmental organizations and other institutions.

The renewal project can be implemented by the related authority or by other public or private partners. Also TOKI is allowed to make the implementation or be a partner during the implementation process. Renewals or the restorations in the building scale can be done by the owners whose lots and buildings that will be conserved as it is, on condition that they obey to the projects integrity and timetable.

The implementation of the project necessitates the agreement with each property owner within the project area for the interventions such as demolition, restoration or renovation. Related authority has the right to expropriate the privately owned properties if the agreement could not be provided between the owner and the authority.

Although it seems as if it introduces some new tools for the conservation of dilapidated historical areas within metropolitan areas, the processes defined by the Law No: 5366 are not much different from the processes defined by Law No: 2863 and related modifications. The difference between these two is renewal areas are defined by local authorities and approved by Council of Ministers whereas conservation areas are designated by Boards of Protection. Designation of a conservation area as a renewal area by local authorities rather than Boards of Protection may have both positive and negative results. Local authorities may facilitate the necessary processes, procedural and bureaucratic problems. Also this may result in strengthening controlling mechanism of local authorities. On the other hand, they might use this authority for making more profitable investments and gathering rent from these areas without considering the public interest.

The Law No: 5366 necessitates participation of property owners and the people living and working in the area. As well as Law No: 5366, Bylaw concerning the preparation of conservation development plans dated July 26th 2005 calls for the public participation, with the 6th paragraph of 6th article. However, as in the Tarlabaşı Urban Renewal Project which will be explained in the next chapter, property owners and the people living and working in the area are informed after renewal projects are prepared and approved by the related Board of Protection. Participation with the property owners and
with the local people during the planning process or preparation of the renewal projects, may increase the flexibility of the both projects and the demands of the property owners or local people. This will also accelerate negotiations with property owners and local people.

As well as necessitating integration of the property owners into the process, the Law also gives the right of expropriating private properties, whose owners are not agree with the renewal project. Besides accelerating the implementation of the project, this right infringes ownership and sheltering rights of property owners. The Law No: 2863 also introduces the right of expropriating cultural beings, in order to be used for cultural functions. However, it is not a widespread application.

Public - private partnership is another contribution of the Law No: 5366. Integration of private partners may accelerate the preparation and implementation of the projects. On the other hand, economic expectations of the private partners may have priority over conservation of historical urban environment and its integration with the social values. Moreover, the Law introduces authorities the right of expropriating private properties within the renewal area, which may as well serve for the profit of private partners. If shares of the private entrepreneurs and property owners are not well balanced, this may result in difficulties in agreements with property owners and may cause more amounts of private properties to be expropriated.

Although it supports some solutions for bureaucratic processes, financial resources and public participation, the Law No: 5366 may serve for private interests rather than the public purposes, due to the lack of necessary control mechanisms. Informing property owners and people living or working in the area after projects are approved rather than enabling their participation during the preparation of projects, decreases the support of the local people and property owners. Differences between the property values before and after the implementation of the renewal projects may result in unequal distribution of value added among the private entrepreneurs, property owners who are agreed in project and those whose properties are expropriated.

CHAPTER III

THREE EXPERIENCES THAT INTEGRATES PROPERTY OWNERS INTO THE CONSERVATION PROCESS

In this chapter three experiences concerning historical urban areas whether they are called renovation, rehabilitation or renewal, are discussed. Renovation of the Historic Center of the Bologna, in Italy, is one of the earliest conservation activities that integrate property owners into the conservation process and it is the conservation implementation that led the concept of "integrated conservation". Fener – Balat Districts Rehabilitation Programme and Tarlabaşı Urban Renewal Project are recent implementations concerning the historical urban areas in Istanbul. The reason why these three implementations are chosen is they are all historical urban areas in a metropolitan area and are located at the city center such as Zeyrek. Also three of them necessitate integration of the property owners into the implementation process. Another reason for dealing with these three experiences is to compare the approaches to property owners in these areas and the results of these approaches.

III.I. An Early Conservation Practice from Italy: Renovation of the Historic Center of the City of Bologna

Renovation of the Historic Center of the city of Bologna is a world wide known experience in terms of both conservation of the historical environment and its social characteristics, which is a result of the participation of property owners in renovation process. The financial structure and interdisciplinary scope of the renovation process anticipated the concept of "integrated conservation", which was later formulated in 1975 in the Declaration of Amsterdam (Sampaio, 2007).

III.I.I. The Background Information

As in most Italian cities, Bologna experienced an uncontrolled urban expansion, lack of services and infrastructure besides poor architectural quality after the Second World War, due to the economic expansion and large migration of people from south and depressed areas of the center to the north. Moreover, postwar plans approved in Bologna allowed a large expansion of suburban areas lacking adequate standarts for public services and allowed several demolitions within the historic center. But the "unique political structure of the city"⁽³⁾, the development of a planning profession and the consciousness of the necessity to control expansion led to an innovative planning practice. This new approach intended to protect the historic center and to improve the housing conditions of middle class by means of public housing agencies, rebalancing development pattern, preserving agricultural land (Bandarin, 1979, 188 – 190). One of the major policies to apply these was using the undeveloped lands within the city for public housing and public facilities.

The major reason behind the success of the planning experiences in Bologna was the citizen participation in administrative and political decisions, which is an older tradition in Bologna than other Italian cities. During the 1950s Neighborhood Councils were established and many decision and advisory functions were transferred to these councils, by the city. They express opinions, make decisions on local issues and take part in the overall policy formation process. They are a fundamental component of municipal policy formation process and they guarantee the efficient implementation of local programs (Bandarin, 1979, 191 – 192).

III.I.II. Renovation of the Historic Center

Among many urban policies that are developed during 1950s the one concerning the preservation and renovation of Historic Center of Bologna was one of the major achievements of the planning culture in postwar Italy.

Professor Leonardo Benevolo, one of the most prominent Italian planners and architecture historians, was assigned for the inventory of the City's architectural heritage and formulation of guidelines for the correct methodology of urban renovation.

The results of this 3 years work was presented to the population and Neighborhood Councils. Conservation of historical buildings became an issue in the agenda of these Councils. Including Bologna, many Italian towns at that time were experiencing a process of "gentrification" with different intensity, thus the question of " for whom are we going to restore and preserve this historic heritage?" was raised. With this question the administration both gained the support of the working class and also achieved cultural preservation together with physical environment (Bandarin, 1979, 192 – 193).



Figure 1: An aerial view of the Historic Center of Bologna (http://www.nea.fr/download/quados/bologna_panorama.jpg)

In order to avoid gentrification, the administration developed the Public Housing Programme for the Historic Center and aimed at "the provision of public housing through the renovation of old historic buildings". This proposal is based on three basic premises: 1) Shifting construction activity from new construction to the restoration, 2) Supporting public housing by means of expropriation and 3) Encouraging private intervation under the control of Neighborhood Councils (Bandarin, 1979, 197 – 198).

The existing political and legal aspects necessitated the design of a system of agreements with private owners for the renovation of historic buildings, which will reduce the impact of the limited financial means. The plan developed by the Bologna administration was based on two proposals which are expropriating buildings in the city center for public housing and returning back to the tenants' cooperatives, after renovated by the administration. But considering that the expropriations would generate countless appeals to the courts the administration found another solution, the Covenant between the city government and the private owners (Bandarin, 1979, 198 – 199).

Property owners signing this convenant agrees to use the criteria and methodology established by the plan, in the building's restoration. According to the owner's income level the Commune of Bologna supplies %80 of the total expenditure. For avoiding speculation, Convenant excludes private sector from renovation contracts. The duration of the Convenant varies from 15 to 25 years. At the end of this period the Commune has the right to be the first buyer. If the owner dies his heirs have the right to use it and to acquire the property by paying back the grant (Bandarin, 1979, 199 - 200).

Property owners that do not use it for himself accept to keep the tenants, allow the existing economic activity and agree on the rent with the administration. If an apartment is empty and is not rented for four months, the administration has the right to purchase it. The administration is also responsible for the construction of the temporary housing for tenants living in apartments to be restored and this temporary housing must be located in the same neighborhood (Bandarin, 1979, 200 - 201).

As it is mentioned above, the success of the project is based on the participation of the citizens who are property owners and tenants. By Neigbourhood Councils, they

contribute to the policy formation process and express their opinions about local issues. Also by means of Convenant, property owners ensure that they agree with conservation process and conditions related with the usage and transfer of their properties. The conservation of historical building stock and social structure is a result of the agreeements made with the property owners.



Figure 2: A photo of Bologna urban tissue (http://www.planetware.com) – "The morphological unity of the city of Bologna is composed of the residential tissue and those architectural elements that have historically performed a role of "aggregation poles" both in physical and symbolic way" (Bandarin, 1979, 194)

III.II. A Recent Conservation Practice from Istanbul: Rehabilitation of Fener Balat Districts Programme

Fener and Balat are the two historical residential districts on Goldenhorn coasts of the Historical Peninsula, within the bounderies of Fatih County. The project area covers the grid planned Balat and Fener districts settled down the slopes rising from Golden Horn coasts.

III.II.I. Historical Development of the Area

Fener has always been a religious center because of Greek Patriarchate and the Orthodox Church located here. As a result of this Fener was generally inhabited by Greek population (Fatih 1/1000 Plan Report, 2005). After 17th Century, the area, especially surroundings of the Patriarchate, was preferred by wealthier people. This change in the residents also reflected to the buildings (www.fenerbalat.org).



Figure 3: RFBDP – Project Area (www.fenerbalat.org)

The social structure of the area has changed in time and Greek families living in the area for a very long time have left. The ones that came later use the area both as housing and working. Because they are generally law income groups, they could not afford the conservation cost and building stock in the area have worn out. Also Goldenhorn rehabilitation activities started at 1985, has removed the historical view of coastal Fener as well as the polluting uses along the Goldenhorn (Fatih 1/1000 Plan Report, 2005).



Figure 4: A street view from Fener (İMP Archive, 2006)

Balat has been a Jewish quarter since 15th Century. Beyazid II invited Jewish people suffering from Inquisition in Spain and they settled down to the Balat (www.fenerbalat.org). 17th Century was the most gorgeous period of Balat. However, due to the decreasing amount of commercial activities along the Goldenhorn, earthquake at 1895 and also because of several fires, the region lost its importance (Fatih 1/1000 Plan Report, 2005).



Figure 5: An aerial photo of the Fener Greek School (Fener Rum Lisesi) or "Great School of the Nation" and its surroundings (photo by Ali Konyalı – İMP Archive, 2006)

Fires and earthquakes during 19th Century have affected social profile of Balat as well as its physical structure. Wealthy residents of the area left the district and moved to Galata. Also some of the population of Balat moved to Israel. Consequently, the Jewish

population was reduced to a minority in Balat, and the area is occupied by immigrants arrived from other towns in Turkey. After the 1960s, remaining Jewish population in the area of Balat improved their economic situation and moved to other parts of Istanbul, especially to Sişli. The social and accordingly the physical structure of the area have changed due to the rapid migration, people attracted by job opportunities and relatively low rents (www.fenerbalat.org).

III.II.II. Existing Situation of the Area

One of the main characteristics of the area is its street plan. Besides religious and public buildings, urban tissue with narrow streets and small timber framed houses were disappeared drastically. Areas which were destroyed completely were replaced by masonry buildings and redesigned with wider and perpendicular streets (Fatih 1/1000 Plan Report, 2005). These masonry buildings, row houses with bay windows and religious buildings specify the architectural uniqueness of the districts (www.fenerbalat.org).

The building heights in the area vary from one to four stories. Most of the buildings in the area date back to 1930s and1950s. Buildings constructed during this period, generally have the same architectural features that reflect their building period and give the area its specific character (www.fenerbalat.org).

At the beginning of the Programme the area was dilapidated. Some buildings were almost collapsed. The economic condition of the inhabitants worsened parallel to the removal of the industry from the Goldenhorn. This situation resulted in physical decay and decrease in rents. The area, as many other historical residential areas, has become a key location for low income groups and this new groups lacked necessary economic sources for the repair and maintenance of the historical environment.

Many of the residents had no access to proper urban services. Sanitary equipment and health services were lacking. In winter, heavy seasonal rains and poor drainage caused flooding. The population's standard of education was extremely low; almost a fifth of the women were illiterate and many children dropped out of school or attended only intermittently after the age of 12 (www.fenerbalat.org).

III.II.III. The Project

The Programme is a joint programme of European Union and Fatih Municipality. The idea of the Programme was first established during the Second United Nations Conference on Human Settlements (Habitat II) held in Istanbul in 1996 (Ensaroğlu Eren, 2009). In 2000, the Programme was taken with the signature of Financing Agreement of 7 Million Euros between the European Commission, Fatih Municipality and Republic of Turkey, Under Secretariat of the Treasury (www.fenerbalat.org). The implementation of the Programme included four main titles: restoration of houses, social rehabilitation, renovation of the historical Balat Market and establishment of a solid - waste management strategy (Ensaroğlu Eren, 2009).

Although there are about 740 historical buildings in the area, 122 of them were repaired within the scope of the project because of the economic limitations. These buildings were chosen with respect to a rating system. Buildings are rated according to several criteria such as location in the site, architectural value, historical value, uniqueness of the façade and the interior, required level of rehabilitation for facades and interiors, earthquake risk, possible changes in use of spaces during and after restoration, impact of the restoration on the immediate surroundings where buildings not eligible to be restored are present, degree of difficulty in obtaining the official approval from the Protection Board and the year the building was bought by the present owners in order to avoid speculation (Ensaroğlu Eren, 2009).



Figure 6: A view from the Balat Market (İMP Archive, 2006)

The project included extensive restoration of 57 houses and basic repairs in 27 houses. Also for the social rehabilitation of the area extensive restoration of 2 buildings were completed to be used for Social Centre activities. Basic repairs such as roofs and facades in 30 Balat Market shops and extensive restoration in 6 Balat Market shops were also completed for the renovation of the historical Balat Market (Ensaroğlu Eren, 2009).

The project concerns the economic and social rehabilitation and its sustainability as well as the physical rehabilitation. Social Center activities included a total number of 86 seminars, 39 of which are related with the psychological and social development of the local people and 47 of which were about the health. Students from different levels had education on computer skills, English and Mathematics. Also some women living in the area were trained on jewelry design and wood painting (Ensaroğlu Eren, 2009).

Active participation of the community was another objective of the Programme. It was supported through close cooperation with community organizations, encouraging

members of the community to become directly involved in project activities as community volunteers and regular meeting and review of the Advisory Committee. Also an organization called Community Forum was founded in order to support active participation, through regular feedback on implementation and participation in decision making. (www.fenerbalat.org).



Figure 7: Rehabilitated Buildings with RFBDP (IMP Archive, 2006)

As well as the participation of the whole community, the success of the project was depended on the integration of the property owners to the project. Most of the listed buildings in the area are owned by private individuals and rehabilitation of the buildings necessitated permission of each property owner. While defining the buildings to be rehabilitated, duration of the ownership was considered to prevent from the speculation, rises in the real estate market and gentrification. Also an agreement was made with the property owners that they would not sell their properties for a specific duration after the Programme (www.fenerbalat.org).



Figure 8: Building stock in the RFBDP. Buildings that were evaluated within the context of the Programme represented by green, buildings with ownership problems are represented by red. Religious buildings are demonstrated with purple, vacant buildings with yellow, ruined buildings with brown, concrete framed buildings with grey. Buildings of which owners did not agree with rehabilitation are represented by orange. Buildings which were rehabilitated before the Programme are demonstrated with violet (www.fenerbalat.org).

Besides the historical buildings which have already been repaired, dilapidated or whose owners were not agree with restoration works; at about 120 listed buildings were also excluded from the Programme regardless of their architectural and historical value just because they have ownership problems. 122 listed buildings were repaired within the scope of the Programme whereas 120 buildings were excluded.

As it mentioned before, buildings to be rehabilitated were defined by a rating system, based on several criteria. However, many buildings with high scores could not have rehabilitation since property owners did not agree. Among the reasons why property owners had a negative attitude towards rehabilitation were the area was once occupied by Greek and Jewish people, the Programme was financed by foreign organizations and the Programme was supported by a foreign Technical Support Team.

Agreement with the property owners is the key issue for the physical rehabilitation of the area. The social rehabilitation of the area necessitates the participation of the whole society with both property owners and tenants. But the rehabilitation of the historical buildings means rehabilitation of private property and it requires property owners' consent. The Programme included certain number of buildings to be rehabilitated, due to the economic limitations. Although there are many historical buildings in the area, only those buildings whose owners accepted the conditions of the Programme were repaired.

III.III. A Recent Conservation Practice from Istanbul: Tarlabaşı Urban Renewal Project

Tarlabaşı is an historical area in the center of Istanbul within the boundaries of Beyoğlu County. The area is surrounded by Tarlabaşı Boulevard on the South, Dolapdere Street on the North, Talimhane - hotels region on the East and Kasımpaşa District on the West. The area stands on the slopes descending to Dolapdere from Tarlabasi Boulevard. The first phase of the project covers 9 building blocks, 4 of which are adjacent to the Tarlabaşı Boulevard (SSES, 2008).

III.III.I. Historical Development of the Area

The area which had been using as a graveyard until the 18th Century was first developed as a residential area for the people working in embassies. Because of the economic difficulties coming with "tax on wealth" (varlık vergisi) after 1940s minorities living in the area began to sell their properties to the Turkish population. Also after the attacs in 6 – 7 September 1955 many people from minorities moved from Turkey and left their properties to be rented. Most of these buildings were rented by migrants from rural and the area declined consequently. The construction of the Tarlabaşı Boulevard by demolishing several buildings in the area during 1980s seperated Beyoğlu and Tarlabaşı which accelerated the decline in the area.



Figure 9: Location of TURP Area (prepared by author)

III.III.II. Existing Situation of the Area

According to the information gathered from the "Tarlabaşı Urban Renewal Project Presentation", prepared by the Gap Construction, majority of the area consists of 3 - 4 storey masonry 19th Century buildings. There are also 6 - 7 storey new buildings along the Tarlabaşı Boulevard. The same study points out that about the 80% of the buildings are in an average or bad condition. There are so few buildings in the area of which structural conditions are good. About the 10% of the buildings in the area are dilapidated. Based on the information given in "Tarlabaşı I. Phase Urban Renewal Project Social, Economic and Spatial Structure Study" (SESS) dated 2008, 48,7% of the units in the area are being used for residential uses whereas 19,7% are used as workplace, 2,9% are used as storage and 28,6% are empty (SSES, 12, 2009).

Immigrants mostly from the Eastern or South Eastern Anatolia (51,6%), Black Sea Region (14,9%) and Marmara Region (11,1%) constitute the majority of the inhabitants. There are also foreign people (3,6%) living in the area. Education level of the people living in the area is very low and the rate of the people working unregistered or without insurance is 81,2%. 65% of the inhabitants have been living in their current dwelling for less than 10 years, 14% is living in their current location between 10 and 20 years and the remaining 20,8% is more than 20 years (SSES, 2008).

Except the monumental buildings such as churches most of the buildings belong to the private individuals or by private partners. With respect to the SSP (2008) the project area includes total number of 278 lots, 550 shares and 400 shareholders. Project Coordinater Mrs. Nilgün Kıvırcık indicates that these shared properties constitute almost %80 of the total land. These buildings are generally shared by means of flat easement (kat irtifakı) or flat ownership (kat mülkiyeti) (Kıvırcık, 2009). Average lot size is calculated as 72 m2 and average share size of share is calculated as 36 m2 within the same document. Only 20% of the people living in the area are property owners while 75% are tenants and 5% are relatives of the property owners who do not pay rent (SSP, 2008, 23).



Figure 10: A street view from the TURP Area (Stratejik Planlama, 2008)

III.III.III. The Project

Based on the Law No: 5366, the area was declared "Urban Renewal Area" by the Council of Ministers in 2006. For the realization of TURP Beyoğlu Municipality made a contract with a private investor, "Gap Construction" as the lowest bidder (www.tarlabasiyenileniyor.com). 9 building blocks in the area are designed as to have courtyards within the building blocks and the construction rights valid for these pieces of lands are solved in the upper floors. Different methods of restoration or reconstruction will be applied in the area according to the constructional and static conditions of the buildings (TURP Presentation, 2008). Although the architectural approach of the project is not a subject of this study, it is necessary to indicate that

architectural proposal of the project is contradictory with the international conservation principles. The proposed ownership pattern and the building design ignore existing urban tissue. Some of the buildings are completely conserved whereas many other buildings remain as façade. Additionally, almost all over the project area, building heights are increased and original facades remain as a stage decoration, without the original buildings behind.

The implementation of the Project necessitates the agreements with the property owners. Negotiations with the property owners are based on the existing property values that are appraised by an independent private firm. With reference to these values different options were presented to the owners. Property owners whose shares are more than 30m² may have flats in the area after the project has finished. Others whose shares are less than 30m² may have flats in the area in condition that they pay the differential. Owners whose shares are less than 20m² may also prefer dwellings that are supplied by TOKI. Workplace owners who use it actively may also have a workplace after the project has finished. During the meetings with the property owners, some revisions were made based on the demands of the property owners. Some amendments were made for those whose shares are less than 30m², in order that they prefer to have flat in the area. To decrease the payments of the property owners whose economic conditions are not good, flats without parking are suggested as an alternative (SSP, 2008).



Figure 11: TURP – Proposed Building Blocks (Gap Construction, 2008)

Although the project has not been finalized yet about %50 of the property owners agree with the project. Majority of the property owners that agree with the project are from minorities or the ones that are not living in the area for a long time. The Project Coordinator Mrs. Nilgün Kıvırcık states that property owners that are working in the city center without social security or those engaged in illegal activities are generally against the project and trying to increase their own profit (Kıvırcık, 2009).

As well as the property owners, tenants living in the area are suggested some options. Tenants living in the area more than a certain time period legally may have social housings supplied by TOKI, without lottery. According to the Strategic Social Plan Draft, those tenants living in the area for a very long time and must continue on living in the area, need to be given the opportunity of living in the project area after Project has realized. The Plan also emphasizes the necessity of offering long term payment programs, for the tenants may take advantage of the Project (SSP, 2008).



Figure 12: TURP – Facade Proposals (Gap Construction, 2008)

The implementation of the project necessitates agreement with all the property owners within the project area, however property owners did not participate during the complete process. The architectural projects are prepared by the architects without the participation of property owners and then projects are presented to the property owners to be accepted. About 80% of the properties within the project area are shared property. In practice, shareholders share those buildings flat by flat. However, shares that are registered on title deeds do not overlap with the shares in practice. On the other hand, flat ownership that is proposed by the Renewal Project is based on title deeds. Accordingly, shareholders once posessing a whole flat in practice are offered smaller flats or no flats by the Renewal Project. Because the architectural project was completed before negotiating with property owners, the project could not be revised according to the demands of the property owners. Consequently, not all the property owners agree with the project and about half of the properties in the area need to be expropriated, referring to the Law No: 5366. From the percpective of property owners who are against the project, their ownership and sheltering rights will be infringed and they will have to move another part of the city.

III.IV. Evaluation and Comparison of Three Experiences

Bologna experience and Tarlabaşı case are similar in the way that both cases embrace a total urban area, although different in size, and the implementation of these necessitates agrrement with the property owners within these areas. In the case of Bologna, the project and its implementation is achieved by an administrative network that is composed of Neigborhood Councils. On the other hand, TURP was prepared by a private firm that is employed by the administration and later it was presented to the property owners. If property owners do not agree with the options that are offered by the administration their properties are to be expropriated. RFBDP is also necessitates agreement with property owners but agreement with all the property owners within the area is not a must due to the predefined number of buildings to be rehabilitated. If a property owner is not agree with the rehabilitation another building can be chosen.

Renovation of the Historic Center of Bologna and RFBDP both concider property owners and the inhabitants of the areas concerned, as well as the rehabilitation of the physical environment. Financial support for the rehabilitation of Bologna's Historic Center was supplied by local and national administrations. To avoid speculation, agreements with property owners were done ensuring that they would not sell the property for 15 to 25 years. But RFBDP was financed by European Union and did not include all the historic buildings in the area. Although the same agreement was done for 5 years, with owners of the buildings that are rehabilitated, other buildings in the area are vulnerable to speculation. TURP is different from these two conservation programmes for it is concerning physical rehabilitation of the area more than its social aspects. Foreseeing and not avoiding rises in the rents and the property values, the administration offers the property owners and the tenants another location far from the city center, as an option.

Another similarity between Bologna and RFBDP is both are nonprofit practices. The only aim of both is to conserve and maintain the historic, cultural and social values of the historical areas concerned. However, since it is financed by a private firm TURP serves for profit of the firm besides conservation of historical environment. Integration of this third agent into the process brings about a new ownership pattern, shared among property owners, local administration and the private firm.

Bologna and RFBDP are both conserving the existing ownership pattern, historical urban pattern and architecture. On the other hand TURP proposes a different urban environment from the original layout. Inner courts and passages connecting these courts to the streets are proposed. As a result of this lot sizes and floor area of the existing buildings are also changed. Building heights are increased and two additional floors are proposed. The physical approach of the project detaches what is seen from

outside and what exists behind that scene. Facades of the historical buildings are rehabilitated but behind these facades a new ownership pattern and inner layout are proposed.

Table 1: Comparison of three experiments concerning historical urba	an areas
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	Finance	Scope of the Project	Attitude Towards Property owners and users	Ownership Pattern	Renewal Approach
Renovation of Historical Center of Bologna	Local and central government initiative	Includes complete historical area	Preserves existing owners and users	Preserves existing ownership pattern and property owners	Rehabilitates existing built up area
Rehabilitation of Fener and Balat Districts Programme	Local government and European Union	Includes a limited number of buildings	Preserves existing owners and users	Preserves existing ownership pattern and property owners	Rehabilitates existing built up area
Tarlabaşı Urban Renewal Project	Local Government and Private Investor	Includes a district in an historical area	Supports property transfer and change in user profile	Proposes a new ownership pattern	Proposes a new architectural structure

CHAPTER IV

CASE STUDY - ZEYREK WORLD HERITAGE AREA

"Zeyrek World Heritage Area" is one of the few historical residential quarters of Istanbul, that remains till today. Similar to Süleymaniye, Zeyrek has a considerable timber building stock remaining from Ottoman Period. Although several plans and projects has been prepared since 1960s, conservation of this area, especially with its timber buildings, is stil a problem.



Figure 13: Location of the Site in Istanbul (prepared by the author)

IV.I. Location of the Site

Zeyrek is located at the fourth hill in the Historical Penninsula in Istanbul. The district extends up to the shores of the Golden Horn in the north. Atatürk Boulevard to the East of the site separates the site and the Süleymaniye District. The area is goes up to the Bozdoğan Aquaducts in the South, and Nevşehirli İbrahim Paşa Street in the West. Remains of the Byzantine walls, dykes and terraces are to be found along the Atatürk Boulevard. Besides these structures, the site has a panaromic view of the Golden Horn, Bosphorus and the Topkapı Palace.



Figure 14: Aerial photo of the Zeyrek Mosque and its near surroundings (Photo by Ali Konyalı - IMP archive, 2006)



Figure 15: Satellite Image of the Site (prepared by the author)

The area is located on several terraces which have been built since the Byzantine Period, and the ones adjacent to the Atatürk Boulevard reaches up to 15 meters. The topographic structure of the area and the slope are the main factors that shapes the street pattern and its architectural character. The streets goes parallel to contour lines or connect terraces steeply (Karaman, 1994).



Figure 16: Pervititch Maps dated 1933, showing that the existing street pattern of the area is not much different from 1933 (IMP archive 2008)

The physical structure of the area still reflects the features of an Ottoman neighborhood (mahalle) partially. Although not all the buildings in the area are timber houses from Ottoman Period, the street pattern, monumental buildings tombs (hazire) and fountains reflect the character. However the original residents of the area have already removed from the area and replaced by migrants from different parts of the country.

IV.II. Historical Development of the Area

Zeyrek World Heritage Area has been continuously used as a settlement by people during Byzantine, Ottoman and Republican Periods. Here, the historical development of the area is explained based on these three periods.

Zeyrek has been a religious and a cultural center for both the Byzantine and the Ottoman Empire. The region gained a religious importance after I. Konstantinus (324 - 337) founded Havariyun Church, where the emperors were buried (Karaman, 1994, 553).



Figure 17: Historical Peninsula in Byzantine Period (Freely, 1999)

Pantokrator Church was founded by Empress Irene in the Twelfth Century as a part of Byzantine Monastery of Christ Pantokrator. The Pantokrator Church is composed of three small churches which were built next to each other between 1118 and 1124 (Wiener, 2001, 211).



Figure 18: Pantokrator Church now called Zeyrek Mosque is one of the monumental buildings in the area which is called by its name (photo taken by the author, 2008)

After the 10th Century, monasteries became richer. Exempt from taxes, endowed with privilidges and connected to great families, they remained rich institutions untill the Latin occupation. In 1204 the Monastery of Pantocrator was one of the richest landowners in Constantinopolis (Kuban, 1996, 138). Through the Late Byzantine Period the area gained a different meaning due to the altercations between Orthodox - Byzantine and Catholic -Latin Catholic Monasteries (Ortaylı, 2007, 62).

Zeyrek Mosque, Eski İmaret Mosque and the Pantocrator Cistern are the remains of the Byzantine Period which are still standing. Besides these there are also many cisterns or remains of Byzantine Period buildings beneath mosques or beneath other buildings in the area.

After the conquest of Istanbul by Fatih Sultan Mehmet in 1453, Havariyun Church was demolished to be replaced by Fatih Complex and Pantokrator Church was converted into an Islamic School. The name of the mosque and the district comes from the Professor Molla Zeyrek to whom the management of the school was given by Fatih Sultan Mehmet (Ahunbay, 1998).

The ethnic diversity in the region persisted after the conquest of Istanbul and untill the 16th Century. The Greek population that used to live in the area moved to the Galata region and other minorities dispersed in time. During the years spanning the conquest till today, Zeyrek has always been a region of dense Muslim settlement. The social and economic structure of the residents of the area has not changed up to recent dates and most of them were middle class members working in Hanlar Region (Karaman,1994).

As in many other parts of Istanbul, Zeyrek was also affected by the fires. Many buildings in the area were rebuilt and in some parts the street pattern of the area was changed. Most of the timber houses in the area are the row houses that are constructed between 1800 and 1840. The average flor area of timber houses is 50 square meters; the building height is usually 2 - 3 storeys, making up for a total area of 100 - 150 square meters. The width of the houses varies between 5 and 10 meters. Common feature of the Zeyrek houses is the bay windows of different widths and heights. Generally rooms within which the daily life goes look upon the street and there is a small backyard (Karaman, 1994, 553 - 554).



Figure 19: Istanbul in 15th Century (Müller 2001)

1950s was a period of intense internal migration into Istanbul. With the migrants coming from rural areas, the social structure of Zeyrek has changed as well as its physical structure. Timber buildings in the area began to be replaced by 4 - 5 storey concrete frame buildings (Zeren Gülersoy, 2001). Because of the increase in the building densities and the number of high rise concrete frame buildings after 1954, the number of the original residents of the district was getting less with the high rate of migration from other parts of the Country and finally those people who were the original inhabitants of the area left the district (1/5000 Scale Historical Peninsula Conservation Plan Report, 2005). This was, in fact, a change in the ownership as well as the profile of the inhabitants. Also with the changes in the pysical structure, from single family - timber houses to 4 - 5 storey concrete frame buildings, new property owners has entered as a result of flat ownership.



Figure 20: Parmaklık Street is one of the few streets that typical raw houses can be seen today, (photo taken by the author, 2008)

From 1950s the area, especially historical timber houses, has been inhabited mostly by low income groups, majority of which are migrants from rural areas. They usually do not have necessary economic power, neither for living in better conditions nor for the maintenance of the timber buildings they live in.

Besides the changes in the social and physical structure of the area, upper scale decisions including urban arterieal roads and land use decisions also affected the area

and its relation with its surroundings. Atatürk Boulevard connecting Unkapanı and Yenikapı has separated two historic residential areas, Zeyrek and Süleymaniye, as well as increasing accessibility of these areas.



Figure 21: Atatürk Boulevard separating Zeyrek and Süleymaniye districts and the locations of SSK Zeyrek Tesisleri and Istanbul Manifaturacılar Çarşısı (prepared by the author)

During 1960s two building complexes were constructed on both sides of the Atatürk Boulevard. The first one is the Social Security Institution Zeyrek Complex (Sosyal Sigortalar Kurumu-SSK Zeyrek Tesisleri) on the east side of the Boulevard just adjacent to the Zeyrek World Heritage Area. The project designed by Sedad Hakki Eldem, one of the first architects of the Turkish Republic, was chosen by means of a competition. In 1986, the project also received Aga Khan Award for Architecture. The project was aimed to include offices, dispensary, market, bank and a cafe but this has never realised, and the buildings have been used only for administrative functions of the institution (http://arkiv.arkitera.com). The complex including buildings of different sizes and heights, was located on the sloping site in a harmony with the Zeyrek World Heritage Area. The height of the buildings, similar to the Zeyrek Mosque and historical timber houses, are kept relatively low. The architectural style of the buildings is also inspired from the traditional timber houses; with the proportions of their windows, floor heights and wide eaves(Tanyeli, 2001).



Figure 22: SSK Zeyrek Complex from the Atatürk Boulevard (photo taken by the author, 2008)

Another building complex built during the same period was the Istanbul Dry Goods Market (Istanbul Manifaturacılar Çarşısı - İMÇ). Turkish Textile Traders organised a two phased competition in 1959 to decide on the project of the complex and the proposals of Doğan Tekeli and his team was chosen(http://arkiv.arkitera.com). The project was chosen for its attitudes towards the historical remains, mosques, tombs on the site and the Süleymaniye Mosque closed to the area, as well as its spatial organization and building forms. The project was realized between 1959 and 1967 and created an attraction point and job opportunities in the area(İMÇ,1969).

As well as IMÇ and Zeyrek SSK Complex, other buildings have risen on both sides of the Atatürk Boulevard but not all of these buildings, either public or private, could be in harmony with the historical urban environment.



Figure 23: İMÇ buildings with historical tombs and the mosque (photo taken by the author, 2008)

IV.III. Upper Level Plans

The earliest planning works concerning the Historical Peninsula dated back to the Ottoman Period. From 1830s to 1960s many foreign architects or planners developed ideas about the physical development of the Istanbul⁽⁴⁾. Altough it was not sufficient in terms of defining the direction of urban and industrial expansion, Henri Prost Plan, dated 1936, included decisions concerning the conservation of the historical values of the city. Limitations of the building heights over certain altitudes were introduced by Prost in order to preserve the silhouette of the Historical Peninsula and these limitations are valid until present (1/5000 Scale Historical Peninsula Conservation Development Plan, 2005).

1/5000 scale "Walled City Master Plan" (1/5000 Ölçekli Suriçi Nazım İmar Planı) approved in 1964, was the first plan prepared by Turkish Planners. But this plan was a combination of previous local plans and did not have significant proposals giving direction to the development and conservation of Historical Peninsula (1/5000 Scale Historical Peninsula Conservation Development Plan, 2005).



Figure 24: Historical Peninsula Conservation Development Plan prepared by Prof. Gündüz Özdeş in 1990 (1/5000 Scale Historical Peninsula Conservation Development Plan Report 2005)

The first conservation development plan concerning the Historical Peninsula and Zeyrek Conservation Area was the November 2nd 1990 approval dated 1/5000 scale
Istanbul Historical Peninsula Conservation Development Plan (1/5000 Ölçekli Istanbul Tarihi Yarımada Koruma Amaçlı İmar Planı) prepared by Prof. Gündüz Özdeş. The aim of this plan was defined as "presenting this peerless place to the profit of people of Istanbul, Turkey and the World by conserving unique historical, cultural and natural values and designing in a way to create a lively place by eliminating the impacts threatening the existing potentials of the area" (1/5000 Scale Istanbul Historical Peninsula Conservation Development Plan Report, 2005). After its presentation to the public, the Chamber of Architects and a group of ITU Faculty of Architecture members raised objection petitions to this plan (Zeren Gülersoy, 2001, 48). During the objection processes, Istanbul No. 1 Board of Protection for Cultural and Natural assets declared with the July 12th 1995 dated and 6848 numbered decision that "Historical Peninsula - Inner Walled City to be a Historical and Urban Site, Urban and Archaeological Site and inside the walls of the place to be a 1st Degree Archaeological Site". Therefore all plans previously prepared for this area lost their validity as the result of site decision taken for all parts of the Historical Peninsula.

The Plan proposes a vision which includes functions such as culture or tourism rather than CBD functions or industry. As a result of this, it is suggested that, historical buildings which will be vacant after the removal of the industrial uses may be used for accommodation, retail or tourism. Besides preserving existing habitants, plan foresees certain level of change in the quality and quantity of the existing population due to the increases in the value of the rehabilitated buildings and ownership transfers (1/5000 Scale Istanbul Historical Peninsula Conservation Development Plan Report, 2005). The analytical report of the plan includes a section concerning ownership pattern and land prices. This section generally focused generally on distribution of the land that belongs to public institutions, local administrations and foundations rather than private land and related problems. Although it was not included in the plan strategies, necessity of cooperation with the property owners and supplying economic support, such as loans, for the implementation of the plan was emphasized within the "Conservation Report" written by Prof. Doğan Kuban (1/5000 Scale Istanbul Historical Peninsula Conservation Development Plan Report, 1990).

After the declaration of the Historical Peninsula as a conservation site, the Istanbul No.1 Board of Protection for Cultural and Natural Assets determined the construction

regulations for transition period. According to the Law No: 2863 Protection of Cultural and Natural Assets, the preparation of a conservation plan for this area was compulsory in the following first year after the announcement of the Historical Peninsula as a conservation site. Istanbul Metropolitan Municipality Planning Directorate started to prepare 1/5000 scale Conservation Master Plan of the Historical Peninsula. This plan was approved by Istanbul No.1 Board of Protection for Cultural and Natural Assets on 26.01.2005 and by Mayor of Istanbul Metropolitan Municipality April 30th 2005 (www.ibb.gov.tr).



Figure 25: 1/5000 Scale Historical Peninsula Conservation Development Plan prepared by Istanbul Metropolitan Municipality Planning Directorate (İMP Archive 2008)

In the plan, 3 degrees of conservation areas are defined with reference to the principles such as the amount of listed buildings, their physical conditions, their cultural and artistic values and the existence of the original street pattern. According to these

principles Zeyrek district, with its traditional street pattern and building stock, and monumental buildings, is designated as a 1st Degree Conservation Area (1. Derece Koruma Alanı).

In the fifth chapter of the "Historical Peninsula Conservation Development Plan" analyses concerning the planning area are evaluated. It is indicated that historical buildings in districts as Zeyrek and Süleymaniye are dilapidated and among the reasons of this situation complexity of the ownership relations is stated. However, no strategies were developed to cope with this problem.

In October 2005, Chamber of Architects brought a suit against the plan on the ground that it is contradictory with the principles of urbanism and public interest and Council of State took a decision to stay of execution (www.planlama.org, 2008).

As it described above, upper scale plans concerning Zeyrek World Heritage Area included generally conservation and development decisions but lacked participation of property owners both in preparation and implementation processes. Besides, necessary strategies to solve ownership problems or financial problems of property owners were not developed for the implementation of these plans. On the other hand those plans were not in operation for long periods due to the conservation decisions or court cases. Accordingly, 1/1000 scale conservation plans were also annulled and developments or conservation activities in the area were carried on with reference to the construction regulations for transition period.

IV.IV. Conservation and Planning Studies in the Area

The earliest conservation studies in Zeyrek region go back to the 1960s with the documentation study of Prof. Nezih Eldem and his group, from the Faculty of Architecture at ITU, in 1968. This study resulted in designation of the region as a "conservation area" in 1975 (Zeren Gülersoy, 2001, 40).

"The Restoration of Zeyrek Mosque and Rehabilitation of its Neighborhood" was among the projects that were exhibited by Turkey in the 1975 European Architectural Heritage Year Activities held in Amsterdam (Z.Ahunbay, 1999, 15). As result of campaigns and conservation activities of 10 years, Istanbul including Zeyrek, was inscribed to the World Heritage List in 1985 and UNESCO began to allot expertise and financial support for project and restoration activities (Zeren Gülersoy, 2001, 40).



Figure 26: Zeyrek archaeological area registered in 1977 (Archieve of Istanbul No. 3 Board of Protection for Cultural and Natural Assets)

In the April 9th 1977 dated regulation of the Supreme Board on Immobile Ancient Works and Monuments, 58 timber buildings were registered in the 12018 numbered decision, dated 10.05.1980(Zeren Gülersoy, 2001). Also, in 9.10.1977, the area from Zeyrek Mosque to the Atatürk Boulevard was designated as Archaeological Site.



Figure 27: Zeyrekhane - The vaulted remains of an Ottoman house which lay to the east of the Zeyrek Mosque were restored to be transformed into a Turkish Café House (photo taken by the author, 2008)

In 1981 the Supreme Board of Protection for Cultural and Natural Assets registered 271 lots in Zeyrek Conservation Site based on the survey of the Istanbul Relieve and Monuments Directorate (Zeren Gülersoy, 2001).

In 1995, Fatih Municipality started a campaign for the conservation of the Zeyrek neighborhood. An old timber house was repaired to encourage other property owners and converted a historical school into a computer center by repairing it. Also an old Ottoman house was repaired and transformed into a Turkish Café House. A dispancery which was needed by in the area was built to the north of the Zeyrek Mosque (Zeren Gülersoy, 2001, 40).



Figure 28: A dispensary built north of the Zeyrek Mosque (photo taken by the author, 2006)

The cultural heritage of Zeyrek has also been the subject of academic researches. The first internationally sponsored study was started in 1977 by the Director of the German Archaeology Institute, Prof. Wolfgang Müller - Wiener (Müller, 1977). This study financed by the Volkswagen Foundation, and lasted until 1981. The main idea of this research was to prepare plans and restoration projects for timber houses and to provide documentary material. The architectural features of the region, as well as cultural and social aspects were investigated in the study (Müller, Cramer, 1982).

Among the conservation implementation projects prepared for the area, another implication was "The Urban Design Project of Zeyrek District" prepared in 1992 under the direction of Prof. Dr. Aykut Karaman, a staff member of the Faculty of Architecture in Mimar Sinan University. The project was contained maps of 1/5000 scale, and maps of scales 1/1000 and 1/500. This project was based on the Historic Peninsula

Development Plan of 1/5000 scale, prepared by Prof. Gündüz Özdeş (Zeren Gülersoy, 2001).



Figure 29: Zeyrek Rehabilitation Project prepared by Müller - Wiener (Müller 1982)

"Istanbul No.1 Board of Protection for Cultural and Natural Assets" with 6848 numbered and December 7th 1998 dated decision, designated the whole Historic Peninsula, including Zeyrek, as a "Historic and Urban Conservation Site, Urban and Archaeological Site, and First Degree Archaeological Conservation Site" and annulled all previous plans and projects including 1/5000 scale Historic Peninsula Conservation Development Plan prepared by Prof. Gündüz Özdeş (Zeren Gülersoy, 2001). In 1998 within the framework of a protocol signed at the behest of the previous Mayor of Fatih Municipality Saadettin Tantan, between the "Research and Development Directorate of the Istanbul Technical University (ITU) Development Foundation" and the non governmental organization "Zeyrek Society", the study on the Zeyrek Conservation Development Plan was carried out (Zeren Gülersoy, 2001).

The study was prepared by the staff members of the Urban and Regional Planning Department of the Faculty of Architecture at ITU, Prof. Dr. Nuran Zeren Gülersoy, Dr. Azime Tezer, Dr. Reyhan Yiğiter and the Chairperson of the Restoration Division of the Faculty of Architecture at ITU, Prof. Dr. Zeynep Ahunbay, as advisor. Work commenced in January 1998 and was finalized in May 1999 (Zeren Gülersoy, 2001).

The aim of the study was to formulate general planning determinants and to propose the conservation strategies that maintain the appropriate and contemporary development of the social and physical/environmental fabric of Zeyrek, while preserving its historical, archaeological, natural, architectural and functional values, and to improve detailed development plans beyond these decisions (Zeren Gülersoy, 2001).

The project was submitted to the Fatih Municipality to be approved by the Board after it was looked over by the Ministry of Culture⁽⁵⁾. Fatih Municipality revised the project and converted it into the plan format however, the project was not approved. Also in the same period Conservation Development Plan of the Historical Peninsula and the implementation plans were being prepared by the Istanbul Metropolitan Municipality.

The project is the most comprehensive study concerning the social and economic conditions of the property owners and the tenants living in the area as well as the existing situation of the listed buildings. But the results of the social and economic survey have not been reflected to the project. Several types of actions were proposed with respect to the existing conditions of the buildings. Also touristic functions were proposed especially in the area surrounding the Zeyrek Mosque. Regarding that %42,4 of the LCA in the area are owned by private partners (Zeren Gülersoy, 2001, 86), implication of these actions would be difficult. However, no strategies or policies were

defined to solve these conflicts and the plan could not go beyond a physical conservation development plan and remain as a physical proposal.

1/1000 scale Implementation Plans of the Fatih and Eminönü Counties were prepared with the 1/5000 scale Conservation Master Plan of the Historical Peninsula. These plans were approved by the Istanbul No.1 Board of Protection for Cultural and Natural Assets on January 26th 2005 and by Mayor of Istanbul Metropolitan Municipality, on April 30th 2005. However, necessary strategies and tools concerning the participation and the relation with the property owners for the application of the conservation activities were not defined. In 2005, Implementation Plan of the Fatih County lost its validity with the 1/5000 scale Historical Peninsula Conservation Development Plan.

Conservation activities in the area are being carried on by the Fatih Municipality in building scale. After negotiations with the owners of the 10 timber houses closed to the Zeyrek Mosque, agreements were signed by the Fatih Municipality and the owners. Restoration of 7 timber houses in the area was finished and the repaired buildings were given back to the owners. Two of those buildings were rehabilitated in coordination with the Development of Cultural Conscious Foundation (Kültürel Bilinci Geliştirme Vakfı). The Foundation established a timber workshop in Zeyrek and 60 people were trained about the timber work. According to the protocol signed by the Mayor and the Fatih Municipality in January 31st 2005, allocation for the Preservation of Immovable Cultural Assets was approved in September 8th 2005. 3 listed buildings in the area were restored and the preparation of the restoration projects is still going on (www.fatih.bel.tr, 2008).



Figure 30: 1/1000 Scale Zeyrek Conservation Development Plan prepared by "Research and Development Directorate of the Istanbul Technical University (ITU) Development Foundation" (Zeren Gülersoy 2001)

Further conservation activities are continued by Istanbul Metropolitan Municipality, Directorate of Conservation Application and Control (Koruma Uygulama ve Denetim Müdürlüğü - KUDEB). KUDEB was founded within the organization of Istanbul Metropolitan Municipality, based on the 13th article of the Law No: 5226. The main task of the Directorate is to supplying technical support to the Boards and making simple repairs in historical timber buildings. Also two workshops in Zeyrek and Süleymaniye were organised by KUDEB for training graduates of technical schools, in order to support the restoration work in these conservation areas. Repairs carried on by the Directorate in Zeyrek are limited with the renewal of the façade, roof and the staircases rather than restoration or reinforcement of the whole structure. According to the information gathered from Assistant Manager Levent Sığırcı from KUDEB, 10 timber buildings in Zeyrek region were repaired during 2009 (Sığırcı, 2009).

Among the conservation studies concerning Zeyrek World Heritage Area, Zeyrek Conservation Development Plan, prepared by Research and Development Directorate of the ITU, was the most comprehensive one. The study included analyses concerning social and economic conditions of property owners and tenants within the area. However, the reflections of these analyses were not included to the proposed plan. Accordingly, the plan is not proposing an implementation strategy for the property owners to conserve their buildings.

The area together with the whole Historical Peninsula is an urban site with reference to the Conservation Law No: 2863 and also included in the UNESCO World Heritage List. 1/5000 and 1/1000 scale conservation plans and "site management plan" concerning the Historical Peninsula and Zeyrek are still being prepared by the related institutions. Although there is no conservation plan valid for the area, conservation activities in building scale are being carried on by KUDEB.

CHAPTER V

ANALYSIS CONCERNING PHYSICAL STRUCTURE AND ITS RELATION WITH OWNERSHIP IN ZEYREK WORLD HERITAGE AREA

The content of this chapter includes the analysis of the ownership pattern, analysis of the Listed Civil Architecture in the area and the structural condition of these listed buildings. The analysis of the ownership in the area studied based on the information gathered from Istanbul Metropolitan Municipality, Historical Peninsula Urban Design Group and Fatih Office of Deeds and Registration. Information about the listed buildings in the area was gathered from the maps of listed buildings prepared within the content of 1/5000 Scale Historical Peninsula Conservation Development Plan dated 2005 and "Zeyrek a Study in Conservation" dated 1999. Analysis about the structural condition of the listed buildings was prepared with the personal observations of the author, besides studies of Historical Peninsula Urban Design Group.

V.I. Listed Buildings and Lots

Listed buildings in the study area can be analyzed under two major groups, the first one is the listed civil architecture (LCA) and the second one is the monumental buildings that includes churches, mosques, tombs, baths, cisterns and other remains of structures from previous periods. According to the "Zeyrek a Study in Conservation", listed buildings analysis dated 1999, there are 222 listed buildings in the area, including 191 LCA and 31 monumental buildings. 152 of the LCA were the original listed buildings, 2 of them were repaired and 8 of them were demolished and replaced by an identical or similar building.

Listed buildings inventory of the 1/5000 Scale Historical Peninsula Conservation Development Plan includes 140 LCA and 16 are proposed. According to the same data, there are a total number of 248 lots in the area, with monumental buildings, civil architecture or with other remains such as cistern or building remains, from earlier periods.

Listed Buildings on Lots	Number of Lots
Lots with LCA	128
Lots with LCA and Other Listed Buildings	3
Lots with Other Listed Buildings	37
Lots with Collapsed LCA	80
Lots with No Listed Buildings	241
Total	489

Table 2: Lots in the study area and the listed properties

When these two inventory maps were compared it is stated that 20 of the LCA were collapsed between 1999 and 2005. Moreover, site survey within the content of this study indicates that 14 LCA were collapsed between 2005 and 2008. Today there are 142 listed samples of architecture in the area that are not collapsed. Total amount of the buildings in the area is about 380.

There is a contradiction between the numbers of the buildings given in Zeyrek Conservation Study and the 1/5000 Scale Historical Peninsula Conservation Development Plan, but this contradiction results from differences in architectural expressions of these two documents. Some of the LCA that are included in the Zeyrek Conservation Project are not available in 1/5000 Scale Historical Peninsula Conservation Development Plan neither as LCA nor as collapsed LCA. Also some of the buildings drawn as a single building in one document are drawn as two separate buildings in other.



Figure 31: Listed buildings and lots analysis from "Zeyrek a Study in Conservation" (Zeren Gülersoy, 2001)



Figure 32: Listed lots in the area (Historical Peninsula Conservation Development Plan, 2005)



Figure 33: Collapsed LCA and periods of collapse

V.II. The Ownership Pattern

The study area includes a total number of 489 lots. Majority of the lots in the area are owned by private individuals or by private partners. 226 (47%) of the lots in the area are owned by private individuals and 147 (31%) lots are owned by private partners. Total amount of the flat ownership is 51 (11%). The rest is owned by Fatih Municipality, Istanbul Metropolitan Municipality, foundations, associations or by other public institutions.

LCA in the area are mostly owned by either private individuals or by private partners. The ratio of the private individuals is 67% whereas the 29% of the lots in the study area are owned by private partners. The rest of the lots are owned by private foundations, General Directorate of Foundations or associations.

Ownership	Number of Lots	Percentages
Province	2	0,4
Association	16	3,3
Fatih Municipality	12	2,5
Private Partners	147	30,1
Istanbul Metropolitan Municipality	6	1,2
Public Institutions	1	0,2
Flat Ownership	51	10,4
Private Foundation	6	1,2
Private Individuals	226	46,2
General Directorate of Foundations	15	3,1
Unknown	7	1,4
Total	482	100

Table 3: Land ownership in the study area



Figure 34: Land ownership in the study area

The data about the ownerships, gathered from the related institutions mentioned before, indicates that most of the properties owned by private partners are shared generally by more than 4 person and those people are brothers - sisters or relatives.



Figure 35: Landownership in the study area



Figure 36: LCA and the land ownership in the area

Table 4: Ownership of LCA (Total number of lots)

Ownership	Number of Lots	Percentages
Private Partners	39	29,8
Private Individuals	88	67,2
General Directorate of Foundations	2	1,4
Association	1	0,8
Private Foundation	1	0,8
Total	131	100



Figure 37: Ownership of LCA (Total number of lots)

Listed monumental buildings in the area such as churches, mosques, tombs or fountains are owned by General Directorate of Foundations and maintenance and restoration of these buildings are carried out by this institution. But there are also other listed cultural beings in the area such as cisterns, building remains, walls, vaults and other remains. Some of these are owned by public authorities such as municipalities or province, otherwise by private individuals or private partners.

Ownership	Total Number of Lots
Fatih Municipality	3
Private Partners	11
Istanbul Metropolitan Municipality	4
Private Foundation	2
Private Individuals	9
General Directorate of Foundations	8
Province	2
Unknown	1
Total	40

Table 5: Ownership of Other Listed Properties (Total Number of Plots)

V.III. The Structural Condition

Data about the structural condition of the LCA in the area is gathered from Historical Peninsula Urban Design Group studies. These studies are updated by the author during the site survey. Structural condition classification is done under 5 main groups which are explained as follows:

Good: Buildings that do not need any repair

Repaired: Buildings that are recently repaire and do not need intervention **Average:** Buildings that need partial repair, for instance in windows, roof or facade **Bad:** buildings that urgently need restoration or repair

Dilapidated: Buildings that have lost one or more structural elements, such as wall, or roof, and can not be used anymore

It has been observed during the site survey that there are many dilapidated LCA in the area and they are getting lost day by day. As it was mentioned before, because of this lack of maintenance and repair 20 of the LCA were collapsed between the years 1999 and 2005 and this number is 14 for the duration from 2005 till today. The amount of the buildings that were collapsed before 1999 is more than 40. Existing condition of some buildings show that they will be collapsed not more than a year.

While some of the these cultural beings face with the danger of disappearing, conservation studies of the municipalities and the related institutions going on in the

area. During the site survey of this study 4 of the LCA were being repaired by those institutions. Also 3 buildings were being repaired by the owners. But still the amount of the dilapidated buildings is very high.

Structural Condition	Number of Buildings	Percentage
Good	7	4,9
Bad	44	31,1
Dilapidated	22	15,5
Average	34	23,9
Repaired	35	24,6
Total	142	100

Table 6: Structural Condition of the LCA (Total Number of Buildings)



Figure 38: Structural Condition of the LCA (Total Number of Buildings)



Figure 39: Structural condition of the LCA

The rate of the dilapidated buildings is 56%. 24% of the buildings are either repaired or are still being repaired. About 5% of the buildings are in good condition and those buildings are mostly masonry buildings or covered by concrete. 23,9% of the LCA are in an average structural condition.

Ownership	Total Number of Buildings	Percentage
Private Partners	22	33,3
Private Individuals	41	62,1
Foundations	3	4,5
Total	66	100

 Table 7: Ownership of the dilapidated LCA (Total number of buildings)



Figure 40: Some of the dilapidated LCA (photos taken by the author, 2008)



Figure 41: Structural condition of listed buildings and their relation with ownerships

When the relation between the structural condition and the ownership are analyzed, it is seen that buildings in a bad conditions and dilapidated buildings are owned by private partners or private individuals in general. The comparison of the rate of private partners among LCA and rate of private partners among dilapidated LCA and LCA in a bad structural condition shows that the rate of the private partners among the buildings that are in a bad condition or dilapidated (33,3%) is heigher than the rate of private partners among all LCA (29,8%) and the rate of the private partners among the whole area (30,1%). The ownership analysis of the collapsed LCA gives a similar result. The rate of the collapsed buildings owned by private partners is 34,5%.

V.IV. Social and Economic Conditions of the Area

In the previous analyses, physical conditions of the LCA and their relation with the ownerships are explained. In this part of the study existing social and economic conditions in the area will be examined. Data about the social and economic conditions of the area collected by means of questionnaires.

Conservation of the LCA that are owned by private individuals or by private partners is the responsibility of the owners. The first aim of the questions that are included in the questionnaires are to define why LCA in Zeyrek World Heritage Area could not be conserved or maintained; the second aim is to search for what kind of opportunities does the area have for the conservation of the historical building stock. The first group of questions are related with the ownership of the property, such as; whether it is shared property or not, what kind of a relation shareholders have, the way that they got the property, whether it is used by the owner or the tenant. Second group of questions is related with the area, and their intentions to maintain the historical environment.

Questionnaires included 52 of the LCA in the area which is about the 35% of all. 16 of the buildings in the area are empty either because they are dilapidated being repaired.



Figure 42: LCA of which residents are interviewed

V.IV.I Building Uses and Living Conditions

Almost all of the buildings in the area are used for residential uses. There are so few commercial uses among LCA and generally take place in the ground floors. The rate of the buildings with commercial uses in the ground floor is 8%. In some cases, ground floors are used as workshops by the owner of the buildings.

58

6

100

User	Total Number of Buildings	Percentage
Tenant	18	36

29

3

50

Landowner

Total

Landowner+Tenant



Figure 43: User Profile (Total number of buildings)

Generally there are two types of buildings in the area. The first one is the 1 or 2 storey and about $150 - 180 \text{ m}^2$ houses. These are used by one or two families. The second type is the 3 or 4 storey buildings with an area of about $350 - 400 \text{ m}^2$. Originally they are all built for one big family but today many of them used by more than 2 families. Thus the owners of the buildings may rent other floors even if they use the building as

residence. The rate of the LCA used by landowner is 58% among the buildings questionnaieres applied. 36% of the buildings are used by tenants whereas 6% is used by both landowners and tenants. Generally buildings are shared by families floor by floor. But there are also exceptions where there are so many shareholders that even a floor is used by more than one family, and the number of the families living in a building is higher than the number of the floors.

The amount of the rents paid per floor changes from 50 TLs to 500 TLs, depending on the structural condition of the building, its location, size of the building. In some cases, the shares of the shareholders are so small that, shareholders living in the building need to pay for the excessive room they used. Also, some of the buildings are rented to a relative of the landowner that they pay a symbolic amount of rent.

Living area per person changes between $6,5 \text{ m}^2$ to 180 m^2 , but the average value of living space is $38,8 \text{ m}^2$ per capita. Buildings subdivided between shareholders, generally brothers or sisters, have necessary sanitary conditions, but especially buildings used by tenants do not have necessary sanitary conditions. In some cases, 15 person had to share kitchen and bathroom or they had to create other solutions not to share.

V.IV.II. The Ownerships

The ownership profile of the buildings used by landowners indicates that more than half of the buildings are owned by private partners. The rate of the buildings used by its owner and owned by a single individual is 44%.

Ownership	Total number of buildings	Percentage (%)
Private Partners	18	56
Private Individuals	14	44
Total	32	100

Table 9: Ownership of the buildings used by its owners (Total Number of Buildings)

About the 33% of the tenants living in LCA has no information about whether it is a shared property or not. On the other hand, 50% of the buildings used by tenants, are owned by private individuals while 17% are owned by private partners.

Table 10: Ownership of the buildings used	d by tenants (Total number of buil	ldings)
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Ownership	Total number of buildings	Percentage (%)
Private Partners	3	16,7
Private Individuals	9	50
Unknown	6	33,3

Results of the queationnaieres shows that most of the shared properties are shared among 1st degree relatives such as brothers - sisters or mother - sons and those buildings are inherited from fathers or grandfathers. The rate of the listed buildings shared by brothers and sisters is 55% and the total rate of the properties shared by relatives is 88,9%.

 Table 11: Relation between shareholders of the buildings used by owners and owned by private partners (Total number of buildings)

Relation	Total number of buildings	Percentage (%)
Brothers-sisters	10	55,6
Mother-son	2	11,1
Other relatives	4	22,2
Unknown	2	11,1
Total	18	100

About the 65 % of the buildings used by owners are inherited from relatives, generally fathers. 6% of the property owners bought the buildings they are living in from people they know from their hometown or a distant relative. About 28% of the owners do not have information about the previous owner of the property.

From Whom	Total number of buildings	Percentage (%)
Inherited	21	65,7
Other People	2	6,2
Unknown	9	28,1
Total	32	100

Table 12: Original owner of the property (Total number of buildings)

V.IV.III. Residence Duration and Previous Location

Responses to the question about the duration of residence reveals that, great majority of the owners living in the LCA have lived in these buildings more than 10 years, whereas more than half of the tenants have lived in their present residences less than 10 years. 28% of the landowners have lived in LCA more than 50 years and 81% of the owners have lived in the same building more than 10 years.

Duration of use	Total number of buildings	Percentage(%)
less than 5years	4	12,5
between 5 and 10	2	6,3
between 10 and 20	4	12,5
between 20 and 30	4	12,5
between 30 and 40	5	15,6
between 40 and 50	4	12,5
More than 50	9	28,1
Total	32	100

Table 13: Residence duration of owners in listed buildings (Total number of buildings)



Figure 44: Residence duration of owners in listed buildings (Total number of buildings)

When the residence durations of the tenants are analyzed it is seen that the listed buildings in the area are generally used for short terms by tenants. 61% of the tenants living in LCA have lived in these buildings less than 10 years. Total number of tenats living in listed buildings decreases as the residence duration in the area increases.

Duration of use	Total number of buildings	Percentage(%)
less than 5years	5	27,8
between 5 and 10	6	33,3
between 10 and 20	4	22,2
between 30 and 40	3	16,7
Total	18	100

Table 14: Residence duration of tenants in listed buildings (Total number of buildings)



Figure 45: Residence duration of tenants in listed buildings (Total number of buildings)

Previous location of the owners living in listed buildings indicates that 75% of the owners have lived in in Istanbul all the time. 25 % of the owners came from other cities whereas 28% of the owners was born and have always lived in the same building. Those people came from other cities and became a landowner in the area have migrated from mostly Blacksea Region and Eastern Anatolia.

Previous location	Total number of buildings	Percentage (%)
Same building	9	28,1
Zeyrek	7	21,9
Other district in Istanbul	8	25
Other city	8	25
Total	32	100

Table 15: Previous location of the owners (Total number of buildings)

Results of the previous location of tenants living in listed buildings reveal that about the half of the tenants living in these buildings migrated from other cities. Generally Zeyrek is their first location in Istanbul. Migrants, came from eastern and southeastern provinces such as Siirt, Mardin, Urfa, Osmaniye and Elazığ, rent historical buildings in Zeyrek. This can also be a result of the location of the Zeyrek which is very closed to

the "Kadınlar Bazaar (Kadınlar Pazarı), which is also called "Siirt Bazaar (Siirt Pazarı)", where traditional foods peculiar to Eastern and Southeastern Anatolia are sold.

The rate of the tenants living in LCA in Zeyrek is 44 % and 33 % of the tenants previously have lived in other parts of Istanbul, especially districts around the Goldenhorn. The previous residences of the 22% of the tenants were an other building in Zeyrek.

Table 16: Previous location of the tenants (Total number of buildings)

Previous location	Total number of buildings	Percentage(%)
Zeyrek	4	22,2
Other district in Istanbul	6	33,3
Other city	8	44,5
Total	18	100



Figure 46: Previous location of the tenants (Total number of buildings)

V.IV.IV. Intention to Move

Responses to the question of whether they have an intention to move from their current residence indicates that majority of the owners do not desire to move to another location. More than half of the tenants gave the same response. Rate of the owners that do not have an intention to move is 75 % and this rate decreases to 55 % for the tenants.

Table 17: Owner's intention to move to another residence	(Total number of buildings)
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Intention to move	Total number of buildings	Percentage(%)
Yes	8	25
No	24	75
Total	32	100

Intention to move	Total number of buildings	Percentage(%)
Yes	8	44,5
No	10	55,5
Total	18	100

Table 18: Tenat's intention to move to another residence (Total number of buildings)

Both owners and the tenants that have a desire to move to another residence, generally want to move since the building that they live in is very old. 75% of the owners and 66% of the tenants replied the question of why they want to move to another location as because their current residence is old. Other reasons for owners are that the current location is far from the workplace and the conditions of the social environment is not good. Tenants also need to move to another location since the size of the current building is so small. Out of their intentions many of the tenants and owners complain about the economic disabilities to move to another residence or another district. Generally they have an intention to move but due to the relatively low rents in the area they have to stay in their current location.
Reason for "Yes"	Total number of buildings	Percentage (%)	
Current residence is very old	6	75	
Other	2	25	
Total	8	100	

Table 19: Owners' reasons to move to another residence (Total number of buildings)

Table 20: Tenants' reasons to move to another residence (Total number of buildings)

Reason for "Yes"	Total number of buildings	Percentage(%)	
Current residence is very old	6	66,7	
Other	3	33,3	
Total	9	100	

Reasons of the owners and the tenants not to move to another residence are again similar. About 40% of the owners living in their own property are satisfied with their current house. Similarly 66% of the tenants are pleased to live in their current residence. Different from tenants, 20% of the owners do not want to move to another residence because the buildings are inherited from their father or anchesters and they have a sensual relation with the district and 33% of the owners do not need to leave their own property. Other reasons why tenants do not have an intention to move are that the current location is closed to the workplace, the rents are cheap and the current residence is big enough.

Reason for "No"	Total number of buildings	Percentage(%)
Inherited	5	20,8
Workplace Distance	1	4,2
His own property	8	33,3
Satisfied	10	41,7
Total	24	100

Table 21: Owners' reasons not to move to another residence (Total number of buildings)

Reason for "No"	Total number of buildings	Percentage(%)
Other	3	33,3
Satisfied	6	66,7
Total	9	100

Table 22: Tenants' reasons not to move to another residence (Total number of buildings)

V.IV.V. Maintenance of the Listed Buildings and the Availability of Economic Resources

Responses about the maintenance of the buildings reveal the property owners' willingness to repair the building and the availability of the necessary financial resources. With respect to the results of the questionnaires only 18% of the buildings are repaired. 30% of the buildings are partially repaired either by the owner or by Fatih Municipality. However, repairs that are made by the owners are generally urgent interventions and far from restoration. Moreover, repairs made by Fatih Municipality include only renewal of the facade and the roof. Only a small number of buildings are totally repaired by the municipality or UNESCO. Other applications carried on by KUDEB, lack of inner repairs and sanitary support.

Condition of the building	Total number of buildings	Percentage(%)
Restored	9	18
Partially by the owner	13	26
Partially by the municipality	2	4
Renewal	1	2
No reparation	25	50

100

Table 23: Restoration and the maintenance of the buildings (Total number of buildings)

50

Total



Figure 47: Restoration and the maintenance of the buildings (Total number of buildings)

Majority of the buildings in the area are not restored due to the economic disabilities. Those who have sufficient economic power make the most vital reparations but can not afford a total restoration. In case of the Municipal support, owners make inner reparations as possible as their economic conditions allow. About the 6% of the owners do not make any intervention because they prefer to wait for the support of Ftaih Municipality or KUDEB. another 6% can not support the maintenance or the restoration of the building since there are too many shareholders.

Reason for not repairing	Total number of buildings	Percentage (%)	
Economic disabilities	30	88,2	
Waiting for external support	2	5,9	
Too much shareholders	2	5,9	
Total	34	100	

Table 24: Reasons for not repairing the building (Total number of buildings)

Except a small number of respondents, majority of the people living in historical buildings have a positive attitude against an external support, by municipality, province or foundations, for the restoration of the buildings that they live in.

V.V. Evaluation of the Analyses and the Social and Economic Conditions of the Area

Analyses concerning the LCA within the Zeyrek World Heritage Area are focused on ownerships of the LCA in general; structural conditions of the LCA and its relation with the ownership; and collapsed LCA and its relation with the ownerships. Great majority of the LCA are owned by private individuals or private partners and the rate of LCA owned by private partners is about 67%. Also the rate of collapsed LCA and dilapidated LCA that are owned by private partners is high when compared with the rate of LCA owned by private partners in the area. Based on these data, shared ownership can be seen as a bottleneck for the conservation and maintenance of historical building stock.

Beside the analyses concerning LCA and its relation with ownership; social and economic analyses of the area, based on questionnaires, supplies further detail about the conservation problems and opportunities of the area. As it was mentioned in previous chapter and above, about the 67% of the LCA are owned by private partners. According to the responses to the questionnaires about the 70% of these are shared among close relatives and in some cases they share the building floor by floor. Regarding that there can be conflicts among shareholders, kinship among shareholders can be assumed as a positive factor for the conservation and maintenance of LCA.

The results of the questionnaires reveals that about 60% of the LCA in the area are occupied by property owners and about 70% of them have lived in the same building over 20 years. When compared with other historical urban areas such as Tarlabaşı, both the rate of the LCA occupied by property owners and durations of occupation are very high. Also about 50% of the property owners living in the area indicated that they have lived in Zeyrek formerly. Considering this relation between the property owners and the buildings they have lived in, the district or the physical environment in general the rate of the property owners living in the area and duration of residence in the area are opportunities for the conservation of the area.

Another indicater of the property owners' and tenants' relation with the historical environment can be derived from the responses to the question of whether they have any intention to move to another residence or district. About 70% of the property owners living in the area do not have an intention to move to another residence or district whereas this rate decreases 22% for the tenants. Those who have an intention to move generally complain about living in an old timber building.

Economic situation of the property owners and tenants seem as a negative factor for the conservation of the area. About the 90% of the occupiers could not afford the maintenance of the building that they live in. The amount of the rents, which varies 50 to 500 Turkish Liras, is also an indicator of the economic condition of the people living in the area. Some of the property owners can afford the maintenance of the historical timber buildings but their effort is limited with the partial reparations instead of a comprehensive restoration.

CHAPTER VI

CONCLUSION

At the beginning of this study, rationales behind the conservation of cultural and natural beings were represented. Development of conservation approaches and their relation with the concept of property and ownership is explained in the first chapter. In the second chapter, rules and regulations concerning the conservation of cultural and natural beings and the recent developments are analyzed with reference to the property relations. In the third part of the study three experiences concerning historical urban areas, Bologna, Tarlabaşı and Fener Balat, are explained. As the main case study, Zeyrek World Heritage Area, its development, and planning and restoration studies concerning the conservation of the area are interpreted in the fourth chapter. Moreover, social and economic profile of the area and its relation with the conservation of the site is presented in the fifth chapter.

Conservation and maintenance of the cultural and natural beings has been an evolving issue since the westernization trends of Ottoman Empire until today. But it was only after the Second World War that the civil architecture which is on fragmented private property became the subject matter of conservation.

Parallel to the developments in European countries, legal instruments related to the conservation of cultural and natural beings improved in Turkey and it is still developing. Conservation Development Plans are the basic tool for the conservation of historical urban areas. However, maintenance and conservation of civil architecture that is on fragmented and generally private property remain as problem. Especially historical housing areas in metropolises such as Istanbul have become dilapidated areas and inhabited by low income groups.

Low income groups generally do not have the necessary financial resources for the maintenance of historical housing areas. Together with the economic sources supplied by international organizations related with cultural heritage, rules and regulations, especially introduced after 2004, brought about some amendments that will facilitate conservation of private property, both economically and procedurally. However integration of the property owners, who are the main actors that are responsible for the conservation of cultural property, into the conservation process could not be achieved.

Rehabilitation of Historic Center of Bologna, Rehabilitation of Fener and Balat Districts Programme and Tarlabaşı Urban Renewal Project are the three practices that provide opportunity to study different approaches to the integration of property owners into the conservation process. Achievement of the conservation of Bologna arises from participation of the property owners through Neighborhood Councils as well as the financial sources supplied by local and central government. Also RFBDP is a successful application since it achieves rehabilitation of physical and social environment by negotiating with property owners.

Tarlabaşı project, including all the buildings in the project area, necessitates agreement with each and every property owner for the realization of the project. But not all the property owners are agreed with the project up to now and their properties will be expropriated, according to the Law No: 5366. Including property owners into the whole process, instead of making agreements after architectural projects, may have helped in gaining the support of all the property owners and may eliminate the need for expropriation.

As it is seen in these three practices, conservation projects which concern existing ownership patterns, necessitate availability of financial resources in local, national and international level. Partnerships including private sector as in TURP, requires considering the interests of the private sector as well as property owners. This also leads to renewal in ownership patterns and increase in the land values, which may be an obstacle for the implementation of the project.

Different economic resources were utilized in Bologna, Fener - Balat and Tarlabaşı experiences. These resources also affect the conservation processes. Bologna

experience and RFBDP are both keeping the existing ownership pattern and social structure as well as rehabilitating the physical structure. On the other hand TURP brings about a new ownership pattern. As a result of the high rate of shared ownership and contradictions between shares in practice and shares on deeds, this new ownership pattern (or to say flat ownership) causes disagreements between property owners and the authority.

For many years, conservation development plans have been prepared for the historical urban areas in Turkey. But these plans, or the planners, architects or other experts, conceived those buildings as physical objects and ignored its relation with its owner and inhabitant. As it mentioned before, historical buildings registered as cultural beings are assumed as the property of the state and the Ministery of Culture and Tourism has the responsibility of conserving those buildings. But in practice, concerning the amount of the cultural values all over Turkey, 50957 civil architecture and 81887 total numbers of listed buildings, neither budget nor the organization of the institution is sufficient. Thus, main actors responsible for the conservation of cultural beings are the property owners. Practices studied in the second chapter emphasize the necessity of property owners' integration into the conservation process.

Considering Bologna, Fener-Balat and Tarlabaşı experiences Zeyrek World Heritage Area has many opportunities. The area is included in the World Heritage List and this situation can be considered as a financial and technical opportunity for the conservation of the area. Since the area was included in the World Heritage List UNESCO has supplied financial and technical support for the conservation of the area. In recent years, with the constraints of the UNESCO, reparation and façade reinforcement studies in the area are accelerated by KUDEB.

Conservation and planning studies in the area has continued since 1960s. Besides the development plans and the implementation plans prepared by the municipality and many conservation studies and projects were prepared by academicians. However, those studies, especially planning work, lacked participation of the property owners and necessary strategies for the implementation of these plans by the property owners.

In terms of the property owners' relation with the historical environment and participation in the conservation process, Zeyrek World Heritage Area has some advantages. Although more than half of the Listed Civil Architecture within the area is owned by private partners, majority of the shareholders are close relatives. This relation among shareholders generally reflects cultural properties positively. Shareholders who have kinship support each other economically for the maintenance of the cultural properties. Although their economic power is enough to support compulsory reparations, this is an indicator of their relation with the property and the area.

Compared with other historical urban areas close to the center like Tarlabaşı, the rate of the cultural properties occupied by its owner is considerable in Zeyrek. Furthermore, these property owners have been living in these buildings for more than 20 years and some for 50 years. They have inherited these cultural beings from their parents or other relatives and they have strong relations with the cultural property they have been living in and the urban environment surrounding it. Majority of the property owners living in the area have no intention to move to another district and others who have such an intention need to move just for they could not afford the maintenance of the cultural property.

One of the major reasons why historical buildings in Zeyrek could not have been conserved or collapsed is the economic disabilities. Many of the property owners do not have economic power necessary for the comprehensive restoration of the cultural properties. On the other hand they generally have a positive attitude towards the idea of an external financial support.

Whether it is financed by public authorities, international institutions or private sector integration of the property owners into the conservation process will guarantee the sustainability and maintenance of the Zeyrek World Heritage Area. Amendments introduced in recent years also emphasize and provide necessary instruments for the participation during the conservation process. These regulations also introduce financial sources both for the private owners and the local authorities. Social and economic profile of the Zeyrek World Heritage Area together with the three experiences

analyzed below emphasizes the necessity of the property owners' participation into the conservation process of the area.

NOTES

- Da-Sein is the concept that is used by Martin Heidegger for the human existence. With this definition, he differentiates human beings from other beings. For more information see Günay, B., 2009: 123-156
- (2) According to the recent archaeological findings in Yenikapı archaeological excavations, first human settlements in Istanbul date back to 6000 BC. For further information see article on following web page: http://www.arkitera.com/h30844-yenikapi-arkeolojik-kazi-alanindaydik.html
- (3) According to Bandarin(1979) at that time Bologna was the only regional capital governed by the left, and the Communist Party was close to an absolute majority of votes. For further information see the following reference: Bandarin, F., 1979: 178-202
- (4) Many foreign architects or city planners were entrusted for the earlier planning studies of Istanbul. Among these are Helmuth von Moltke, Marie de Lavnay, Carl Ch. Lörcher, Herman Elgötz, Alfred Agache, Jack H. Lambert, Henri Prost, Martin Wagner and Piccinato. For further information see reference below: Historical Peninsula Conservation Development Plan Report, 2005
- (5) At that time Ministry of Culture and Ministry of Tourism were two seperate institutions. In 2003 these two institutions were combined under the Ministry of Culture and Tourism

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APPENDIX A

QUESTONNAIRE

YAPININ KÜNYESİ

Ada:	Parsel:	Arsa yüzö	ölçümü:	
Tescil içinde başk	Bina Taban a yapılar ya da ağaçla nı nedir?	ar var mı?	Evet	Hayır
SAHİPLİLİK				
Kaç Aile ve kişi y	aşıyor:	_Sahibi mi?	Kir	ra mı?
<u>Sahibi ise</u>				
Hisseli mi, tekil m	kimden almış? nülkiyet mi? nrasında ne gibi bir ba	ığ var?		
Paydaşlar arasında	a herhangi bir sorun v	ar mı?		
Evden çıkıp kiraya Neden?	e yaşıyor? yaşıyordu? a vermeyi ya da satmı	ayı düşünüyor	: mu?	
<u>Kiracı ise</u>				
Kimden kiralamış Kira ne kadar?	?			
Hisseli mi tekil m	ülkiyet mi?			
Kaç paydaş var?_ Kaç yıldır bu evde Daha önce nerede	e yaşıyor? yaşıyordu?			

YAPININ RESTORASYONU

Restore edilmişse, yapı hangi kaynaklarla ve nasıl restore edildi?_____

Restore edilmemișse, neden restore edilmedi?_____

YAPININ SÜRDÜRÜLMESİ

Geliri yapının bakımını sağlıyor mu?_____

Yeni bir kullanım düşünür mü?_____

TOPLU UYGULAMA

Semtte yaşayanlar bir araya gelerek burada bir iyileştirme yapılsa katılmak ister misiniz?

Herhangi bir kurum(dernek, vakıf, belediye, valilik, vs.)iyileştirme yapsa katılmak ister misiniz?

Oturduğunuz evin yıkılıp yerine betonarme ev yapılmasını mı istersiniz yoksa evinizin onarılmasını mı?_____

Başka bir semte taşınmak istiyor mu?_____

Neden?

Başka bir eve taşınmak istiyor mu?_____

Neden?

NOTLAR:....
