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University of California at Berkeley Institute of Urban and Regional Development

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AESTHETIC CONTROL

A report on methods used in the USA to control the design of buildings

by

John Delafons

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"In order to get good architecture, you also have to allow for the possibility of bad architecture."

John Hiltscher Architect, Chicago.

INTRODUCTION

This is the second report resulting from my tenure of a Nuffield and Leverhulme Travelling Fellowship in 1989-90. Both reports are published by IURD at Berkeley. They are written from the perspective of a British visitor to the US, and one who has spent most of his career at the Department of the Environment and in the fields of land-use planning policy and administration. Thirty years ago I had a similar Fellowship, in 1959-60 at Harvard, that led to the publication of my book Land Use Controls in the USA (MIT Press, Second Edition 1969). There have been important innovations over the past thirty years; and I judge that, at its best, the American planning process is now a more effective system than the British one. Certainly we have a good deal to learn from the American experience.

My first report, Development Impact Fees and Other Devices, deals with the methods used in the USA for reallocating the costs of development infrastructure (roads, water, sewerage, parks, and other community facilities) between the public and private sectors. The present report on Aesthetic Control reviews the methods used in America to control the design of buildings. Originally I saw these as two quite distinct topics, but in fact they both bear on the same theme -- the relationship between private and public interests in development. In both cases we are concerned with the extent to which the process of private development should be guided, conditioned, or controlled for the public benefit. Both countries attempt to do this, but the motivation is different. In Britain it seems often to be assumed that new development is inherently detrimental and to be prevented or restricted so far as possible. In America development is generally recognised as potentially beneficial, and public policy is directed at mitigating its costs and enhancing its benefits. I prefer the more positive approach. Both of my reports are intended to illustrate it.

For most people in our country, "planning" has two functions. One is to decide where development should or should not take place; and the other is to control its design or appearance. It is therefore perhaps surprising that the word "design" is not to be found in the Planning Acts.* Nor are the terms

^{*}The term "external appearance" is to be found in Section 55(2)(a)(ii) of the Town and Country Planning Act 1990, but only in a negative sense (works of

"aesthetic control," "design," or "external appearance" included in the index to Butterworth's 760-page <u>Planning Law Handbook</u> or in Malcolm Grant's 728-page tome <u>Urban Planning Law</u>. Perhaps the whole thing is an illusion, despite the fact that the Department of the Environment and its predecessors from the 1930s onwards have issued copious policy advice on the subject? But that cannot be so, since it has been estimated that about a third of all planning appeals involve matters of design, as either a primary or secondary consideration.

Research by the Centre for Environmental Research at Sheffield (1981) found that at least 50 percent of planning permissions included conditions relating to design (that report defines "design" rather widely to include landscaping and site layout as well as architectural treatment). In practice, aesthetic control evidently forms a large part of the planning process. Indeed, planning is often blamed for failing to prevent poor design and architects criticise planning for attempting to do so. HRH the Prince of Wales, in A Vision of Britain, blames both planners and architects for what he dislikes.

So far as I know, there is no book, American or British, that deals with the subject in a comprehensive manner. Indeed, I found that very little has been written on the subject, and this accounts for the lack of footnotes or bibliography in this report, although I include a few references in the text. John Punter's three-volume research study The Control of External Appearance of Development in England and Wales provided a detailed history from 1909 to 1984, and I draw on it freely in Chapter 8. But it is concerned with policy rather than methods, and does not touch the American scene. In considering how to approach this elusive topic, I decided to look for raw material in the form of controls, regulations, or "codes." This was partly because, as an ancient administrator, I take the view that there is no policy unless it can be written down. Also because the American planning system relies almost entirely on written rules or regulations that are in the public domain. And thirdly

maintenance, improvement or alteration that do not affect the external appearance of a building are not "development" subject to planning control). Note also Section 75(3): "Where planning permission is granted for the erection of a building, the grant of permission may specify the purposes for which the building may be used; and if no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is <u>designed</u>." What a wealth of ambiguity resides therein!

because the Prince of Wales has told us that "a civilised and harmonious existence depends upon the observance of sensitive rules. Without them there is chaos." If that is the message, one should examine the media.

I now summarise the structure and content of this report. Chapter 1 explains briefly the constitutional and legal context that governs aesthetic control in the US. While the American Supreme Court has ruled that such controls need not infringe the constitutional provisions regarding freedom of speech, the fact that the question has been raised should give pause for thought. Chapter 2 takes a close look at Seaside, the coastal development in Florida that is held out to us in <u>A Vision of Britain</u> as a model of what can be achieved by the adoption of an "Urban Code." I confess that I went to Seaside in a sceptical frame of mind but was left with something to think about, which I followed up in later stages of our itinerary.

Chapters 3 to 7 deal with various methods and examples of aesthetic control, from the prescriptive form found in zoning ordinances and restrictive covenants to the much more creative style of what I have called "mandatory guidelines." Chapter 6 is in many ways the core of the report and consists of short case studies of aesthetic control in three American cities -- San Francisco and San Diego in California, and Portland, Oregon. Somewhat contrary to my expectations, I found a good deal to admire here.

Chapter 8 reviews the course of aesthetic control in Britain from the Town and Country Planning Acts of 1909 to 1990. For reasons that I explain, I entitle this "The Enduring Ambivalence."

Finally, Chapter 9 offers my assessment and conclusions. It was not until I was completing this final chapter that I learnt of the important statement on design that the Secretary of State had made on 6 March 1990 and of his initial response of 5 June to the publication by the Royal Fine Art Commission of the booklet by Judy Hillman on <u>Planning for Beauty</u>. I take account of those comments, but I also venture to offer some suggestions for future developments in policy and practice.

A great difficulty in dealing with questions of design and aesthetic control is the poverty of language (English or American) in which to express such values or objectives. The best American examples overcome this to some extent by very careful and sensitive analysis of the qualities and character-

istics that distinguish particular districts or neighbourhoods and by relating any specific objectives or controls to those distinctive features. In the course of my work I assembled a large collection of plans, regulations, and guidelines that illustrate these methods. Obviously it is not practical to reproduce them in full, although I quote extensively from them in the course of the report. I have deposited these materials in the DOE library.

In conclusion I must express my thanks once again to the Institute of Urban and Regional Development at the University of California atBerkeley, and to the Department of City and Regional Planning at Chapel Hill, University of North Carolina, where much of my work was done, and to the City Planning Directors, developers, and others who helped me in the course of our travels. The subject of this report is one that cannot be studied except by travelling to see for oneself. The Nuffield and Leverhulme Travelling Fellowship enabled me to do this. It is an enlightened institution that I hope will always continue to afford that opportunity to civil servants at various stages in their career, including those (like myself) who are nearing retirement and who can join their knowledge of policy and administration to the inestimable benefits of new experience.

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November 1990

Note: The contents of this report are the responsibility of the author and do not necessarily reflect the views of the Department of the Environment. It is published with the Department's permission as a contribution to debate on the subject.

Chapter 1 IN AMERICA: THE CONSTITUTIONAL CONTEXT

When Americans refer to "aesthetics," which few of them do, what they usually mean is what we in Britain would call "amenity." The obsession with detailed control of external design, which permeates planning control in the UK, is comparatively rare in America. Nor is there the neurotic preoccupation with architectural style that has bedevilled recent British debate on the subject, and which most Americans find highly amusing for its monarchical overtones. Nevertheless, as we shall see later in this report, there are some intriguing variations on the theme of design control in the US; and, as always, a comparison of attitudes and practice in the two countries yields some interesting results.

As usual, academic discussion of the subject turns first to the constitutional aspect and to judicial authority. The leading case, People v. Stover (US Supreme Court 1963), established that an Ordinance prohibiting clotheslines in front yards did not conflict with the First Amendment to the American Constitution that guarantees freedom of speech.

In reaching this striking conclusion, the Supreme Court no doubt had in mind what their predecessors had said in the earlier case of Berman v. Parker (1954):

The concept Or the public welfare is broad and inclusive the values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy

In enlarging on their reasons in the case of People v. Stover, the Supreme Court observed:

The ordinance before us is in large sense regulatory rather than prohibiting. It causes no undue hardship to any property owner for it expressly provides for the issuance of a permit for clotheslines in front and side yards in cases where there is practical difficulty or unnecessary hardship in drying clothes elsewhere on the premises. Moreover, the ordinance imposes no arbitrary or capricious standard of beauty or conformity upon the community. It simply proscribes conduct which is unnecessarily offensive to the visual sensibilities of the average person.

Other court decisions have firmly established that traditional zoning powers can be used to impose aesthetic controls in the interests of protecting property values, conserving and enhancing neighbourhood character, and promoting a tourist economy by preserving natural beauty and historic areas. There is a strong democratic flavour in this approach, since it rests chiefly on the popular concern for safeguarding property interests and local amenity rather than on any more refined aesthetic sensibility.

Indeed, the Courts are chary of upholding Ordinances whose purpose is based solely on aesthetic considerations in the narrower sense of architectural design. But where economic or property interests are also invoked in support of the Ordinance, the Courts generally endorse aesthetic control as a valid use of the Police (i.e. regulatory) power in the service of public health, safety, and welfare -- and "morals," as is sometimes appended for good measure.

The customary judicial criterion of "reasonableness" also has to be applied to these matters. Controls will be found unreasonable, or to involve an unconstitutional taking of property, if they deprive the owner of all reasonable and beneficial use of his property. But in some States the Courts support surprisingly general and stringent controls that are based primarily or solely on aesthetic objectives. The US Supreme Court in the case of Belle Terre v Boraas (1974) upheld the goal of "a better balanced and more attractive community."

Billboards have always presented a particularly blatant challenge to attempts at aesthetic control in America. To the English visitor the proliferation of these giant advertising hoardings, lining the highway for miles outside any city or springing eighty feet above the surrounding woodland, are the most astonishing and deplorable manifestation of the apparent American indifference to aesthetic values. But in fact it is a perpetual battleground, and the right to desecrate the American landscape has been vigorously challenged and defended over many years. For a long time the billboard industry relied successfully on the First Amendment (a more plausible invocation than in the case of the clothesline in People v Stover). But this defence has been gradually whittled away as the Courts have come to recognise that the untrammelled vandalism of outdoor advertising is detrimental to other interests that require protection. As recently as 1981, however, a majority of the US Supreme Court held in

Metromedia v. City of San Diego that the city's ban on commercial signs was invalid. Evidently that prohibition went a stage too far.

In 1976 the Federal Highway Beautification Act prohibited billboards within 600 feet of Federal-funded highways. But on other roads it is a matter for local choice (or influence) and, judging by the results, the majority view is reflected in the motto that I found printed on a sachet of sugar on a lunchcounter in Hickory,

He who has a thing to sell And goes and whispers down a well Is not so apt to get the dollars As he who climbs a tree and hollers

Buildings can be as conspicuous as billboards but are perhaps a more refined form of self-expression; and it is surprising that the First Amendment has not afforded the architect and designer more protection from the heavy hand of aesthetic control. But it has not. As we shall see, a variety of methods are used in America to control the design of individual buildings.

The conventional zoning-ordinance approach evokes considerations of property value and public health as the justification for specific controls over height, bulk, density, etc. As this is the traditional basis for zoning control, there is no need to throw in aesthetic factors as well. In most older Ordinances the controls are purely dimensional and do not bite on architectural style or detailed design. Where the intention is to be more specific, the Ordinance usually prescribes conformity with the prevailing architectural idiom or local vernacular. What is acceptable may be fairly eclectic. Recently one State Supreme Court upheld a Zoning Board's insistence that new homes must be in conformity with the character of a neighbourhood where the existing properties were said to be in "traditional colonial, French provincial and English Tudor style."

The device of setting up an Architectural Review Board to examine building proposals, prior to zoning approval, has been quite widely adopted, and I deal with it in more detail in Chapter 7. The Courts have not been averse to this concept in principle but they do not approve of endowing the Review Board with a large measure of discretion. They look to see whether the Board is given reasonably explicit guidelines as to how they are to act, and whether the developer can have some sense of what is required. The simple criterion of

conformity with neighbouring property may not be considered sufficiently precise. In a New Jersey case, the plaintiffs complained that the standards set forth in the Ordinance were so vague and broad as to be incapable of being objectively applied. The Superior Court agreed. They ruled that a standard based on whether the proposed structure "related harmoniously to the terrain and existing buildings in the vicinity" was unconstitutionally vague.

We in the UK are not constrained in any way by what the American Courts have decided or failed to clarify. But this brief account of the American approach to aesthetic control may throw some light on the difficulties which have been encountered in the UK over a far longer period in pursuit of similar objectives. In the following chapters I look at some of the ways in which America has tried to deal with this elusive subject.

Note: I cheerfully acknowledge my indebtedness for much of the legal background in this chapter to <u>Handling the Land Use Case</u>, by Schnidman, Abrams, and Delaney (Little Brown and Company, Boston), and to Frank Schnidman for drawing it to my attention.

Chapter 2 PRIVATE CONTROL: THE TRUTH ABOUT SEASIDE

HRH the Prince of Wales tells us in <u>A Vision of Britain</u> that "the lessons they've worked out at Seaside have very serious applications both in rural areas and in our cities." Where or what is Seaside, and what are these lessons? We went a long way out of our way to find out.

For about twenty miles west of Panama City on the Gulf of Mexico in the north of Florida, there stretches as fine an example as one could wish to see of the gross mess that America has made of much of its glorious coastline. Twenty miles of chaotic commercial tourist development, tatty amusement parks, all types of holiday accommodation from skyscraper hotels to cheap "Mom and Dad" motels, and every kind of marginal enterprise attempting to feed off the hundreds of thousands of American families who take their annual vacation here. It is unkindly known as the Redneck Riviera.

A few miles further on, as this ugliness eventually peters out, after passing a small State Park and one or two minor settlements, suddenly Seaside is there. County Road 30A continues straight on, a hundred feet from the beach, as though nothing had happened. But something certainly has happened. On either side of the road. To the left a modest sign, "Welcome to Seaside"; a white wooden pavilion, gazebo, or bandstand (what can it be?); a short line of identical, rather gaunt houses (later found to be "Honeymoon Cottages No's 1-6"); a collection of what seem to be bathing huts (in fact a sort of supermarket), and a small restaurant (which proves to be rather good). On the right-hand side, a series of short streets lined with wooden houses, some in surprising colours; a wide grass arena with an incomplete shopping arcade to one side, four storeys high and starkly out-of-keeping with the rest of the development; and a comic little Post Office like a sentry box, providing the focal point for the central axis. A scattering of other houses peering above the sparse scrub trees and indeterminate vegetation. The suggestion of a formal radial layout, the grassy arena, the sentry box, and the gazebo seem to be saying something. What can it be?

Seaside is a parcel of about 80 acres of land, a few hundred feet deep, with a 700-ft. frontage to the sea. It adjoins a typical pre-war coastal development with unmade roads and a scattering of down-market chalets. It

could easily have gone the same way. Instead, the present owner, Robert Davis, who inherited the undeveloped site from his father, decided to do something different. He decided to try to recreate not only the architecture but the ethos and character of what he saw as small-town America. In fact, it bears no resemblance to any small town that I have ever seen in America or anywhere else. But there is perhaps a folk memory of an earlier America -- innocent, virtuous, homely, and good neighbourly. America Before the Fall. Time magazine has called it "downhome Utopia."

This report is not a work of sociology and I cannot say whether this rebirth has been achieved. On present evidence it seems unlikely. So far, rather less than 100 homes have been built. Very few are owner-occupied all the year round. Most are holiday homes, rented out to tenants on a weekly or monthly basis. The summer season rates are around \$800 to \$1,400 a week (plus 8 percent sales tax). Houses for sale range from \$179,000 for a 3-bedroom cottage to \$375,000. Undeveloped lots are from \$42,500 to \$185,000. Seaside is not cheap.

What is interesting is the way in which the owner has tried to interpret his ideas of community in the master plan for the town and in a Code of regulations that govern what is built there. The area had only the most rudimentary zoning and subdivision controls. Seaside as it is today is an example of private enterprise planning.

The master plan was prepared by a husband-and-wife team of architects, trained at Princeton and based in Miami, Andres Duany and Elizabeth Plater-Zyberk.

The Master Plan is not immutable and seems to evolve continuously. Originally the seafront was going to be heavily developed with a large hotel and conference centre. That mercifully seems to have been abandoned and there is now a much more open prospect of the sea, which is approached by elaborate wooden walkways via the somewhat self-conscious classical pavillions. The main layout is a curious combination of rectilinear streets at right angles to the main road, superimposed with three main axial avenues focussed on the large central arena. This is as it appears on the Master Plan. At pedestrian level, the feeling is informal but with short straight roads. It seems that straight roads have recently been undergoing a revival in reaction against the cir-

cuitous pattern that has prevailed in speculative suburban housing for the past 40 years in America (and in the UK). People got sick of getting lost in those labyrinths. With straight roads you can see where you're going. At Seaside the streets are only about a hundred yards long; they are mostly paved with brick, with the sidewalks barely separate from the road. Cars are not banned (though parking is, except in marked places), but there is a very clear sense that pedestrians have priority and cars proceed very cautiously. There is very little traffic, since the roads provide access only to the houses. The result is a quiet and safe environment. This aspect of Seaside is undeniably attractive and successful. Much better than either the suburban labyrinth or the once-admired Radburn pedestrian culs-de-sac. Well worth emulating.

While the visitor will appreciate the pedestrian pace and pleasing perspectives, his/her attention will be taken by the houses that closely line the brick-paved streets. In style (with one or two outlandish exceptions), they clearly aim to replicate the traditional wooden-framed two-storey detached house, with its front porches and side "decks," that is to be seen all over America in small towns, in rural areas, in coastal settlements and beach houses, and in some of the older neighbourhoods of many cities. It is the most pervasive and persistent type of housing to be seen in America, and has seldom been bettered in the family housing genre.

So why is Seaside so different? Firstly, because the houses are set much closer together, and much closer to the street, than is usually found elsewhere. The houses do not stand in their own half-acre or quarter-acre plot in the usual manner, with the wide front lawn and the capacious side yards. Nor are they slotted into a wooded setting, leaving much of the landscape undisturbed. Instead they crowd up against one another, sometimes almost touching, and with almost no space around them -- let alone a two- or three-car garage extending the frontage. And they push up against the sidewalk, with only a token fence separating the front porch from the passer-by.

All of this is not accidental. It is very deliberate. It is meant to foster a sense of community and good-neighbourliness. It is meant to evoke friendly gossip across the front gate. It is meant to lower barriers, to change people's habits, perhaps to change people. No-one can say whether it really works, since hardly anyone lives here except for a week or two on vacation, when behaviour tends to change anyway. As Abraham Lincoln said in

another context (he had been invited to write a book review), "Those who like this kind of thing, will find this the kind of thing they like." But whether the American family would want to live in this way all the time may be less sure. I suspect that they value their privacy at home just as much as their English counterparts.

Whether or not one is prepared to believe that architectural layout and design will change people's lives, it is interesting to see how the Seaside idiom has been devised and is being enforced.

The key document is the "Urban Code" for Seaside, which has been drawn up by the owner and his architects. It is referred to admiringly in <u>A Vision of Britain</u>, as an exemplar of the kind of Code or "Ten Commandments" that the Royal author advocates. "Codes," we learn "are part of our civilisation."

The Seaside Code is not easily come-by. I was told at the Information Office on site that the full details are given only to those who have bought a plot and intend to build there. A summary is publicly available but it is printed in minute print in almost invisible ink. There is a partial reproduction (pale blue on paler blue) on page 145 of <u>A Vision of Britain</u>. But with a sense of public duty, a strong light, and a magnifying glass, I have managed to transcribe most of it.

The summary Code is an ingenious document which contrives to define in a single-page matrix all the basic dimensional requirements that govern building height, density, site coverage, and the precise relationship of the building to its site boundaries, together with specifications for yards, porches, outbuildings, and car parking space -- for each of eight building types, five residential and three commercial. The Urban Code specifies the basic lot size and other dimensional requirements. The "Specifications" set out in the Code read as follows:

Definitions

- 1. All building plans shall be submitted to the Seaside Administration for comment.
- Variances to the Code shall be granted on the basis of architectural merit and existing landscape conditions.

Yards

- 1. The street facade shall extend along the front setback line to the designated percentage of the lot width.
- 2. The larger of the side yards shall be where designated on the zoning map.

Yards (cont'd.)

- 3. Chimneys and bay windows may encroach up to one half the yard specified.
- 4. Wood fences shall be built along the street and footpath property lines (in housing types I-III).

Porches

- The front porch shall be in length a minimum of the designated percentage of the street facade.
- 2. The front porch shall be the minimum designated depth.
- The porch and window openings shall be square or in proportion vertical.

Out-buildings

- 1. The footprint of the outbuildings shall not exceed the designated area.
- Outbuildings shall not exceed in height the principal structure.
- The walls of outbuildings placed on property lines shall be windowless.

Parking

- 1. The specified number of parking places shall be provided within the area designated.
- 2. Trucks, boats, campers and trailers, airstream types excepted, shall be parked in rear yards only.
- Garages shall follow the specifications of the outbuildings.

Building heights

- 1. Designated minimum and maximum building heights are in fact mandatory.
- 2. There shall be no height limit on structures or portions of structures within a footprint of 215 (?) sq.ft.
- 3. The principal roof shall be of gable or hip with a slope of 3 in 12.
- 4. A shed roof shall have a pitch of (?) and be permitted only when attached to a principal roof.
- 5. A flat roof shall be permitted only as a habitable deck enclosed by a continuous wooden balustrade.

So there it is: the Urban Code for Seaside. It seems evident that it has been scrupulously followed in the 100 or so houses built so far. There is one house that appears to break all the rules (a sort of glass-sided double-barrelled Dutch barn with steel strings attached), but it is alleged that in fact it complies with the rules. The architect-owners seem to have been having a bit of fun at the Code-makers expense, but it is said that the design was accepted with good humour by the Architectural Review Panel.

The Code is ingenious in defining a relatively concise set of requirements which generally have the desired effect in terms of the relationship of each building to its site, to its immediate neighbours, and to the street. The size of lots offered for sale (which are small and narrow by normal American standards), combined with this specification, evidently achieves the distinctive Seaside idiom. It is said that anyone should be able to design their own dream-house by following these directions, without the need for an architect.

In fact, however, all building proposals are vetted by an Architectural Review Panel, including the landowner and his architects, and presumably constructive -- advice is offered to those who fall short of the Seaside standards. The details of this procedure are set out in the Design Approval Process booklet which supplements the Seaside Code, and of which I have been unable to obtain a copy. It deals more fully with materials and construction details. For some reason, tin roofs are de rigeur.

The end result (in those sections that are largely completed -- only about a quarter of the whole layout) is very peculiar. It is unlike anything to be seen anywhere else in America, despite the claims made for its vernacular origins. The effect is curiously ambiguous. On the one hand the brightly coloured houses, with their friendly porches, white picket fences, and coy detailing; the dinky pavillions; the patterned brick roads; the neat landscaping -- all evoke a Toy Town image. It is all so squeaky clean and rather endearing. On the other hand it reflects a serious purpose, a personal vision, and great care in every aspect of design and layout.

On the whole it commands respect for the sincerity and sensitivity of its authors, its integrity in pursuit of their idiosyncratic objectives, and their determination to offer America an alternative scenario. Besides which, it is all great fun and affords a highly entertaining experience for the casual day visitor, and very probably a happy seaside holiday for those who choose to take their vacation there. But the notion that it provides any kind of model for wider adoption, or a prototype for new development in town or country, seems absurd. One might as well model the future on Portmeirion.

To be fair, it is not so much the architectural example that we are urged to adopt as the concept of a precise set of rules that will guide (or force) development into a particular pattern -- whatever that may be. The architects

of Seaside are now in great demand and have several major projects in hand much larger than Seaside. We went to see one of these, some thirty miles to the north of Birmingham, Alabama. An unlikely place to find Seaside's progeny.

Blount Springs is to be a New Town of some 4,000 acres (fifty times the size of Seaside), and will include office and industrial development as well as residential. The site is in the steeply wooded foothills of the Appalachian mountains. It has a remarkable history. A century ago it was a fashionable health resort and very popular as a day's outing by rail from the steel mills of Birmingham. The main hotel burned down in 1914, and the resort disappeared from memory until it was recently rediscovered. The developers talk of the recolonization of Blount Springs, and the first homebuyers are "settlers."

The topography compells a quite different layout from Seaside, with miles of access roads curling into the forest. Only a handful of houses have so far been built, but it is being planned on an ambitious scale and the infrastructure is well underway. While the whole concept and master plan is different from Seaside, and is being promoted by different developers, the Seaside design philosophy reappears clearly in the Sales literature, together with a new set of Codes:

The Codes for Blue Hole Village (the first part of the site to be developed) allow for a great variety of Southern vernacular architecture. Each residential area is typed according to neighbourhood and lot size in order to take best advantage of the beauty of Blount Springs topography. There are no square foot minimums for homes. Rather, the code dictates the relationship of each building on the lot to the street in front. The result of this unique control is a creative harmony that results from buildings of quality and distinction.

Sketches of what the architects have in mind are included in the sales brochure. Whether they suggest the continuation of a vigorous tradition or a feeble imitation is perhaps a matter of opinion. What is certain is that the Code for Blount Springs will be contrived to produce the desired result, which is described (it seems by the architects) as

small town neighbourliness, human scale, pedestrian activity, classical and vernacular architecture, 19th century sense of place -- of belonging, character and coherence, bringing back simpler times.

Whatever one thinks of the ideas and their execution at Seaside and Blount Springs, the point that this report needs to make is that a determined landowner or developer, who wants to create a certain kind of development, can bring to bear an armoury of regulatory controls, specifications, and design supervision, backed up by restrictive covenants and other legal enforcement, which can compel compliance. But no-one is obliged to conform to this ideology unless they want to be part of that development. It is an autocratic, perhaps Princely, style of aesthetic control. It goes far beyond what one would normally expect, or want, a local planning authority to do. But, as we shall see in the next chapter, some cities in America have attempted to build a somewhat similar set of design requirements into their zoning ordinances.

Seaside is not unique as an example of private-sector planning, and its Code is much simpler and less fussy than other examples, which are far more detailed and dictatorial though lacking Seaside's philosophical objectives. We will look at some of those examples of suburban conformity in Chapter 5.

Chapter 3 THE REGULATORY MODE

Zoning, the traditional and universal method of land-use control in the USA, imposes its own aesthetic on the American scene. It is still the main determinant of urban form.

The zoning system had two original functions. The first was to separate out incompatible land uses: among its earliest applications was to prevent Chinese laundries in San Francisco straying into the better parts of town. second function was to control the density of development: its earliest use was to moderate the scale of commercial buildings along Fifth Avenue, New York, where massive new office buildings were threatening to devalue the fashionable department stores. The basic aim was to prevent new development robbing existing buildings of light and air. This was achieved by very specific controls over the quantity of development allowed on the site (the floor space ratio) and on the height of buildings in relation to angles of light, usually measured from the centre of the street. These geometric determinants resulted in the typical downtown building forms -- either the stepped-back "wedding cake" formula or the skyscraper soaring up forty stories or more from a low base. But within these parameters almost any variation was possible, and there was no attempt to control elevational design. Outside the commercial centre, the height of buildings was determined more by mechanical considerations -- the limit to which people were prepared to walk up staircases or to which goods could be hoisted, or to which primitive elevators could reach. Six to eight stories was the norm, and the zoning controls accommodated this. Beyond that, in the suburbs, permitted residential densities were mapped in diminishing quantities, rapidly descending from four or five dwellings to the acre to four or five acres to the dwelling. Combined with the rectilinear pattern of subdivision control (for Property registration) and the unvarying wide straight streets that lead to infinity, zoning formed the American city.

These regulations remain the core of the American planning system. The degree of detail that they contain may well astonish anyone unfamiliar with the system and accustomed to the largely unwritten form of control that operates in the UK. The Chicago Zoning Ordinance provides a comprehensive example. It was first adopted in 1923, and the current version was the subject of a major revi-

sion about ten years ago. While exhibiting all the features of big-city zoning, it also incorporates a variety of newer techniques including performance indicators for noise and other environmental factors. It lists 22 types of use-district and 71 categories of floor-area ratio.

The dimensional or geometric elements can be illustrated by two examples, the first for a General Residence District and the second for the Central Business District:

7.9-6 <u>Minimum Rear Yard -- R6 General Residence District.</u>

In an R4 District, there shall be provided a rear yard along every rear lot line. A rear yard shall not be less in depth than 30 feet, but may begin at a height of six feet above curb level. Rear yard requirements shall not apply to a through lot. However, on a through lot which measures at least 125 feet in depth -- street to street -- there shall be provided either:

- a. an unobstructed open strip located midway between the streets on which such lot fronts and running across the full width of the lot -- such strip to be at least 10 feet in depth plus an additional two feet deep for every five feet or fraction thereof by which the lot depth exceeds 125 feet to a total depth of 60 feet; or
- b. an unobstructed open strip along all adjacent lot lines other than street lines -- such strip to be at least five feet wide plus an additional two feet deep for every five feet or fraction thereof by which the lot depth exceeds 125 feet to a total width of 30 feet.

8.5-6 <u>Maximum Floor Area Ratio -- B6-6 and B6-7</u> <u>Restricted Central Business Districts</u>

- (2) In a B6-7 District, the floor area ratio shall not exceed 16.0 except as provided in paragraphs (3) and (5) hereinafter.
- (3) Where the front or side lot line of a zoning lot adjoins a public open space which is at least five acres in area and of a depth perpendicular to such front or side lot line of not less than 200 feet, the floor area ratio for such zoning lot may be increased by 15 per cent.
- (5) Where building floors which come within the permissible floor area ratio limits established under paragraphs (2) or (3) or this Section are set back from one or more lot lines, floor area ratio premiums may be added to such permissible floor area ratio in accordance with each one of the following:
- a. On any zoning lot where the first story above grade is set back at least 20 feet from the lot line for the entire frontage of the zoning lot on a public street a premium of 1.5 for each such street may be added to the permissible floor area ratio provided that the lot area within such 20 feet of the street shall be suitably paved and/or landscaped and otherwise unobstructed except for columns or piers

supporting upper stories or a roof. However, if, in addition to the first story, all other stories above grade shall be so set back for at least 20 feet, such premium may be increased to 2.0 for each street.

- b. On any zoning lot when the building from ground level up is set back from one or more lot lines, a premium equal to two times the open area of the lot at ground level divided by the gross lot area may be added to the permissible floor area ratio -- where such open area shall include all lot area at ground level open directly to the sky and extending between exterior building walls and lot lines for a distance of at least eight feet.
- c. On any zoning lot, for each floor above the ground floor which is set back from one or more lot lines a premium equal to 0.3 times the open area of the lot at the level of such floor divided by the gross lot area may be added to the permissible floor area ratio -- where such open area shall include all area open directly to the sky and extending between exterior building walls and lines in a horizontal plane containing the subject floor for a distance of at least eight feet.

The bulk of the Chicago Ordinance is in this vein of precise dimensional prescription. In the literal sense it does not differ materially from the type of regulation contained in the Seaside Code (see Chapter 2). But it is not directed explicitly at the kind of aesthetic objectives that the Seaside Code is intended to achieve. The Chicago Ordinance is based on the conventional health, safety, and welfare criteria that ostensibly provided the legitimacy for traditional zoning control, and which in turn served to restrain unbridled and unneighbourly speculative development.

There is no reference in these parts of the Chicago Ordinance to aesthetic objectives or design criteria beyond the dimensional requirements. But it is certainly a "Code," and those who advocate the adoption of Design Codes must ponder whether this form of control is what they want and whether it would achieve the results they desire.

The Chicago Ordinance does, however, venture into the realm of aesthetics when it comes to "Planned Developments" (more often referred to in zoning parlance as Planned Unit Developments or PUDs). PUDs were first introduced into zoning practice some thirty years ago and now feature in many zoning ordinances, although they have attracted criticism as an arbitrary element in an otherwise predictable process. PUDs are intended to introduce a degree of flexibility into the system by allowing large sites to be developed in ways

that depart from the standard regulations. Usually the planned development has to comply with the existing land-use controls (or be the subject of a separate variance procedure), but the regulations governing layout, height, density, and so forth can be varied to permit a more diverse type of development. The approval process is discretionary, and the developer has to take the initiative. The Chicago Ordinance sets out some guidelines to which the Planning Director, the Plan Commission, and the City Council must "give consideration" in deciding whether to approve a Planned Development -- as follows:

- (a) Regulations in respect to the type of use, density, intensity of use, bulk, yard and setback and maximum and minimum off-street parking and loading provisions to be permitted or required and any special regulations necessary to insure that the planned development achieves the nurr) oses of this ordinance.
- (b) The existing development and zoning of the subject property and adjoining areas and applicable current city plans approved by the Chicago Plan Commission.
- (c) The distribution of bulk, density patterns and intensity of use to avoid undue concentration in any portion of the subject property which would adversely affect adjoining areas.
- (d) Existing volumes of traffic, capacities of existing and planned streets to accommodate said traffic, effects upon existing traffic and traffic capacity which will be generated by the proposed use, and available means of ameliorating traffic congestion and related air pollution.
- (e) Ingress and egress patterns affording ample access for fire department and other emergency and delivery vehicles, facilitating the safe and efficient circulation of pedestrians and vehicles and minimizing conflict with existing traffic patterns in the vicinity.
- (f) Impact of the proposed development on on-street parking in the area and the availability of transportation alternatives in addition to basic internal requirements established by code or determined by special analysis.
- (g) Adequate, usable and accessible open space and recreation facilities, whether open or enclosed, for the occupants of a proposed residential development.
- (h) Order and harmony in structural placement and design providing accessibility to natural light, circulating air, and urban vistas free of visual pollution.
- (i) Impact upon utilities and other public and quasipublic services and facilities.

- (j) Impact of location in or proximity to special zones or places as may be designated, established or recognized by the City of Chicago, such as the Lake Michigan and Chicago Lakefront Protection District, and Historical or Architectural Landmark Places, buildings or districts.
- (k) The economic welfare of businesses and individuals should be respected and enhanced. In the development of shopping or business centers a planned development should:
 - (1) be located for easy access from the trade area and arranged properly for retail selling and parking use.
 - (2) be a building composition that is an architectural unit and not a miscellaneous assemblage of stores.
 - (3) have an on-site parking arrangement that allows for adequate ingress and egress points and for convenient customer walking distances between the parked car and the store building.
 - (4) have a service arrangement which separates goods delivery movement from customer circulation.
 - (5) have a tenant grouping that encourages the greatest merchandising interplay among the stores.
 - (6) have an atmosphere for shopping in comfort, convenience and safety; such as, an enclosed, heated and air-conditioned pedestrian mall, landscaping, quality in design, and control of sign type and placement.
- (1) The beauty, amenity economic potential, recreation value and environmental quality of Chicago's waterways should be protected and enhanced by developing more attractive relationships between land and water. In the development of land adjacent to waterways, a planned development should:
 - (1) Provide public waterfront paths, plazas, overlooks, esplanades and access points where appropriate.
 - (2) Include provisions for landward connections to maintain continuity and linkage with nearby public edge improvements at locations of active commercial/industrial waterfront activities.
 - (3) Provide adequate setbacks for bulk storage facilities to prevent littering or leaching of pollutants into the waterways.
 - (4) Include stabilizing treatments for waterway edges with landscaping screening for visual relief and safety provisions for landside and waterside users.
 - (5) Provide boat landings and/or water oriented commercial facilities where appropriate and feasible.

(m) The impact on basic environmental resources of land, air and water, including the protection of animals, birds, fish and plants.

Items (h), (k)(2) and (6), and (1) are the only ones that imply a direct concern with detailed design, but no doubt they are sufficient to give the planning authority control of the project. Unlike some other city planning regimes, however, they give the developer and architect little or no indication of what the Plan Commission or City Council want to see or will find acceptable. We shall look at some of those examples in Chapter 6. The traditional regulatory mode, with its reliance on purely dimensional requirements, imposes its own conformity while having little influence over the quality of the built environment.

Chapter 4 DESIGN INCENTIVES

One distinctive feature of the American planning system is the scope that it affords for innovation. There is no uniform hierarchical national system such as there is in England. With some 10,000 local planning authorities, acting within the broad and ill-defined boundaries of the Police power, there is ample opportunity for experimentation. In recent years there has been a variety of attempts to introduce greater flexibility and discretion into the system. It is not the purpose of this report to explore the changes that are taking place (Richard Wakeford gives a full account of them in his report on American Development Control, HMSO, 1990), except in so far as they relate to matters of design and external appearance. That aspect is not of primary concern to Americans who are more concerned, rightly it may be thought, with the need to establish more effective control over those environmental factors that have a more direct effect on public health and safety, and on the conservation of natural resources. But a concern with the visual environment has prompted some cities to innovate in this field too.

As explained in Chapter 3, traditional zoning systems tell the developer what he can build by setting down precise dimensional regulations governing height, density, floor area ratio (FAR), distance between adjacent properties and street lines, etc. Some zoning ordinances go into considerable detail as regards these dimensional elements, and they allow little or no scope for variation. As a result, they impose dull uniformity and inhibit creativity. If the developer wants to depart from these requirements, he must seek a variance and negotiate that with the planning authority.

There are three principal methods by which some flexibility and design freedom can be introduced into the traditional zoning structure. The first is the Planned Unit Development, which, as already explained in Chapter 3, allows large-scale developments to be dealt with by a special application procedure and subject to discretionary approval by the planning authority. Such planned schemes can depart widely from the standard zoning requirements, and will normally be referred to the Architectural Review Committee (where one exists). But, since the PUD device is of general application, there will be no specific

design regulations for individual schemes and PUDs need not delay us here. The other two methods involve an element of design control or prescription.

The second alternative is the "bonus" system, which offers developers the option of increased height or floor area ratio in exchange for some public benefit -- usually the creation of public space around the building. Probably the earliest example of this device was in New York, and originated at a time when there was interest in breaking away from the "canyon" effect created by the serried ranks of skyscrapers lining the street. The great progenitor of the alternative layout was the Lever Building on Park Avenue, which was set well back from the street line and created a broad forecourt or plaza open to the public. It is a distinguished building, with the open space immaculately maintained. The city zoning ordinance was amended to encourage more buildings of this kind. In the event, critical opinion has turned against this form of layout. It was found that it could result not in the elegance of the Lever Building but in a random incidence of unused and far from immaculate open spaces, breaking the street frontage, and offering no real public benefit in exchange for the increased height. In short, it was too crude a device to yield good results because the purpose of the concession had not been adequately defined or visualised. The "bonus" concept has some merit, provided that other objectives (daylight, relationship to adjoining buildings, preservation of important sites or views) are not compromised in the process. The need to define the design objective is more important than the method by which it may be realised. More recently the "bonus" concept has been revived and extended by some cities to cover a wider range of design features, and I give some examples of these later in this chapter.

The third technique is "performance zoning," which is a much more radical attempt to break away from the traditional regulatory system. Instead of specifying the uses to which land may be put or the dimensions of buildings permitted, it attempts to define the qualitative or environmental standards with which new development must comply. Thus the zoning ordinance may lay down criteria of daylighting, noise, smell, traffic generation, visual intrusion, etc. The aim is to define the rationale of control. It is an admirable idea, but it has not made much progress over the past thirty years or so since it was first introduced by a few innovative planning authorities. The reasons for this may be that it is not at all easy to define the relevant performance criteria, and

perhaps both developers and property owners prefer the certainty (and simplicity) of the traditional zoning system. It is possible that, with the rapid advance of environmental appraisal (much more widely used in the USA than in the UK), better techniques for performance zoning will also evolve.

The Town of Breckenridge in Colorado has won fame -- and a Meritorious Program Award from the American Institute of Planners -- for its comprehensive adoption of performance zoning. Its Development Code sets up an elaborate system of planning policies, environmental objectives, and performance criteria (plus a variety of other social, cultural, and what-have-you objectives) covering most types of land use and development, and allocates a scale of plus or minus points to each component. Development proposals are assessed on this numerical scale, which includes both "absolute" (compulsory) and "relative" (optional) qualities or features. The aim is to enable planning decisions to be taken on a rational and specific basis. As the system has been in existence for more than a decade, one can assume that it works satisfactorily. But many of the assessments involve subjective judgements, and it departs a long way from the clarity and certainty offered by traditional zoning regulations.

The Breckenridge Development Code has little to say about architectural design, and the "points" to be gained for design quality are modest compared to other criteria. For many of the more specific features, it resorts to the familiar dimensional requirements ("No structure shall be built within three (3) feet of a side yard property line" -- etc). It has this to say about "Architectural compatibility" and, in doing so, brings out very clearly the property value motive:

The Town hereby finds that excessive similarity, dissimilarity, or poor quality design of any building adversely affects the desirability of the immediate area and the community as a whole, and by so doing impairs the benefits of existing property owners, the stability and value of real property, produces degeneration of property with attendant deterioration of conditions affecting health, safety, and general welfare of the community, and destroys a proper relationship between the taxable value of real property and the cost of municipal services provided therefor. Features of design include, but are not limited to: size, shape, scale, proportions, solid to void ratios, texture, pattern and color of materials and architectural elements and details.

There is not much more to it than this. Presumably the City Council know the balance that they want to see struck between similarity and dissimilarity. As a performance criterion it is not much to go on.

Raleigh, the state capital of North Carolina, is working on a comprehensive set of Design Guidelines for its central (downtown) area, which combines elements of both approaches -- policy objectives or performance criteria and a bonus system. Although, when I saw it, it was still in its draft stage, the general structure and main features can be readily understood. In brief it comprises five components:

- 1. A summary of its intentions and origins: the new design guidelines will supplement, not replace, the city's existing zoning codes.
- 2. Six design "premises" or themes to which the more specific policies and guidelines relate the need to preserve and reinforce the basic historic layout or structure of the central area; to encourage diversity of use and function; to increase the density of land-use and activities; to give priority to pedestrians; to protect and enhance the existing public parks and spaces; to conserve the city's heritage as the capital of North Carolina.
- 3. Broad policy guidelines for implementing the six design premises, related to district character, streetscapes, parking, and pedestrian routes, plus some general precepts on building design.
- 4. Design Districts defining seven districts within the downtown area and setting out design objectives and guidelines for each district, covering buildings, streetscapes, parking, public spaces, and signs or advertisements.
- 5. A "bonus" system, which lists seven main types of amenity in priority order and also examples of how each type of amenity can be interpreted. The seventh type of amenity, and of lowest priority, is "building design," which is exemplified by three features: "distinctive tops," "setbacks," and "inviting facades." The bonus element is not fully developed in this draft since it has "yet to incorporate the "multipliers" that will earn the bonus points. But the principle is clear enough.

A serious attempt is made to set out the main policy objectives in simple terms, to translate these into broad guidelines for the whole area and then into terms that reflect the character and needs of each of the seven districts. Although some of the more detailed provisions are specific as regards the dimensional elements, it is important to stress that these are policy guidelines and not mandatory regulations. The developer or designer will be

expected to show what account he has taken of the guidelines but will not be expected to adhere rigorously to every item. Schemes will be judged chiefly in terms of how successfully they help to achieve the main policy objectives rather than on how closely they conform to the more specific items, which are intended only to provide guidance on how good results can be achieved. The least satisfactory part of the Raleigh scheme is the way in which the bonus system would operate, since it may prove to be somewhat contradictory in its effects. The scheme sets out some admirable objectives but then offers to compromise these by allowing additional height in exchange for various "amenities." The results to which this approach can lead is amply illustrated by the Seattle example that I describe below.

My overall impression, however, taking account of what I have seen of Raleigh during several visits to the city, is that the new guidelines could be very important in ensuring a better future for the downtown area -- which, as in many other medium-sized cities in the USA, has been somewhat perilously poised between decline and revival. I think, and hope, that they have taken the initiative just in time and that by adopting this positive and constructive approach, they may succeed in both stimulating and directing a successful process of urban regeneration in the State capital.

I have included the Raleigh scheme because it is a relatively simple example and still in its formative stage. But it is also relatively crude when compared to what is happening in some other cities, especially on the West Coast, which have developed plans for the future of their city centres that they are implementing through the creative use of regulatory controls, detailed guidelines, and bonus systems, usually linked with a system of architectural review by a Design Commission or similar body. In Chapter 6, I describe three cases in some detail -- San Diego, San Francisco, and Portland (Oregon). Seattle, on the other hand, provides a cautionary tale of where bonus zoning can lead. It is worth a digression.

It is necessary first to explain that the basis of most "bonus" zoning systems rests on the existence of standard "as-of-right" floor area ratios (FARs) that stipulate the maximum density to which sites can be developed (FAR = the ratio between site area and floor areas). In many American cities, the basic FARs for downtown sites are far higher than we expect to see in British cities. FARs of 15 or more are common in older zoning ordinances, which were

designed to accommodate skyscraper developments that would demonstrate the city's vitality and commercial importance. As a preliminary to the introduction of a bonus system, many cities have revised their downtown plans so as to reduce the permitted FARs by as much as half. This then affords scope for allowing additional FAR in exchange for some public benefit. As I have already suggested, the legal justification for this seems dubious, and has been successfully challenged in one state, but it is being done and with some remarkable results.

Seattle has distinguished itself by defining no less that 28 "public benefit features" that can earn the developer additional floorspace. The latest version of the Seattle code sets a limit on the amount of bonus floorspace that any one feature can attract. Previously, some developers were reaping the benefit of the more meretricious items while neglecting the more socially useful. The list of benefits muddles up urban design features such as plazas, atriums (atria?), rooftop gardens, etc., with social objectives such as daycare centres and low-cost housing. In short, it is a typical shopping list of "planning gain" demands such as we have generally discouraged in the UK. The difference is that in Seattle the developer incurs these requirements only if he wants to exceed the FAR normally available. But the practical result is much the same.

Seattle's current code incorporates lessons derived from their earlier experience with the bonus concept, which dates back to the 1960s. That experience includes the largest building in Seattle -- the 55-storey Washington Mutual Tower. At the outset, in 1984, the developer found that he was entitled to build 27 storeys of office space, but by astute use of the bonus system he was able to pile up another 28 storeys, thus doubling the height that the basic zoning control allowed. Here is how it was done:

Bonus	Storeys added
RETAIL: 3 sq.ft. of office space for each foot of retail up to 15,000 sq.ft.	. 2
HILLCLIMB ASSIST: Public escalator from Second Avenue Plaza to Third Avenue	2
GARDEN TERRACE: Flowered terrace will be open to public	1/2
SCULPTURED TOP: Developer gets bonus for space lost to chiseled rooftop	2
DAYCARE: 21 sq.ft. for every foot of ground-level space devoted to daycare	1

FREE SPACE: City allows 3.5 percent more building space to compensate for space taken up by air ducts and mechanical workings	2
PUBLIC ATRIUM: Sun-lit Atrium provides indoor refuge to public. Each sq.ft. adds six sq.ft. of office space	12
URBAN PLAZA: Public courtyard at base of Second Avenue entrance. Each foot adds five feet of office space	2
TRANSIT TUNNEL ACCESS: Developer donates space for Third Avenue entrance to Metro's NEW TRANSIT TUNNEL	1
HOUSING: Developer contributes \$2.5 million to construction and preservation of 196 units of downtown housing,	
exceeding bonus requirements	13
	28
BASIC ZONING FAR	27
TOTAL	55

These public benefits cost the developer some \$6 million, but this was a modest addition to the total development cost of \$175 million. Moreover, the 28 extra storeys of office space obviously greatly increased the rental return on the project. That additional 500,000 sq.ft. will have generated around 2,000 more office jobs, adding to the load on public services. But the extra property tax revenue will help offset that -- to what extent, no-one can say. citizens are not all that enamoured of their new building and are sceptical about the public benefits. Some of those features are ones that a developer might in any event want to include in his project -- the atrium, gardens, plaza, and so forth that a prestige office block should have. Also, some of the benefits are hardly proportionate to the scale of the development or the size of the bonus. The day care centre provides spaces for 22 children, whereas it is said that 40 percent of downtown office workers need such services and, if the building houses 80 workers per floor, then this 57-storey building would need 1,760 daycare places -- a daunting prospect which suggests that the bonus system is an unrealistic as the policy that allows this scale of development. The citizen response has been to pass a ballot motion in May 1989 placing a five-year limit on new office space of 500,000 sq.ft. a year, halving the downtown FAR and limiting new buildings to 38 storeys. The bonus system, however, remains in place.

The Seattle story is almost a parody of the bonus concept, but some other cities have used it more skillfully. Whether it is one that we would want to adopt in the UK, I very much doubt. Our system of discretionary control may

have varied results, but at least it affords the potential for effective control without the need for contradictory concessions. Nevertheless, we may have underutilised the scope for influencing the quality of new development and the incorporation of good design features. Perhaps we have not thought clearly or hard enough about what qualities and features we want to see in new development. The bonus to be given or withheld is simply the most important one -- the grant of planning permission. The American planning scene has its comic aspects, and I end this chanter with one such episode. Bellevue, a prosperous suburb of Washington, DC, is a hot market for office development, and the City Council has exploited its potential with a sophisticated bonus system. One developer, having grasped the rules of the game, offered as a further benefit the provision of a grand piano available for public use in the atrium of his projected office building in exchange for additional floor space. Having chewed this over, the Planning Department found the beneficial calculus too difficult to compute and rejected the handsome offer. Besides, it would surely be a bold individual would walk into the public atrium and sit down at the grand piano.

Note: Anyone who wants to explore the American bonus system in more detail will find all that they need to know in a new publication by the Urban Land Institute -- Carrots and Sticks: New Zoning Downtown. I met the author, Terry Jill Lassar, in Washington, and I owe to her both the Seattle example (which I have now seen for myself) and the grand piano. It is an excellent book.

Chapter 5 PRIVATE CONTROL

We have already seen in Chapter 2 how the landowner/developer at Seaside exercises very close control over what is built there. This is done partly by the way in which the whole layout is planned and partly by the Design Code specification for individual buildings, with detailed designs subject to approval by the Architectural Review Committee, and the whole enforced by restrictive covenants.

In these respects, Seaside is by no means unusual. Similar controls and procedures are used by many private developers concerned to achieve and maintain a high-quality development. In many cases, the degree of detail is remarkable and goes far beyond what any local planning authority would attempt by way of general prescription. The specification may extend not only to building design and materials but to landscaping, planting, signage -- virtually every detail of the visual environment.

In this chapter I take two examples of this kind of private-sector control: one a new residential community, and the other a mixed commercial/industrial development. Both are in Colorado, a state that attracts much new development and enjoys a spectacular natural landscape, which in turn perhaps prompts developers to try to achieve exceptionally high quality in their projects.

There are two main points that this chapter makes, and which the examples illustrate. Firstly, the achievement of high standards of design is not something that can be secured only by regulatory controls imposed by the planning authority. Landowners and developers can exert more effective control themselves, and may have every incentive to do so as a means of enhancing and protecting their investment. Secondly, the examples demonstrate how detailed and pervasive the controls need to be if the desired results are to be achieved in a rigorous and consistent manner.

Before turning to the two examples, it is important to explain that in America the role of the "developer" is usually distinct from what we understand by that term in the UK. In most parts of America (though not in California), - the developer is the entrepreneur who conceives the idea of the project, acquires the land, negotiates planning approval, lays out the site, installs on-site roads and services, sets up the design guidelines (if any), and then markets the over-

all concept and sells off building plots either to speculative builders or to those who wish to build for their own occupation. It is unusual in America for the roles of developer and builder to be combined, except where large development companies are undertaking large projects in areas of very rapid growth. The main reason for this separation of roles seems to be that the two types of activity -- those of the developer and the builder -- involve different types of entrepreneurial skill, different scales of investment, and different professional skills. In a few cases, large construction companies are beginning to combine both functions in their organizations, but this is the exception rather than the rule. Thus, in the normal situation, the developer assumes the role of the "planning authority" in controlling the activities of the builders. But in this case the "planning authority" has a vested interest in securing a successful development and is not inherently hostile to the development process, as is too often the case (at least in southern England) where the planning control is exercised by the local authority.

The first example is Piney Creek, on the outskirts of Denver, Colorado, described by the developers as "a 700 acre planned community" of over 2,000 homes. There is provision for commercial and office development, and 60 acres of public open space. The Piney Creek Guidelines are "intended to establish and maintain a harmonious community image for Piney Creek," and, together with the design review process exercised by the Architectural Control Committee, are designed to achieve "a consensus between individual aesthetic judgement and the broader interests of community standards."

This set of controls relates only to residential development, and the authors have aimed at a user-friendly style intended to cultivate a sense of community identity and common interest as well as setting out specific requirements. These are "guidelines" only in the sense that they are intended to explain what is required; compliance is not optional but is enforced by the Architectural Control Committee and by restrictive covenants.

The Guidelines are designed "to promote those qualities in Piney Creek that will bring value to individual properties and will promote the attractiveness and functional utility of the community." Those qualities include "a harmonious relationship among structures, vegetation, topography, and overall design of the community." Compatibility with neighbouring property is emphasised, and is defined as "harmony in style, scale, materials, color and construc-

tion details." This seems to put rather too much reliance on the character and quality of the first houses to be built, but no doubt the Architectural Control Committee would not turn away any better and higher-value development that may come along later.

The detailed control extends to roof coverings; masonry type, colour, and grout colour; fencing -- and even window curtains. However, there is no insistence on a particular architectural style (other than general consistency with whatever evolves as the neighbourhood idiom).

The controls are even more specific in what is not permitted. For example, vegetable gardens are prohibited except in screened back yards ("and only then when part of an approved landscape plan"); no exterior television antennae (a TV cable system is provided); dog kennels are to be built in materials compatible with the house; "firewood shall be neatly stacked and located within the confines of a screened enclosure"; no house numbers are to be displayed except on the mail boxes provided by the developer. The landscaping guidelines and controls are also detailed, and all landscape proposals (i.e. garden design) have to be approved by the Committee. Popular types of garden ornament are "generally discouraged" -- driftwood, wagons, animal skulls, wagon wheels, sculpture (flamingos, deer, cherubs, etc.). One recognises the iconography of the West.

The specification of do's and don'ts is more detailed than at Seaside, but the Piney Creek Code lacks the most significant feature of the Seaside Code, which relate to the precise siting of the house on its plot and its geometrical relationship to adjoining properties and to the street line. It is these dimensional controls that generate Seaside's distinctive character and townscape. By comparison, Piney Creek will almost certainly display the loose low-density layout of the typical American suburb. The designers of Seaside have successfully demonstrated that the relationship between neighbouring properties and the overall character of the place depends more on those dimensional factors than on enforced conformity of architectural style or detailed design requirements (although Seaside has its own obsessions -- those picket fences, porches, and tin roofs).

The second example is South Park, also near Denver, which comprises three large tracts totalling some 266 acres on a fairly barren site but with magnifi-

cent views of the Rockies. It is intended for commercial and industrial use, with a high-density office plaza and two campus-like parks catering to high-tech industry and R&D establishments. Some types of residential or hotel use are allowed, but not ordinary housing. The developer provides only the main estate roads, site drainage, etc. -- plus the Development Guidelines.

As at Piney Creek, all building projects have to be approved by the developers' Architectural and Development Control Committee. Every conceivable feature has to be covered in the submission, from building elevations to turf mixture for the lawns.

As the development is intended to cater mainly for purpose-built hightech buildings in a landscaped setting, the design specifications are relatively light, except for floor-space ratio and rooftops, plus the interesting
requirement that all building facades shall be "substantially equally attractive" (in the opinion, of course, of the Architectural Committee), "rather than
placing all the emphasis on the front elevation of the structure and neglecting
or downgrading the aesthetic appeal of the side elevations." Also, not content
with reserving for the Committee's approval the colour, texture, and durability
of external materials, the control or scrutiny also covers "the extent of use
of any single material or combination of materials," which "shall be solely at
the discretion of the Committee."

Since the nature of the proposed development has to leave ample scope for the needs of the individual industrial users, there is much more emphasis on buildinglayout, site planning, and landscaping than on detailed design requirements. Specific guidelines are given for parking areas, fencing, signs, pedestrian and bicycle circulation, and lighting.

The most striking feature of the South Park guidelines, however, is the very detailed specification of landscape treatment, planting and plant species, and even the minimum number, height, and caliber of trees. In order to achieve the desired park-like setting, extensive areas of lawn are required and the approved types of grass seed are specified.

There is little doubt that by these means the South Park developers will succeed in creating the kind of devastatingly elegant and sophisticated science park setting that their clients require and that their clients' highly qualified employees expect. Neither developers nor local planning authorities in

the UK seem to have any conception of the high-quality working environment that this type of development can produce. But it needs plenty of land and plenty of space.

These two examples (and many more can be found throughout the USA) demonstrate how detailed aesthetic controls can be used to help create and maintain high standards of design, layout, and landscaping. But this type of control is best exercised and enforced by the landowner/developer. It is highly unlikely that a local planning authority, exercising discretionary control on a case-by-case basis, could achieve anything like the consistency and quality that the landowner/developer acting in his own best interests can do. It would be nice if major developers in the UK would apply themselves in a similar manner.

Chapter 6 MANDATORY GUIDELINES

The term used in the title of this chapter -- "mandatory guidelines" -- is one that I think I have invented myself, although for all I know it may have made its appearance somewhere in the copious literature of American planning. I have coined it because it expresses what I deduce to be the essence of some of the most successful city planning regimes in America and, in terms of aesthetic control, it may point a way forward for the UK.

I base this chapter on the experience of three cities -- San Diego and San Francisco in California, and Portland, Oregon. In each case the city has a highly competent Planning Department, and I have met with their Planning Directors -- Spalding, Dean Macris, and Bob Stacey -- and am most grateful for the help that they gave me. These cities also have other assets of special importance. In each case the city has great natural topographical advantages -- a coastal or riverside site with a splendid harbour, a hilly terrain, proximity to mountains. Each also has a long history of urban development, architectural traditions, and an historical heritage that provides a complex urban fabric, full of interest and potential. Each city also has a long and varied commercial history, a strong and diverse local economy, and, despite fluctuations, has in recent years enjoyed a buoyant property market with continuing demand for commercial and residential development. Finally, in each case the City has a long tradition of civic pride, and a strong local government deeply committed to preserving the city's character, enhancing its reputation and improving both its efficiency and its amenities. In these circumstances the City Planning Department comes to have a powerful role and commands substantial political support in its activities. These factors help to explain the remarkable influence that "planning" wields in these cities and the thoroughness and confidence with which it is undertaken.

Despite these similarities, the three cities are by no means identical in their planning activities or objectives, although the methods they use are comparable. In each case the city has the traditional zoning system for land use control, and retains the conventional dimensional regulations and floor space ratio system for controlling height, bulk, density, etc. (see Chapter 3). But these provide only the basic controls, and are important not so much as a

regulatory system as for providing the mechanism whereby the more discretionary elements can be operated. Each city uses a "bonus" system of some kind (as explained in Chapter 4), but the more important component is the Design Guidelines that are used to influence new development both in the city centre and in adjoining neighbourhoods. This chapter focuses on this feature. In this sense it provides only a very partial or incomplete account of the planning activity in those cities. Each is part of a larger metropolitan area. Each devotes a lot of attention to transportation, to urban renewal, and to historic preservation. But this report is about aesthetic control, and that is itself an important aspect of planning policy and activity in each of these cities.

"Aesthetic control," however, is an inadequate or misleading description of what motivates this aspect of planning control in these cities. Their concern, and the main purport of their Design Guidelines, is not so much with detailed architectural design (although this is important in San Diego and San Francisco) as with the general character and quality of new development, and (especially in Portland) with "design" in the larger sense of layout, facilities, public amenities, and other features that the city would like to see incorporated in new development projects, particularly in the city centre or "downtown." This is "design" just as much as the detailed design of individual buildings. Indeed, it may be thought that it is a more valid area for public intervention than the latter. It is redolent of an older tradition of "civic design" that can be traced back to the early days of town planning in Britain and to the "City Beautiful" era in America, and which has survived better in the US than in the UK.

I take the three cities in what I regard as ascending order of success in what they have achieved. San Diego and San Francisco, for historical reasons, give more emphasis to architectural character than does Portland, which is concerned more with achieving distinction in urban form and in public spaces rather than in individual buildings (there are historical reasons for this too). Some of San Diego's planning material is distinctly naive, due perhaps to overreliance on citizen participation. San Francisco's is much more sophisticated, as no doubt befits that sophisticated city. In my view Portland is the most successful in what it has achieved, which might surprise my friends in San Francisco as much as I hope it would gratify those in Portland.

San Diego

San Diego is the second-largest city in California, with a population of 960,500 (second only to Los Angeles with over 3 million, if that can be called a city: it is the most appalling mess). It was first settled in 1769 and was the site of the first of the 21 missions along the Californian coast founded by the Franciscan Junipero Serra. The city grew slowly until the late 19th century, when the San Francisco merchant Alonze E. Horton decided to move the centre closer to the harbour, bought 960 acres of waterfront, and made his fortune. Old San Diego is further inland and now an historic park. The city grew rapidly during the Second World War, when the American Pacific Fleet moved there from Honolulu, and after the war when it became a major centre for the military and for modern scientific and aerospace industries.

Despite its size, San Diego remains a very attractive city, and it owes this largely to the relatively low density of development in its older neighbourhoods, as compared to San Francisco with its much more constrained site. Its broad streets lined with palm trees and the uncrowded pattern of development give it a remarkably calm and uncongested feel. But this low density, even close to downtown, invites redevelopment on a more intensive scale and of a different character.

The city also has several distinctive historic areas, including the site of the original city with a number of the earliest adobe buildings; the Gaslamp quarter in the new city centre with many fine late 19th century commercial buildings; and old residential neighbourhoods such as Golden Hill. The controlling planning documents for these three areas deal with the preservation of historic buildings, the renovation of other old buildings, and design criteria for new development. Those for San Diego Old Town and the Gaslamp Quarter are concerned predominantly with historic preservation, which is not the main focus of this report, but they are of interest in showing how such requirements can be specified and illustrated (also included are the Secretary of the Interior's Standards for Rehabilitation in areas that attract grants from the Federal government). More relevant to our topic of aesthetic control, and to the current debate about the need for "Codes" or "Commandments," are the Design Criteria and Guidelines for the residential neighbourhood of Golden Hill.

The Golden Hill Guidelines were drawn up mainly by a committee of local residents and have been adopted by the City Planning Commission and Planning

Department. It is anticipated that other neighbourhoods will develop similar guidelines for their area. The document is easy to follow and speaks for itself. The earlier part of the guidelines attempts to specify in fairly abstract terms the elements of design to which the architect must have regard, including both the building and landscaping. I suspect that this bare listing would be of little use to the designer, but may be of some help to the Planning Commission as a check list of items which they should consider. The section on "Street Design Requirements" is much more detailed in its specifications and very intriguing since it shows the direction in which the concept of design "Codes" can lead -- especially when drafted by groups of "concerned citizens." These requirements are evidently intended to make more explicit the components listed in the earlier part of the guidelines, and they are illustrated by photographs of characteristic features from existing buildings . The requirements begin by stating that "each residential building shall be designed in accordance with the following provisions: The first provision is that each building "shall include the following design standards:

- a. Windows shall maintain a consistent design character throughout the project and shall be of the same material on all elevations facing a street and for the front thirty percent (30%) of the interior side elevation(s).
- Silver aluminum window frames shall not be permitted on any window.
- c. There shall be no more than two (2) wall siding materials used throughout a project.

The second provision is that, in addition to the above features, each building "shall include architectural features chosen from only one of the following lists, as required by each list." The lists comprise four architectural styles -- Victorian, Craftsman, Spanish, and Contemporary. For each style, certain "mandatory" features are specified which must be included in the design, followed by about six other features, two or three of which must be chosen. Here is the specification for the "Victorian Style":

Victorian Style

Features 1-3 are mandatory. Choose three (3) features from items 4-9. Mandatory:

- 1) Horizontal wood siding or shake shingles on all elevations facing a street.
- 2) Narrow vertical windows with lintels, jambs and sills surrounding the windows. Sills are to be built out a minimum of three inches (3") from the outside face of the window sash.
- 3) Covered entry area with a gable or dormer. Entry area to be a minimum of twenty-four (24) square feet in area if it serves one or two entrance doors and ten (10) square feet per entrance door if it serves more than two.

Choose three (3) of the following:

- 4) Crafted lath ventwork at gables and dormers.
- 5) Widow's walk or cresting (wood or metal).
- 6) Turrets or cupolas.
- 7) Special window shapes and types on twenty percent (20%) of all windows facing a street; bays, half-round, elliptical Gothic, oval or Palladian shapes, quatrefoils, bull's eyes, and stained glass (geometric, lattice or opalescent).
- 8) Scalloped shingles in an amount typical with the Victorian style.
- 9) Crafted open stickwork supports for the entry element.

Even if I were an advocate of Design Codes, which I am certainly not, I would not hold out this particular example from San Diego as a model. I include it as an illustration of what such an animal might be. I should add that much of San Diego's planning work is much better than this, although it shows too much preoccupation with conserving and replicating inherited architectural styles. San Francisco has pursued somewhat similar objectives but in a much more professional manner, as described in the next section.

One should not leave San Diego, however, without noting its most remarkable building -- Horton Plaza in the city centre. This project originated in a proposal to rehabilitate some public restrooms (lavatories), and grew into a huge development covering fifteen city blocks. It now includes 903,000 sq.ft. of retail space, a 450-room hotel, and 300,000 sq.ft. of offices. It was decided to use this project to commemorate the 200th anniversary of the city's founding in 1769. An abortive architectural competition was held and a developer was not selected until 1974. This entrepreneur, Edward Hahn, already owned eleven shopping malls and had thirty more underway. He had the resources to follow

his own fancy and decided to build something as different as possible from the usual homogenised suburban shopping mall. His instructions to his architect Jon Jerde (who had been designer for the free-wheeling Los Angeles Olympic Games) were, "This damn place should have as little resemblance to a typical shopping centre as possible. I don't want to see a bench or a tree grate, a handrail, or anything else that's ever been used before. Take the damn roof off and see what you can come up with."

What finally resulted from this eccentric brief is certainly remarkable a four-storey structure more like a fairground than a shopping centre. All in poured concrete, coloured to resemble (or at least to evoke) Sienna marble, with echoes of Moorish, Venetian, and Victorian architecture, all hurled together pell-mell: arcades, domes, columns, and pediments galore, a wild collection of princely motifs, sufficient to gorge the most eclectic taste. There is also a movie theatre in 1930s Art Nouveau, a restaurant kitted out as a 1950s diner, a 40-foot Egyptian obelisque in colourful Californian ceramic tiles, and facades clad with castings from the now demolished 70-year-old Knights of Pythias building. And there are four topiary hippopotamuses in the main concourse.

At the public hearings on the proposals in 1981, up popped the familiar kill-joy, Michael Sullivan of San Diego's Save Our Heritage organisation, who declared "I am appalled by the arrogance of the architecture planned for the centre. It is disgusting." His views were shared by a San Franciscan architect who saw in it an even more insidious threat. He said it was "one of the most dangerous projects in the US because it will in all likelihood prove immensely popular." He was right: in the first year after opening in 1985, Horton Plaza attracted 14 million visitors.

I owe the story of Horton Plaza to my old acquaintance Bernard Freiden of MIT, who recounts it in his new book <u>Downtown Inc. -- How America Rebuilds</u>

<u>Cities</u>. But we visited Horton Plaza to see for ourselves. It was obviously still very popular with local people and tourists. I was left with mixed feelings. The architecture was a parody of neo-classical motifs, the materials were crude, and the detailing illiterate. If neo-classicism took hold in England, we might well see this kind of thing more often (it has already made its appearance in some deplorable examples in London). It is show business, not architecture. Horton Plaza does it on the grand scale and is great fun. It is credited with revitalising the flagging commercial centre of San Diego.

But it happened before the introduction of Design Guidelines for the city centre and probably prompted their adoption. One Horton Plaza is enough.

San Francisco

San Francisco has the most beautiful site of any city in the world. Neither developers nor planners have been able to spoil it. It is built on a peninsula jutting into the vast bay that stretches forty-five miles inland, varying from three to fourteen miles wide. The city's topography is almost as remarkable, with forty-three hills producing precipitous city streets and distinctive architectural necessities. As late as 1846, the original Spanish-American settlement had only about 100 inhabitants. Then in 1849 the Californian gold rush exploded, and by 1860 the city's population had grown to 50,000 and to well over 400,000 by 1902. By 1980 it was 679,000, and in recent years the Bay Area has been growing at about 50,000 a year.

San Francisco had no town planning until a group of prominent citizens commissioned the famous architect-planner Daniel H. Burnham to produce a city plan, which was published on 17 April 1906. The following day a third of the city was destroyed by an earthquake. 28,000 buildings were burnt down. Burnham hoped that this somewhat drastic act of God would clear the way for his great plan, but the only part of it that got built was the new Civic Centre Square, which still stands as a monument to the Beaux Arts tradition and is quite untypical of the rest of this highly idiosyncratic city. The rebuilding proceeded at a hectic pace, but fortunately at a period when a taste for domestic ostentation coincided with the skills of virtuoso carpentry, and when commercial prosperity coincided with cast-iron prefabrication of classical facades. The results are to be seen throughout much of the city, from the ornate mansions of Knob Hill to the sombre grandeur of the old warehouse districts, counterposed by the eclectic skyscrapers of the past fifty years.

While the Bay Area as a whole continues to grow rapidly, San Francisco itself is tightly constrained by its natural and municipal boundaries. It has nowhere to go but up. The pressure for high-density redevelopment, coupled with the city's magnetic attraction as a cultural and business centre, plus a very sensitive and articulate electorate, creates a highly volatile environment for city planning. In these climatic conditions, the conventional planning tools are hardly adequate policy instruments. As a result, the city planners have had to be both resourceful and innovative in their development of planning

techniques. This report is not the place to attempt a critique of San Francisco's overall planning performance, even if I were competent to do so. In the present report I focus simply on their approach to aesthetic control. I deal first with their adaptation of conventional zoning control, and then with their development of mandatory guidelines.

There are three key documents relating to the city centre:

- (i) Downtown Plan Ordinance adopted by City and County (zoning regulations).
- (ii) Downtown Plan adopted by City Planning Commission (objectives and design Guidelines).
- (iii) Downtown Area Plan (shortened version of (ii)).

These three documents overlap and are somewhat confusing; but the distinctions are not important for our purposes.

The basic dimensional and density controls are to be found in the Downtown Plan Ordinance. These are similar in type to those in the Chicago Ordinance cited in Chapter 3, but are more concise; and the diagrams serve to illustrate how this type of control works. Les amateurs de deregulation may savour the regulations relating to bay windows, which are the delight of many of the residential areas but which for some reason are tightly constrained on non-residential buildings:

Bay Windows: Notwithstanding the provisions of subsections (c)2, (D) and (F) of this section, bay windows on non-residential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed one-half of the width of the facade plane and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.

Similarly for other "Decorative Architectural Features":

Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:

(A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet with a maximum vertical dimension no greater than 6 feet.

- (B) At all levels above the area of minimum vertical clearance required in subsection (a)l above, decorative features, such as belt courses, entablatures, and bosses, may project 2 feet with a maximum vertical dimension of 4 feet.
- (C) At all levels above the area of minimum vertical clearance required by subsection (a)l above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than 3 square feet at midpoint, may project 1 foot horizontally.

These detailed dimensional controls are a somewhat anachronistic feature of San Francisco's planning regime. It is because of their limitations that the City is now developing a much more refined and sensitive approach to design. It is doing this partly by seeking to express the objectives of aesthetic control and partly by developing an analytical approach to the visual characteristics of individual districts, to which guidelines can be related.

The objectives of the Downtown Plan are embodied in the full plan but are more readily accessible in the summary given in the first few pages of the shorter version. These cover all aspects of the plan. Those relating to Urban Form are as follows:

URBAN FORM

Height and Bulk

OBJECTIVE 13

CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTIVE CITIES.

POLICY 1

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.

POLICY 2

Foster sculpturing of building form to create less overpowering buildings and more interesting building tops, particularly the tops of towers.

POLICY 3

Create visually interesting terminations to building towers.

POLICY 4

Maintain separation between buildings to preserve light and air and prevent excessive bulk.

Sunlight and Wind

OBJECTIVE 14

CREATE AND MAINTAIN A COMFORTABLE PEDESTRIAN ENVIRONMENT

POLICY 1

Promote building forms that will maximize the sun access to open spaces and other public areas.

POLICY 2

Promote building forms that will minimize the creation of surface winds near the base of buildings.

Building Appearance

OBJECTIVE 15

TO CREATE A BUILDING FORM THAT IS VISUALLY INTERESTING AND HARMONIZES WITH SURROUNDING BUILDINGS.

POLICY 1

Ensure that new facades relate harmoniously with nearby facade patterns.

POLICY 2

Assure that new buildings contribute to the visual unity of the city.

POLICY 3

Encourage more variation in building facades and greater harmony with older buildings through use of architectural embellishments and bay or recessed windows.

Streetscape

OBJECTIVE 16

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES

POLICY 1

Conserve the traditional street to building relationship that characterizes downtown San Francisco.

POLICY 2

Provide setbacks above a building base to maintain the continuity of the predominant streetwalls along the street.

POLICY 3

Maintain and enhance the traditional downtown street pattern of projecting cornices on smaller buildings and projecting belt courses on taller buildings.

POLICY 4

Use designs and materials and include activities at the ground floor to create pedestrian interest.

POLICY 5

Encourage the incorporation of publicly visible art works in new private development and in various public spaces downtown.

These brief formulations are obviously no more than statements of principle but they provide the basis for more detailed guidance and control. Their purpose is explained in the main text. This process of exposition and implicit design guidance is then developed much more fully in the Downtown Plan. For those who are sufficiently interested, there is no substitute for reading these sections of the plan. The following example, however, will serve to show how broad policies are explained and amplified, while still being pitched at a generalised level:

POLICY 2

Foster sculpturing of building form to create less overpowering buildings and more interesting building tops, particularly the tops of towers.

As buildings increase in height, they should be sculptured or shaped to appear increasingly slender and delicate. Modifying the silhouette of a building, making the more visible upper Portion slender, offsets the building's bulkiness.

The shape given to the top portion of every large structure should consider the building's position in city views. Prominent buildings should be consciously designed to contribute to a graceful skyline in harmony with the texture of development on surrounding hills. Buildings below the city silhouette, but still prominent in views, should contribute to an overall sculptural form -- avoiding awkward or overscaled blunt forms. The tops of all buildings should be interesting to look at from nearby towers.

Skyline effects of existing box-shaped buildings should be masked or softened by new tall, well-composed buildings with sculptured tops. Tops of new buildings similar in height to nearby towers should be shaped and detailed to disguise the similarity.

Design guidance at this level of generalisation can help to set developers and their architects on the right track without being in the least restrictive of architectural skill and creativity. It provides some measure of the public interest to set alongside the developer's private interest. The two may not be incompatible but the relationship needs to be elucidated.

San Francisco's hierarchy of design guidance is developed in much greater detail for the districts within the city centre that are "of architectural, historical and aesthetic importance." This stratum of guidance is contained in the Downtown Plan Ordinance, Article 11. Although this part of the Ordinance defines six Conservation Districts and lists several hundred buildings that ought to be preserved, it is not concerned simply with conservation in its customary sense of preventing demolition. It is at least equally concerned with guiding the process of redevelopment and new development. It does not treat the city as an architectural museum but as a living organism that must adapt to change and which can be enhanced by new development and by the conversion of old buildings to new uses.

The mot interesting part of the Ordinance is Appendix E to Article 11, which takes each of the Conservation Districts in turn and sets out the purposes of the plan for the area, the characteristics of the area in terms of its history and functions, its architectural and locational character, and its place in the life of the city. It then goes on to define its architectural features in much more detail, including massing and composition, materials and colours, detailing and ornamentation.

The descriptive and analytical section is then followed by "Standards and Guidelines for Review of New Construction and Certain Alterations." These are structured in a similar way to the analytical section -- composition and massing, scale, materials and colours, detailing and ornamentation. Here are the standards and guidelines for the New Montgomery-Second Street District, an area of mixed commercial uses developed mainly before 1914, close to the central core of the city in a pretty run-down condition but containing many large warehouse and other buildings that are now coming back into favour. It is a case for active renewal rather than torpid preservation.

(a) <u>Standards</u>. All construction of new buildings and all major alterations, which are subject to the provisions of Sections 1110, 1111-1111.6 and 1113, shall be compatible with the District in general with respect to the building's composition and massing, scale,

materials and colors, and detailing and ornamentation, including those features described in Section 6 of this appendix. Emphasis shall be placed on compatibility with those buildings in the area in which the new or altered building is located. In the case of major alterations, only those building characteristics that are affected by the proposed alteration shall be considered in assessing compatibility. Signs on buildings in conservation districts are subject to the provisions of Section 1111.7.

- (b) <u>Guidelines</u>. The Guidelines in this subsection shall be used in assessing compatibility.
 - 1. <u>Composition and Massing</u>. New construction should maintain the character of surrounding buildings by relating to their prevailing height, mass, proportions, rhythm and composition.

In addition to the consideration of sunlight access for the street, an appropriate streetwall height is established by reference to the prevailing height of the buildings on the block and especially that of adjacent buildings. The prevailing height of buildings on New Montgomery Street is between five and eight stories while buildings on Second Street commonly range from three to six stories. A setback at the streetwall height can permit additional height above the setback up to the height limit without breaking the continuity of the street wall.

Almost all existing buildings are built to the property or street line. This pattern, except in the case of carefully selected open spaces, should not be broken since it could damage the continuity of building rhythms and the definition of streets.

Proportions for new buildings should be established by the prevailing streetwall height and the width of existing buildings. On New Montgomery Street, the historic pattern of large lot development permits new buildings to have a horizontal orientation. In order to ensure that an established set of proportions is maintained on Second Street, new construction should break up facades into discrete elements that relate to prevailing building masses. The use of smaller bays and multiple building entrances are ways in which to relate the proportions of a new building with those of existing buildings.

The design of a new structure should repeat the prevailing pattern of two-and three-part vertical structures.

2. Scale. The existing scale can be accomplished in a variety of ways, including: a consistent use of size and complexity of detailing with regard to surrounding buildings, continuance of existing bay widths, maintenance of the existing streetwall height, and the use of a base element (of similar height) to maintain the pedestrian environment. Large wall surfaces, which increase a building's scale, should be broken up through the use of vertical piers, detailing, and textural variation to reduce the scale of Second Street.

Existing fenestration (windows, entrances) and rhythms which have been established by lot width or bay width should be repeated in new structures. The spacing and size of window openings should follow the sequence set by historic structures. Large glass areas should be broken up by mullions so that the scale of glazed areas is compatible with that of neighboring buildings. Basement and double-hung windows should be used where possible since most existing buildings use these window types.

3.0 Materials and Colors. The use of masonry and stone materials or materials that appear similar (such as substituting concrete for stone) can link two disparate structures, or harmonize the appearance of a new structure with the architectural character of a conservation district. The preferred surface materials for this district are brick, stone, terra cotta and concrete (simulated to look like terra cotta or stone).

The texture of surfaces can be treated in a manner so as to emphasize the bearing function of the material, as is done with rustication on the Rialto Building. Traditional light colors should be used in order to blend in with the character of the district. Dissimilar buildings may be made more compatible by using similar or harmonious colors, and to a lesser extent, by using similar textures.

4. <u>Detailing and Ornamentation</u>. A new building should relate to the surrounding area by picking up elements from surrounding buildings and repeating them or developing them for new purposes. The new structure should incorporate prevailing cornice lines or belt courses. A variety of Renaissance/Baroque, Gothic and Moderne ornament in the District provides sources for detailing in new buildings in order to strengthen their relationship. Similarly shaped forms can be used as detailing without directly copying historical ornament.

This is fine-grain local planning that seems to succeed in conveying its intentions in a reasonably forceful manner yet without implying undue restrictions. It is intended to act as a stimulus to good design. The emphasis is on "compatibility" rather than on conformity. As the Ordinance repeatedly says:

The foregoing standards do not require, or even encourage, new buildings to imitate the styles of the past. Rather, they require the new to be compatible with the old.

Nowhere does the San Francisco plan refer to its policies as a "Code."

They are "Guidelines." Section 309 of the Ordinance sets out the procedures for determining compatibility and for allowing exceptions, for public hearings, and the Planning Commission's proceedings. (San Francisco has a strange local-

government structure. It is the only municipality in the country that is a combined city and County. Decisions by the City Planning Commission can be appealed to the County Board of Supervisors. I was told that the County Supervisors rarely depart from the Planning Commission's decision on aesthetic matters: but, if they don't agree, they can usually find other reasons for denying or delaying a project.)

Last year the San Francisco Planning Department extended its Design Guidelines approach from the city centre to residential districts. They were in fact obliged to do so by a voter initiative in 1986 known as Proposition M which, among other things, established as a priority policy that existing neighbourhood character be conserved and protected. It was noted that conformity with the existing Planning and Building Codes did not ensure compatibility with neighbourhood character, and new controls were introduced requiring the Planning Department to produce Residential Design Guidelines against which new building proposals could be assessed.

These Guidelines state at the outset and in bold print that

The guidelines establish minimum criteria for neighbourhood compatibility, not the maximum expectations for good design.

The guidelines make provision for exceptions in cases where "the unusual characteristics of the project site, the unique scale and character of development in the surrounding area or other peculiarities of the project and its setting make the use of the adopted guidelines inappropriate." In such cases the Planning Department may adopt alternative design guidelines specific to the project and which "more appropriately respond to the project and its neighbourhood character." There are also additional guidelines for historic buildings, but the main guidelines relate to all residential districts with a zoning height limit of 40 feet or less.

The scope of the Guidelines can be indicated by the list of contents in Section III, "Elements of Design":

1. SITING
Location
Setbacks
Rear Yards
Side Spacing

- 2. BUILDING ENVELOPE
 Roofline
 Volume and Mass
- 3. SCALE
 Dimensions
 Proportions
- 4. TEXTURE AND DETAILING
 Exterior
 Materials
 Ornamentation
 - . OPENINGS
 Entryways
 Windows
 Garage Doors
- 6. LANDSCAPING

For each of these six design elements there is

- i A broad definition of the design element
- ii A series of <u>questions</u> highlighting the major design issues under each element.
- iii Guidelines to follow for ensuring design compatibility.

The intention is to help the property owner, developer, and designer to appreciate the neighbourhood context within which they are working and to encourage a good design solution. The design precepts are all fairly simple and are illustrated with sketch examples and diagrams, although it is emphasised that the drawings are illustrative and "are not design examples to be copied or imitated."

It is difficult to convey the sense or nature of the Design Guidelines without extensive quotation, and they can best be read as a whole. But the general tone can be exemplified by some of the key injunctions:

Respect the topography of the site
Emphasize corner buildings
Respect setback patterns
Acknowledge significant neighbouring buildings
Minimise the impact of inconsistent building rooflines
Respect the scale of the neighbourhood
Respect the amount and level of detail of surrounding
ornamentation

Each of these guidelines is briefly explained and illustrated. The onus is then on the designer to show that he has complied with the guidelines and on

the Planning Department or Commission to assess the result in terms of the guidelines.

Both the Downtown and Residential Guidelines have been produced within the last five years or so, and it is too soon to say whether they are working successfully. And it is impossible for an outsider on a brief visit to assess the results. But those responsible for administering the system seem to feel that it gives them the degree of influence that they need both to encourage the good and prevent the bad. What is certain is that San Francisco is an exceptionally attractive city, but with a delicate and vulnerable fabric that could all too easily be destroyed. That disintegration was beginning to happen at the start of the 1980s. It is to be hoped that the new Design Guidelines will provide at least a safety net and perhaps a stimulus to conserve and enhance the city's somewhat brittle substance.

It is very difficult to express these objectives verbally (or even visually) and even more difficult to convey how they can be achieved. But if such a policy is to take effect, and not to be dependent wholly on subjective judgements and discretionary decisions, then the attempt has to be made to define the objectives and to set down some guidelines. San Francisco has made the effort to do so.

Portland

Portland, Oregon, gets my vote as America's best-planned city and the most handsome. It has natural advantages, lying at the confluence of the Columbia and Willamette rivers, the prodigious Columbia River gorge on its doorstep, a deepwater harbour, and superb mountains nearby. It is now a city of some 400,000 people. Like most cities it has its run-down areas, particularly on the east side, but unlike most cities its central area (including the city centre but extending beyond that to about 3,000 acres) is amazingly well-ordered, urbane, and distinguished. This has its roots in the city's history and a long tradition of civic pride. Unlike San Francisco and Seattle, which exploded with growth and speculative development in the Gold Rush years, Portland grew relatively slowly and in an orderly manner under the influence of the second sons of Boston Brahmin families who settled there. There is still a strong connection with the Eastern schools of architecture. While the familiar gridiron layout was adopted from the start, Portland's is distinctive, with relatively small 200-ft.-square city blocks throughout the central area (which

limits the site of any one development to about 20,000 sq.ft.), and the grid on a slightly NE/SW axis rather than north/south, which means that both sides of the broad streets get sunlight for at least part of the day.

From the earliest years the citizens insisted on a lavish provision of city parks, and it now has 160 parks ranging up to the 4,700 acres of Forest Park. In 1905 the then-mayor proposed, apparently seriously, that every other street be stripped of its buildings and planted with shade trees and roses. The City Council did not go quite that far, but as early as 1852 the townspeople had planted a 25-block boulevard, known as South Blocks, which still provides a spacious rectilinear park in the centre of the city. More recently it was decided to uproot a four-lane motorway along the waterfront so as to provide a landscaped frontage to the river.

This positive and creative approach to beautifying the city is amply reflected in the new Central City Plan, adopted in 1988. This is city planning as it used to be, or was meant to be. Indeed, I doubt whether even in its heyday British planning was ever as vigorous and confident as this. We have forgotten how to do it. Portland's Plan was not the product of impractical or timid planners. Its production was led by a powerful Citizen Steering Committee, appointed by the Planning Commissioner, and with eight Functional Advisory Committees made up of leading businessmen and city residents, backed by the formidably equipped Planning Department. It is a strikingly thorough and competent document, succinct in its objectives, well-illustrated, and each component accompanied by a tabular Action Chart listing proposals for action, with specific projects, programmes, and regulations, identifying the agencies responsible for implementation.

This is not the place to analyse the contents of the plan, and the design aspect is dealt with in a separate document, the Downtown Design Guidelines. These Guidelines were adopted in 1983 and followed a rather different course from the Plan, which now supplements them, together with the Zoning Ordinance, which has just been comprehensively revised.

The current Design Guidelines originated with the earlier Downtown Plan of 1972, the Zoning Ordinance of 1979, and the original Design Guidelines adopted in 1980. At that time Portland, unlike San Francisco and other cities, abjured the notion of bonus zoning (see Chapter 4). The City Council took the

view that all new development in their city should achieve the qualities that they wanted to see, without the dubious incentive of floor-space bonuses. In practice, however, the Council was moved to grant exceptions above the normal zoning limits on a number of occasions, usually in exchange for some benefit offered by the developer, and this practice drew criticism from both the public and competing developers. This led to the decision in 1988 to adopt a bonus system, to extend the Guidelines to the whole central area, and to allow no exceptions (although designs that fully meet the intent of the Guidelines, while departing from them in some respects, may be considered). In addition, the bonuses available do not permit the normal height limit to be exceeded by more than three storeys (compare the Seattle saga related in Chapter 4, where the developer doubled the height of his building from 27 to 55 storeys by exploiting the bonuses available).

Portland's floor area and height bonuses "are offered as incentives to encourage the provision of facilities and amenities which implement the Central City Plan." Only seven kinds of bonus are offered, and these are of two types. The first is designed to encourage residential use and daycare facilities in commercial and office development (neither restricted to low-income groups, as in San Francisco), the inclusion of retail stores at ground level, and the development of new theatres. The intention is to promote a lively mix of activities and uses in the city centre, rather than being confined to business functions. The second type of bonus is intended to enhance the city centre environment by the provision by developers of fountains and other water features, rooftop gardens, and works of art visible and accessible to the public. The last of these is the so-called "Percent for Art" provision. Developers who commit one percent of their project cost to "public art" can increase their floor area by a factor of up to 2. At least 25 percent of this contribution has to be paid into the Central City Public Art Trust Fund administered by the Metropolitan Arts Commission. The remainder can be spent by the developer, but the choice of artwork and its location has to be approved by the Commission. The results of this policy can already be seen around the city centre and its parks. It is envisaged that some parks will become "sculpture gardens," as new development continues to create additions to the city's collection of public art. There is nothing pompous or pretentious about this. The fountains and waterfalls are a pleasure, the sculptures and mural decorations are enjoyable.

and by Court House Square there is a series of small water-filled basins with life-sized bronze sea-lions, ducks, and beavers.

Portland's Design Guidelines are also designed to ensure that new development makes a very positive contribution to the quality of the city's environment, to the urban street scene, and to the pride and enjoyment that the people take in their city. Both the Guidelines themselves and the bonuses available are geared to these objectives.

One of the problems with constructing Design Guidelines is that even the most accomplished exponents find it very difficult to convey in words what are essentially aesthetic or environmental qualities. Words alone are not an adequate medium. We have seen how San Francisco has incorporated in its Guidelines quite detailed and sensitive descriptions of the qualities and characteristics that distinguish each district and which the Design Guidelines are intended to promote. San Diego and San Francisco make copious use of photographs, sketches, and historical material to illustrate the Guidelines.

Likewise with Portland, the 20 specific Guidelines, taken on their own, may well appear sparse and uninformative. But each is accompanied by a rather more detailed explanation of the "issue" or aspect to which the Guideline is addressed, plus illustrations from existing buildings and street scenes that seek to convey those intentions. Those who are sufficiently interested in the subject should consult the full document.

In the introduction to the Guidelines their purpose is concisely expressed:

The Guidelines herein focus on relationships of buildings, space and people. They are used to coordinate and enhance the diversity of activities taking place in the downtown area. Many ways of meeting a particular guideline exist, and since it is not our intent to prescribe any specific solution, the Commission encourages a diversity of imaginative solutions to issues raised by the Guidelines.

The four main objectives are then set out as follows:

Enhance the existing character of Portland's downtown.

Promote the development of diversity and areas of special character within the downtown.

Provide for a pleasant, rich and diverse pedestrian experience.

Provide for the humanization of the downtown through promotion of the arts and excellence in design.

Those four objectives are each explained briefly in a couple of paragraphs, and in terms that reflect the historical perspective of the city and the emphasis on human rather than esthetic considerations. The Guidelines are then set out as follows:

1. The 200-Foot Block Structure

Portland's small blocks and frequent streets provide greater open space, light, air and more direct pedestrian travel than is typically available in city centers. When the ground floors of new development projects are allowed to occupy more than a single block, these characteristics of the downtown are lost.

2. Protect the Pathway System

If the downtown is to work as a set of connected sub-areas that offer a variety of diverse environments, barriers between parts of the downtown should be avoided. It is largely the ability to both move and see from one sub-area to another that binds these areas into a whole.

3. Protect the Pedestrian

Right-of-way design needs to recognize the implications of the mixing of pedestrian and vehicular travel that occurs in these areas. Normally the curb, or edge, between these two pathways systems is where street furniture is located, for two reasons. The curb acts to reinforce the sense of separation, and hence of protection, between the two systems. It also frees the edge of adjacent buildings for entrances and display windows which connect the pedestrian space with internal activities.

4. Maintain the Street Wall

A sense of enclosure within public spaces is important in maintaining the characteristic street shape that typifies Portland. This sense is produced by the exterior walls of buildings forcing a kind of interior wall of the street space. When these walls do not define the public right-of-way, a sense of enclosure cannot be created.

Guideline

Preserve the present grid pattern typical of downtown Portland's public right-ofways and the ratio of open space to buildings that it produces.

Avoid the formation of pedestrian barriers (physical, visual or psychological) within the public right-of-ways, and maintain an adequate access route for pedestrian travel wherever a public right-of-way exists or has existed.

Where a right-of-way contains mixed modes of travel, protect and reinforce the sidewalk environment through maintenance of the city's pattern of strongly separated pedestrian and motor-vehicle movement.

Maintain a recognizable enclosure of space in downtown right-of-ways.

5. Reinforce the North-South Orientation
The downtown as originally subdivided and later
developed has a definite north-south orientation. Most of the business and retail activity
focuses on the wider, sunnier north-south
avenues. When new development disregards this
pattern, the special character this has created
is damaged.

Guideline Maintain active pedestrianoriented uses on the northsouth avenues, and on eastwest streets designated as pedestrian or transit streets.

6. Differentiate the Ground Level

A demarcation between the first and second or second and third stories has traditionally been used in Portland to solve two problems. It provides an architectural way of differentiating uses, allowing facade flexibility at the ground or retail level and a unified treatment above. Such a differentiation also helps to organize a unified elevation on a sloping site. When such a demarcation is not provided, projects become discontinuous with their surroundings and the sense of the downtown's identity is diminished.

In multi-story buildings, differentiate between the pedestrian-oriented uses at the sidewalk level and the office/ residential levels above.

7. <u>Unifying Elements</u>

With a sub-area of the downtown, dissimilar buildings can be linked by common elements that recur at regular intervals. Similarity of such things as paving materials, lighting standards, exterior materials, and architectural style form "layers" of commonality that help establish the identity of an area. The more layers within an area, the richer and more identifiable the character. But when a new building is constructed without regard to existing layers or fails to add new layers, the sense of identity in its vicinity is lessened.

Strengthen the special identity of sub-areas of the downtown by respecting existing layers of similarity or by adding new layers that enrich and expand an area's character.

8. Continuity and Compatibility

The relationship a new structure has with adjacent existing buildings can be in or out of tune with the area. A building which is designed without considering its ability to complement its neighbors may damage the identity of its area.

Maintain compatibility with design features of surrounding buildings which give continuity in the area.

9. <u>Special Features</u>

Another way sub-areas may gain identity is through the presence of a strong landmark or special feature. The role such elements play in developing identity should be considered when new development is planned for an area. Enhance the identity of subareas in the downtown by respecting existing special features.

10. Entrances to the Downtown

The entrances into downtown demand particular attention. In a sense the downtown is an island, with the Willamette River on one side and the depressed Stadium Freeway on the other. With few exceptions, entry is over the bridges that cross these barriers (six over the river and 23 crossing the freeway). Buildings located at these bridge heads have the potential of forming gateways to the downtown. But if this is not considered, the potential for creating an exciting entrance to the downtown may be lost.

<u>Guideline</u>
Reinforce the sense of gateway or entrance at bridgeheads.

11. Flexible Ground-Level Space

When the ground-level space is given over to elevator lobbies and monumental entries, the focus becomes the individual building rather than the character of either the downtown or the district. Shops, public art and other small-scale activities located adjacent to the sidewalk humanize the sidewalk environment.

Maintain the diversity of the downtown by providing opportunities for pedestrian-oriented activities adjacent to the pedestrian space.

12. <u>Upper Floor Access at Mid-Block</u>
The higher pedestrian traffic levels at corners enhance the likelihood of successfully incorporating retail uses into a project. Mid-block locations for elevator lobbies reduce pedestrian conflicts.

The location of elevator lobbies and lobby entrances of office buildings should allow for the development of retail activities at the corners of the block.

13. <u>Corners That Build Intersections</u>
The degree of unity in the treatment of the corners of an intersection is an important determinant of the strength of the whole intersection as a space. When new development ignores the potential of the corner, the focus of downtown activity becomes confused.

When designing building corners, give special attention to the role such elements as openings and awnings play in reinforcing the intersection as an activity area.

14. Connecting Across Edges

Strong edges break down the downtown's pathway network by creating dead-end pedestrian streets. These edges are created within the downtown by major changes in scale, land use, heavy motor vehicle movement, and differences in sidewalk treatment.

Bridge strong edges in the downtown and continue the pedestrian pathway system across the edge with a similar sidewalk design and a strongly marked pedestrian crossing.

15. The Stage and the Action

The downtown is a place of concentrated human activity and interaction. When human activities (working, meeting and playing) are invisible or inaccessible, the diverse character of the urban center is lost. What makes the downtown interesting is the concentration of activities. If the downtown is to have life, its buildings must be oriented to the outside.

Guideline

When planning new buildings, develop the ground level with as much public use space as possible and with frequent views and access into internal activity spaces from adjacent sidewalks.

16. Cityscape and Landscape

When planting areas are placed between the pedestrian space and the building interior, care should be taken to maintain contact between inside and outside.

Provide physical and visual contact between commercial space and the adjacent sidewalk.

Supplementary Guidelines are given for four special districts within the city -- Park Blocks, Broadway, Chinatown, and South Waterfront.

These are Portland's Design Guidelines, and it will be seen that they are not expressed in a regulatory form, although they will be incorporated by reference in the new Zoning Ordinance. But I call them Mandatory Guidelines because it is mandatory on developers to take account of them in preparing their proposals and it is mandatory on the Planning Commission to have regard to them in deciding on those proposals. Further, the developer is required to provide a written statement explaining how his Project relates to the Guidelines, and the Planning Department has to report in similar terms to the Commission. It is not a vague or generalised procedure: the Guidelines are meant to be taken seriously by all those involved in the development and approval process -- and they are.

All proposals for development within the central area are subject to Design Review by the Planning Commission (those involving historic buildings are also reviewed by the Landmark Commission), although the Commission can delegate minor cases to the Planning Director. Each application for Design Review by the Commission has to be accompanied by a substantial portfolio:

- 1. A site plan, including the shape and location of all buildings and major land uses within 200 feet of the project site perimeter.
- A complete set of building elevations, isometrics, or perspectives.
 (A listing of materials and colors to be used can either be submitted initially at the conceptual design stage or at a subsequent review).

- A large-scale set of elevations, either one-half inch or onequarter inch to one foot, of the project within twenty-five feet of grade.
- 4. A parking plan showing the location of all on-site parking and loading facilities, including access and egress routes
- 5. A ground floor plan showing all grade changes and indicating the uses of the various spaces.
- 6. Typical floor plans as necessary to describe all levels of the building.
- 7. Sections of the project or building as necessary to adequately describe the shapes and relationship of spaces.
- 8. A landscape plan showing all planting areas, street furniture, street trees, outdoor art, and other outdoor features of the project, including a listing of materials and colours.

Items 1 and 8 are particularly important in showing the relationship of the proposed buildings to their surroundings.

A public hearing is held on major applications (within 14 to 60 days, unless the applicant requests a delay). The Commission has to issue its decision within ten days of the hearing. Should the applicant, or anyone who objected personally or in writing to the original proposal, dissent from any aspect of the Commission's decision, they can appeal to the City Council, whose decision is final (subject to appeal to the courts). About 200 applications a year are made to the Commission, of which about 30 are considered to warrant a hearing. Chapter 7 deals in more general terms with the process of Architectural or Design Review, which is now the practice in many cities. It is said to work particularly well in Portland, largely because developers' architects respond well to the Guidelines and to the professional way in which they are administered, and because they are strongly motivated by the city's tradition of urban design.

Portland, however, does not rely solely on the initiative of individual developers and their architects to achieve its objectives. The City Council itself is largely responsible for the quality of the street scene, which provides the setting for new development. The street furniture, bus shelters, direction signs, street names, traffic lights, tree planting and other landscape features, fountains, paving, curbs, and every such item is superbly

designed, used consistently throughout the city centre, and of the highest quality -- quite unlike anything I have seen in other American cities or elsewhere. It adds great distinction to the city. Moreover, it is paid for largely by developers and established businesses who appreciate the commercial benefits of a well-designed and well-managed city centre. I cannot speak too highly of it. It ought to be better known and widely celebrated, but it is said that Portlanders prefer to keep their city to themselves (and, of course, the discriminating visitor) rather than turn it into a tourist attraction as other cities have tried to do. I like their style.

Summary

Each of the three cities discussed in this Chapter has adopted the concept of Design Guidelines for its city centre and for some of its older districts. But their objectives and methods vary.

San Diego puts the emphasis (too much so, it may be thought) on the architectural styles that have evolved in those areas over the past hundred years or so, and on the replication of architectural details or idiosyncratic decorative devices invented by past generations of carpenters or speculative developers.

San Francisco emphasises the distinctive urban character of different parts of the city, and does so by very careful and sensitive analysis of what makes each area special. Their aim is to ensure that new development takes a form that does not unduly disrupt the scale of the street scene or contrast harshly with the visual character of the area. Unlike San Diego, they do not seek the replication of existing styles or the precise reproduction of architectural detail, but encourage designers to study the proportions of existing buildings, how they relate to each other and to the street and to the space about buildings; and to respect the rhythm of the street and the physical terrain. The fact that it is very difficult to translate these precepts into designs for new buildings is demonstrated by the illustrative drawings and examples that accompany the Design Guidelines, and (it must be said) by the generally disappointing quality of new development. But the intentions have been made clear, and it is to be hoped that designers will gradually acquire the skills to fulfill those intentions.

Portland's Design Guidelines, together with their bonus system, place far less emphasis on the detailed design of individual buildings but are aimed pre-

dominantly at ensuring that new development respects and enhances the overall urban character and quality of the city. The emphasis is on public spaces, ease of access, and pedestrian movement, "public art," landscaping, diversity, and vitality -- in short, on physical enjoyment rather than visual satisfaction, although it achieves both. It does this partly by insisting that new development contributes to these qualities rather than detracts from them; by requiring developers to provide, or pay far, such amenities; and by specifying ways in which these qualities can be achieved. There is no requirement for replication and not much emphasis on the historic context: the emphasis is on the present and future character of the city, and on how it can be enhanced. This is an eminently confident and positive approach to civic design and one that commands respect. It is surely the best approach but one that few cities have the confidence or ability to achieve. In Portland it derives from a much longer tradition of civic pride.

To return to a more prosaic level, it should be noted that none of the three cities describe their Design Guidelines as a "Code" or set of "Rules," although in each case they have been incorporated, directly or by reference, into the zoning code or city plan. They are described as "guidelines," and that is their intent (some details of the Golden Hill guidelines in San Diego are mandatory but they are not critical, and the compulsory tone seems unnecessary). In each case, however, they are mandatory in the sense that developers and their architects <u>must</u> have regard to the Guidelines and <u>must</u> demonstrate that their proposals do so. And in each case major proposals have to be reviewed by an Architectural Commission or similar body which also <u>must</u> have regard to the Guidelines in reaching their decision on the project. In this sense they are <u>Mandatory Design Guidelines</u>.

In the next chapter we will consider in more detail the concept of Architectural Review, which has become an increasingly common feature of the planning process in American cities, whether or not they have adopted Design Guidelines -- although the procedure undoubtedly works best when that has been done.

Chapter 7 DESIGN REVIEW

Fashion plays its part in American planning procedures and is not constrained, as it is in the UK, by national legislation. Design Review -- sometimes called Development Review or Architectural Review -- seems to be a fairly recent fashion trend but is now a feature of the planning process in many cities. Again, this being America, there are many variations. Cities can decide for themselves whether they want to adopt a review system and how it should operate. Some of the earliest procedures of this kind, dating back thirty years or more, were linked with the establishment of historic areas that were thought to warrant special protection. The Vieux Carré Commission in New Orleans was set up in 1936 and has been markedly successful in preserving the character of this large historic area (almost the whole of 18th and 19th century New Orleans), without any sense of the pedantry and stifling effect that the preservationists generally impose in the British context. It is still a very attractive quarter because it has not been gentrified and is shabby in parts.

The concept of setting up a separate body to review development projects in a specified area or district is no longer confined to historic areas. Often there is an Advisory or Review Commission for the city centre and for other central districts. This type of Review body is not to be confused (though it often is) with neighbourhood groups, either self-appointed or set up by the City Council, whose function is simply to represent local residents' views on development proposals. This is a fairly common device and is often merely a political sop to divert local opposition or to provide a channel for public participation in development control. New York has 59 "community boards" of this kind; Los Angeles 35: no doubt they serve their purpose. This report is not concerned with that aspect of the planning process but with attempts to bring a more objective and informed view to bear on matters of architectural and civic design.

The format often adopted for this purpose is an Architectural Review Board or Fine Art Commission, separate from the Planning Commission and City Council, to which major projects within the city centre or other designated districts have to be referred. Commonly it is appointed by the Mayor and comprises five or seven (sometimes as few as three) members. Often they are

entirely lay people -- i.e. not professional architects or designers -- although the Planning Director may be a member ex-officio. Some cities, however, include "out-of-town" consultants on the Commission, apparently on a fee basis.

In most cases the Commission or Review Board's function is advisory, in the sense that they themselves do not have power to deny planning permission for a project of which they disapprove. But sometimes the City Ordinance provides that the Planning Commission or Building Department cannot issue a permit for construction without the Review body's Prior approval or contrary to their advice. In some cases (e.g. San Diego) the function of the Board is expressly to advise the Planning Director, whose decision is final and who can adopt or reject the Board's advice (not too frequently the latter, I assume).

As explained in Chapter 6, the review process works best where there are Design Guidelines to which both the developer or architect and the Review body can refer. But this is not always the case. In some cities, major projects, or all schemes in a designated area, have to be referred to the Review Board or Architectural Commission with no prior knowledge of what that body is looking for. The results of this process are generally unpredictable, arbitrary, incoherent, inconsistent, and unsatisfactory for all concerned.

In some cities -- Seattle is a notable example -- there is no Review body of this kind, and no Design Guidelines. In those cases, the City may attempt to influence design by using the bonus system or by relying on variance procedures under the zoning ordinance. This seems to be a quite inadequate substitute for a formal design review procedure. This may well be because the City Council is reluctant to cede any of its power or influence to an independent Commission. In other cases, they may be only too glad to shift the responsibility for such decisions to a separate body.

In some cities, such as Cincinnati, developers can earn additional floorspace bonus by agreeing to submit their proposals to design review. In Pittsburgh there is a two-stage process for projects in the downtown Golden Triangle. Proposals are first assessed by the Planning Department in the light of the city's "General Development Review Criteria," which list various functional aspects such as car parking, traffic generation, etc., but also include "Architectural Relationships with surrounding buildings, including building

siting, massing, facade treatment, materials, proportion, scale, colour, maintenance of street walls, parapet and fenestration treatment, and design of building tops." This omnibus package is not backed up or illuminated by any design guidelines, other than a requirement that 20 percent of the development site be retained as open space. These general "Criteria," however, seem to be simply a list of aspects to which the developer will be expected to pay attention and on which the Planning Department will later adjudicate. The second stage is when the developer informs the Department of his intention to develop a particular site. At that stage the Planning Department has rapidly to produce (within 30 days) a set of design Guidelines for that particular site. I suppose that this is similar to the much vaunted "planning brief" procedure that some English planning authorities adopt. Maybe it has some merit if it is well done and is not a further source of delay. But it seems to place a large degree of power in the hands of the planning authority, and to encourage over-detailed ad hoc specification rather than the development of more broadly based Design Guidelines that can be applied consistently over time to a variety of projects and in a wider context of urban design.

This is not to say that careful consideration of a particular development site, in relation to its physical characteristics and urban context, is not necessary. But this can best be done in the light of general Design Guidelines already published and well in advance of the detailed project design stage. Those cities that operate successful Design Review procedures nearly always stress the importance of pre-application consultation between the developer, his architects, and the Planning Department staff, from the earliest stage of project development. All experience suggests that this process facilitates the later review procedure and promotes cooperative working between the developer and the planning agency. It depends heavily, of course, on there being highly competent staff in the Planning Department and enough of them to handle the workload. It is also important not to overload the review board, and many cities confine the process to major projects over a certain size or value, or those affecting particularly sensitive sites or "view corridors."

In most of the examples that I have encountered, the review body or Advisory Board does not attempt to dictate the details of architectural treatment. In a few causes celebres, disagreement has focussed on a particular design feature, and this seems to result when an outside architectural consultant has been

recruited to the Board and becomes unduly obsessed with what he regards as a design solecism, which ma not greatly concern other members of the Board who nevertheless feel obliged to follow the Great Man's advice. In most cases, however, the Review body concentrates on the overall concept of the project in relation to the Design Guidelines (where such have been published) and on the impact that the scheme is likely to have in its setting and in the wider context of the city. These are matters on which local citizens are as entitled to a view as the out-of-town consultant, although they will usually need expert advice on how to express their reservations and on how the design might be modified. The Planning Department should be capable of providing that advice.

In many cities, major projects do not only have to pass the scrutiny of the Design Review body. They may also have to be referred to a separate Environmental Commission, who will require an Environmental Impact Assessment, and to an Historic Preservation or Arts Commission if historic buildings are affected. Separate public hearings may be held at each stage (but note that public hearings in the US are normally held in the evening, last about three hours, are normally chaired by a member of the Council or Commission, and that members of the public who wish to speak are strictly limited to three minutes each: this time limit seems to be generally accepted and Americans are remarkably good at expressing themselves clearly and concisely: at one hearing that I attended a local farmer said "Ah've seen both ends of a mule and I know which end this idea came from." Thucydides could not have improved on that). whole process of approval can be very protracted. A study in 1988 by the New York Office of the State Comptroller found that a developer requesting a special permit had to wait an average of 447 days before receiving approval. But the City's Uniform Land Use Review Procedure accounted for only part of this and has to be completed within 120 days.

In most cities that have a Design Review procedure, the Review body's decision, or the decision of the Planning Commission, or Planning Director acting on the Review body's advice, can be appealed to the City Council (by the developer or by objectors), but only on the grounds that the decision conflicts with the Design Guidelines or that the project fully satisfies those Guidelines. The Council cannot overturn the earlier decision on aesthetic grounds or simply because it does not like the scheme: the judgment on design belongs to the Review Board.

I was told by several Planning Directors that proposals are very seldom, if ever, rejected solely on grounds of elevational design. But if the Council or the public take strongly against a proposed design, it is usually possible to find some other grounds for blocking the proposal by reference to the zoning ordinance or general Design Guidelines. That seems a reasonable course to adopt.

The review process can be very expensive both for the developer and the city. Parallel work in the Planning Department is also expensive, and some cities (including Portland) look to recoup part of this by charging a fee for design review, which may add insult to the developer's injury.

Design Review is not universally admired in America, particularly by architects whose designs have not had a favourable reception. Hamid Shirvani, the Dean of the School of Architecture and Planning at the University of Colorado has been quoted as remarking elegantly that, "A design review board with only lay members isn't worth a damn." Another architectural Dean, John de Monchaux of MIT, scuppered proposals to set up a Civic Design Commission in Boston, of which he was to have been Chairman, because he couldn't agree with the mayor on who the other members should be. The prize example of how design review can run off the rails, when propelled by prima donnas, was (aptly enough) the design for the headquarters of the American Institute of Architects in Washington, DC. The City's Commission of Fine Arts (appointed by the President of the USA) felt that the original design by Romaldo Giurgola would overwhelm the historic Octagon House, which was next door. During the long review process, Giurgola made a number of modifications to the design, but one of the most distinguished Commission members, Gordon Bunshaft, the head of the New York office of Skidmore, Owings and Merrill, held out: he announced that so long as there was a "notch" at the point where the buildings' two wings met, he would never approve it. Giurgola finally threw his hand in and another firm of architects were appointed, who produced a very similar design but without the "notch." That was approved. The review process sometimes ends through the exhaustion of one or other of the parties involved -- or all of them. (I owe the anecdotes quoted in this paragraph to an entertaining article by Ed Zotti in Planning, May 1987).

What are we to make of this diverse American experience of Design Review?? I reserve my thoughts on that to the final chapter.

Chapter 8 IN BRITAIN: THE ENDURING AMBIVALENCE 1909-1989

There is one, and only one, comprehensive account of the history of aesthetic control in Britain. This is John Punter's three-volume study, <u>The Control of the External Appearance of Development in England and Wales</u>, published by the Department of Land Management and Development at the University of Reading in 1984. I am indebted to it, and the earlier part of this chapter draws freely on it.

It is worth digging into the history of aesthetic control in this country since, as John Punter argues, there has been remarkable continuity in official policy on the subject. There has also been marked persistence of the ambivalence, inhibitions, and conflicting interests that still characterise attitudes towards aesthetic control today.

The Housing and Town Planning Act 1909 was the origin of statutory planning in Britain. It was limited in scope and merely permitted the preparation of planning schemes for new residential areas. But it contained the seeds of today's planning system, and in introducing it in Parliament John Burns claimed that its purpose was "to secure the home healthy, the house beautiful, the town pleasant, the city dignified, and the suburb salubrious."

Section 54 of the Act referred to the "general objective of securing proper sanitary conditions, amenity and convenience in connection with the laying out and use of the land." Thus the useful but elusive word "amenity" makes its appearance in the first British Town Planning Act eighty years ago. In the event, only 13 schemes (five of them in Birmingham) were approved under the Act of 1909 before it was superseded by the 1919 Act. But one of the earliest schemes, adopted by the Ruislip and Northwood Urban District Council, incorporated the attempt to establish powers of aesthetic control:

if . . . the Council are of opinion that the character of the building or buildings proposed to be erected or altered would be injurious to the amenity of the neighbourhood, whether on account of the design or the undue repetition of the design or the materials to be used, the Council may require such reasonable alterations to be made in regard to the design of materials as they may think fit. . .

The essentially discretionary and subjective basis of aesthetic control in Britain is immediately apparent. The scheme provided for disputes to be referred to an arbitrator appointed by the RIBA. Interestingly, it seems that Ruislip achieved the distinction of being the first in the field, because one of the major landowners in the area was a keen supporter of the "garden suburb" idea that took shape around the turn of the century. In fact, the 1909 Act enabled town planning schemes to be prepared not only by local authorities but also by landowners or local amenity societies (only one such scheme was initiated and did not reach the approval stage).

Progress was very slow under the 1909 Act, largely because the procedures were slow and cumbrous. The Town Planning Act of 1919 made some improvements, but in the 1920s several local authorities promoted their own Local Act powers to provide themselves with clearer and stronger powers to control external appearance -- Birmingham, Liverpool, Newcastle, Hastings, Southampton, and Romford: a rather strange band of pioneers. The Housing Act 1932 extended powers of control from areas of new development to areas of historic importance, but in only five cities -- Oxford, Winchester, Exeter, Canterbury, and York. The Oxford scheme stated general intent to "preserve the existing character of the locality and to harmonise new development with existing features." Thus the notions of preservation and harmony entered the planning vocabulary --but, whether intentionally or not, the Oxford scheme did not prescribe conformity. Birmingham set up the first local advisory committee to which projects could be referred: an idea which was to spread rapidly in the 1930s.

In 1923 the Ministry of Health issued the first set of model clauses for inclusion in local town planning schemes, but these conspicuously omitted any reference to the control of design -- except in so far as that could be read into the clause on "general convenience and amenity" (which, it seems, was not the intention). The early schemes were limited to controls over density, height, and plot ratio, of the kind already familiar in continental and American zoning regulations. Local legislative initiatives continued with the Bath Corporation Act 1925, which provided specifically for control of elevations and materials, and set up an independent three-person Advisory Committee to determine appeals from the Council's decisions -- a notable precedent for a local appeals system but one that has never been followed up.

The Ministry of Health endorsed the Bath initiative cautiously as "an experiment," and in its Annual Report for 1926-7 the Ministry emerged with a message of a kind that was to be repeated many times over the next sixty years:

. . . It would be a mistake, however, to place undue reliance on the power of regulation and control. At the best it can do little more than prevent obvious defacement, and the attainment of sound standards of building design and appearance must depend in the main on the general growth of aesthetic taste and feeling, and the spread of its influence by the force of education, example and persuasion.

Five years later, the Town and Country Planning Act 1932 for the first time authorised the inclusion in town planning schemes of provisions "regulating the size, height, design and external appearance of buildings."

Having given birth to this wide statutory power, the Ministry of Health, in its explanatory circular on the Act, spoke again in the voice that has become so familiar down the years:

. . . taste is not a matter for dogmatism. The powers should be used for preventing what may reasonably be regarded as "outrages," buildings out of keeping with their surroundings and an offence to the neighbourhood

There was a clear discrepancy between the unequivocal terms of the Act and the far more limited scope implied by the policy guidance. That discrepancy did not escape notice or criticism at the time, and It has remained a bone of contention to this day.

While the Ministry evidently felt some disdain for the over-zealous desire to exercise detailed control of design, local initiatives continued to flourish. In particular, the 1920s were the era of local advisory panels on design. That concept may be traced back to the "Committee of Taste" which was formed in London in the early 19th century, and which included among its members no lesser architects than Smirke, Soane, and Nash. This Committee (with changes of personnel) survived until at least 1912, when it had some influence on the redevelopment of Regent Street

The main proponents of local advisory panels were the Society (now Council) for the Preservation of Rural England and the Royal Institute of British Architects (RIBA), who jointly published a model scheme in 1928. Their concern seems to have been primarily with the design of rural housing and other development in

rural areas, notably the newly emergent petrol filling stations. The Ministry of Health commended the idea, partly because the panels could advise small local authorities, who did not have their own architects, on the design of subsidised rural housing. The idea rapidly gained ground in a variety of towns. A survey of 61 large local authorities in 1931 showed that 48 exercised design control, and of these 25 had some kind of Advisory Committee or panel. By 1937 there were complaints that "only" a third of all local planning authorities had set up Advisory Panels. My impression, however, is that, although the Department has from time to time commended the advisory panel concept -- with varying degrees of enthusiasm -- a similar survey today would show a far smaller proportion of local authorities using a Panel procedure.

In 1924 the Royal Fine Art Commission was founded as an advisory committee to whom the Government or "any other authority of standing" could refer for advice on -- the terminology is delightful -- "any artistic question in the open air." Thus the notion of an advisory committee on such matters was institutionalised at the national level, although for many years the RFAC pursued a policy of discretion to the point of virtually abstaining from public comment. How different from more recent experience.

The advice of the Advisory Panels, where they existed, was not binding on the local planning authorities, who were neither obliged to set up a Panel nor to follow its advice. The 1932 act provided for a right of appeal on matters of design either to a Magistrates' Court or to "a Tribunal constituted for the purpose." The Ministry noted with concern that the number of such appeals doubled between 1934 and 1939 from 46 to 81. Today there are around 30,000 planning appeals a year, and it has been estimated that, while very few turn solely on design, aesthetic factors are raised in around a third of all appeals.

By 1937 the RIBA was becoming disillusioned with the notions of design control and Advisory Panels which they had earlier promoted. They noted that nearly half of England still had no planning schemes; that many of the local authorities who had a scheme did not exercise design control or did so without any competent advice; and that "control as operated has frequently involved needless delay, irritation and expense for architects, builders and building owners." The RIBA "remained convinced that the only really satisfactory means of ensuring good design is by the more widespread employment of qualified

architects." That has remained the RIBA's view -- as regards both the problem of design control and its solution -- throughout the subsequent fifty years.

The RIBA had some grounds for their impatience with local attempts at design control. On the one hand, the Panels showed a marked tendency to favour the rustic cottage tradition in rural areas and neo-Georgian in towns and cities. On the other hand, most of the truly distinguished modern architects had designs grossly delayed, tampered with, or rejected in the 1930s. The notorious cases form a roll of honour -- Connell and Ward, Maxwell Fry, Lubetkin, McGrath, Tecton, Goldfinger, and Chermayeff. Several moved on to America.

One of the classic cases involved Ruislip-Northwood UDC, who, as already noted, were the first local authority to include control of design in a planning scheme under the Act of 1909. In 1934 the Council refused to approve a scheme of semi-detached houses that Connell and Ward had designed for a speculative builder who wanted to achieve a better quality of suburban housing. They gave no reasons for their decision. When challenged, they referred the dispute to the local Advisory Panel, who upheld the refusal but again without giving reasons. Eventually the Clerk of the District was prevailed upon to explain the Council's reasons, and he did so with admirable candour. He said that the design was consciously modern and of continental origin; that there was nothing to justify the use of reinforced concrete in domestic work; that if such isolated examples became unfashionable they could fall derelict, to the detriment of neighbouring property; and, finally, that "nine out of ten of the Ruislip population would view these houses in this situation with disfavour." Eventually, after the architects and developer had shown great persistence, a slightly amended scheme was approved -- with modifications to the area of glass in the staircase windows. The case caused much controversy and served to exhibit the way in which the process of design control was likely to be used in practice. It also confirmed the RIBA in its hostility to control of design both by elected lay members and by expert Advisory Panels.

During the inter-war years, a "battle of the styles" raged with quite as much passion as prevails today, and it was conducted in a more informed manner and without benefit of Royal patronage. There is no need in this report to go over these battles of long-ago between the modernists and the classicists, between the neo-Georgian and Tudorbethan, between the Beaux Arts and the picturesque traditions. Those disputes, fiercely waged, had little or no effect

on the system of design control under planning powers that had been established in 1909 and which gradually extended its coverage. But no consensus emerged as to what that control process was meant to achieve, other than a vague concern for local amenity, which expressed itself in a desire for conformity, stability, and the conventional.

The existence of control slowed progress in design, particularly in housing, and enforced a basic uniformity with only superficial variety in the details of actual appearance. It did nothing to resolve the battle of the styles or to advance the cause of good design.

Yet despite its obvious defects, there was almost no pressure for the abolition of design control before the war. Even the RIBA were more interested in gaining, control of the system than in getting rid of it. When the great post-war Planning Act of 1947 was enacted it provided specifically for the control of "design or external appearance" (Section 13(3)(a))* and extended this to the whole country, thus ensuring the continuance of the problems associated with aesthetic control since its inception nearly forty years earlier.

Meanwhile a much older, less conspicuous, and more useful tradition continued in the development and administration of building regulations that governed basic requirements of structural stability, fire protection, sanitary conditions, and daylighting. That tradition can be traced back at least to the 18th century and became fully developed with the London Building Regulations of the late 19th century. Useful work was done in the 1930s on improving the technical aspects of this form of control, and the Ministry of Health acted vigorously over many years in promulgating good practice. In doing so it drew on American and continental experience, although the formalised zoning system was never adopted in Britain. From the earliest days of aesthetic control, this country preferred the flexibility and uncertainty of discretionary control to the much more prescriptive and predictable regulatory systems that prevailed in most other countries. That contrast continues today, and may cause difficulties as Britain's idiosyncratic methods are seen to be increasingly out-of-step with the rest of its European partners.

^{*}At some stage in subsequent legislation, these words were omitted. I have not been able to trace when.

Throughout the 1930s and in the post-war period, the Ministry of Health, and later the Ministry of Town and Country Planning, continued to deprecate the use of design control to enforce unnecessary interference in detailed design, and emphasised that it should be used only to prevent the grosser "eyesores." Departmental policy continued to affirm that considerations of local "amenity" were relevant to planning decisions but that these should not necessarily prevail over the "usefulness of development." Also despite emphasising the need for competent architectural advice, the Ministry never conceded the architects' wish either to be in charge of the control process or to be exempt from it. During the post-war period, the Ministry issued a number of advisory publications on the design of housing and of central areas. But those were concerned mainly with technical aspects of the layout and interior design of subsidised housing, and the general character of town centre redevelopment. These were intended for the practising architect and planner, and did not touch on detailed elevational design or the control of external appearance, although the illustrations of good practice and successful schemes probably had a beneficial effect on standards of design. The Department also commended the idea of local authority Design Guides for private development, provided that they were not unduly prescriptive and did not promote uniformity (the much-admired Essex Design Guide was considered to err too far in that direction). From time to time, cautious approval was also expressed for architectural competitions (never widely used in the UK and the results usually disappointing) and for Architectural Advisory Panels (these were never used as widely as in the 1930s and seem to have largely died out).

John Punter concludes Volume 1 of his study, taking the story up to 1947, with the entirely apt observation that ". . . the broad lineaments of the arguments about aesthetic control have remained the same to the present day and are still no nearer resolution." That being so, I do not propose to follow him in detail through Volume 2, which covers the period 1947-1985. What stands out is that through the 1950s and 1960s, the main field of controversy was not the battle of the styles that flourished in the 1930s, nor arguments about planning control of external appearance (which came to assume a comparatively low profile), but the much wider debate about the quality of the built environment in town and suburb. This was launched with Ian Nairn's <u>Outrage</u> in 1955, and carried forward in his <u>Counter Attack Against Subtopia</u> in 1957. Nairn deplored the visual poverty of post-war development, which had evolved despite the 1947 Act.

He advocated even tighter control of development, but his criticisms and ideas on Townscape were directed more at architects and developers than at the statutory planning system.

Towards the end of the 1960s, attention focussed on the defects of highrise industrialised housing, which reached its apotheosis with the collapse of
Ronan Point in 1969. The high-rise fiasco could be attributed in part to
planning policies but had little to do with design control (especially as local
housing authorities who built the tower blocks could give themselves planning
permission). In the 1970s, there was growing concern at the impact of the
property boom on the redevelopment of town centres. Again planners must take a
share of the blame for the poor quality of the results. That was not due to
any deficiency in the powers of design control but rather showed once again
that comprehensive control was no guarantor of good design, even when the local
authority was a partner in the enterprise, which was often the case with town
centre redevelopment.

While these controversies were played out on a wider stage, the familiar arguments about the scope, purpose, and methods of design control continued, with the main players performing their customary roles. In the 1960s the RIBA launched a sustained campaign to rid architects of the noxious burden. In 1965 they identified the two main failures as, first, "The lax acceptance of illiterate design simply because it has become familiar," and second, "A tendency to play for safety by repressing originality." They proposed "an experiment in freedom" whereby "all quantifiable controls would be retained but the aesthetic control of elevations would be relaxed." This novel proposal eventually elicited a response from the Ministry of Housing in the form of a circular (22/66) on "Elevational Control," which said nothing new.

The 1960s were also notable for the growing influence of the Civic Trust (founded in 1957 by Duncan Sandys while still Minister of Housing) and the emergence of the conservation interest as the primary lobby in urban planning. This also led to the development of a separate system of control over historic buildings and conservation areas, which grew up alongside the normal planning control system of which it had originally formed an integral part in the 1947 Act. That bifurcation has become more marked over the years and led to the system of double standards which implies that, while areas of intrinsic architectural interest or character require intensive control, less care is needed

in areas of poorer quality. It could be argued that the latter type of area needs more attention rather than less. But it is also arguable whether design control on its own can do much to improve matters. The Ministry had little to say on the subject.

During the 1970s, there was no major change in the scope of development control nor any major new policy pronouncement on the subject. The Departmental Oracle continued to coin safe but ambivalent advice. Two examples:

Lay committees have a part to play in decisions relating to external appearance and architectural detail. But the design of a building is the professional responsibility of the architect. (Circular 142/1973, "Streamlining the Planning Machine")

In planning as elsewhere the best is often the enemy of the good. Where design detail is acceptable authorities shall think twice before seeking to improve it. (Circular 113/1975, "Review of the Development Control System")

The election of a Conservative government in 1979, with a commitment to free enterprise and deregulation, led promptly to a new statement on aesthetic control. But the message was much the same as it had been since 1909. Circular 22/1980 on "Development Control: Policy and Practice" had this to say on aesthetic control:

- 19. Planning authorities should recognise that aesthetics is an extremely subjective matter. They should not therefore impose their tastes on developers simply because they believe them to be superior. Developers should not be compelled to conform to the fashion of the moment at the expense of individuality, originality or traditional styles. Nor should they be asked to adopt designs which are unpopular with their customers or clients.
- 20. Nevertheless control of external appearance can be important especially for instance in environmentally sensitive areas such as national parks, areas of outstanding natural beauty, conservation areas and areas where the quality of environment is of a particularly high standard. Local planning authorities should reject obviously poor designs which are out of scale or character with their surroundings. They should confine concern to those aspects of design which are significant for the aesthetic quality of the area. Only exceptionally should they control design details if the sensitive character of the area or the particular building justifies it. Even where such detailed control is exercised it should not be over-fastidious in such matters as, for example, the precise shade of colour of bricks. They should be closely guided in such matters by their professionally qualified advisers. This is especially important where a building has been designed by an architect for a particular site. Design guides may have a useful

role to play provided they are used as guidance and not as detailed rules.

21. Control of external appearance should only be exercised where there is a fully justified reason for doing so. If local planning authorities take proper account of this policy there should be fewer instances of protracted negotiations over the design of projects and a reduction in the number of appeals to the Secretaries of State on matters of design. When such appeals are made the Secretaries of State will be very much guided by the policy advice set out in this circular in determining them.

This proved to be the Department's last published word on the subject for the next ten years. In 1985 an abortive attempt was made to draft yet another version of the scriptures, but in the end it was decided simply to reprint what had been said in the 1980 circular, and this was done in Circular 31/1985 on Aesthetic Control. By then even the RIBA and the RTPI seemed content to rest on that formulation.

The 1980/1985 Circulars reflected the policy that had evolved -- or revolved since it hardly changed its intent -- over the past 70 years. But even in what the then-Secretary of State intended to be a ringing affirmation, the inherent ambiguities remained: "Local authorities should reject obviously poor designs. . . . They should confine concern to those aspects of design which are significant for the aesthetic quality of the area. . . . Control of external appearance should only be exercised when there is a fully justified reason for doing so." In practice, local planning authorities could still exercise as much or as little aesthetic control as they wished.

In 1983, the present author was invited to draft a new circular on the subject, offering more specific guidance and a "check list" of the factors that could be relevant to planning decisions involving design scale, density, height, access, layout, landscaping, materials, and other functional or environmental factors. The intention was to limit consideration to objective features and to exclude purely subjective elements. The draft was on the point of being agreed between the RIBA and the RTPI when a change of Presidential personalities brought negotiations to an end. The draft was not published, but Mr Punter had evidently got hold of a copy. In his view, "The draft circular's early favourable reception by competing interests in design control invited the conclusion that it was either a superb piece of civil service draftsmanship or completely ineffectual,

or perhaps both." Naturally I tend to favour the first of these assessments, although I was never much wedded to the draft circular.

Mr Punter's story ends in 1985. A further attempt to draft policy advice on this popular subject was made in 1988 but did not see the light of day.

On 6th March 1990, the present Secretary of State, Mr Patten, made a statement in Parliament that addresses once again this perennial topic. I append it to this chapter. It is on exactly the same lines that liberal-minded Ministers and Officials have felt driven to adopt since the 1930s. I certainly do not dissent from it. Policy that has stood for so long ought not to be described as ambivalent. But perhaps there is a necessary ambivalence inherent in the policy. As the Chicago architect John Hiltscher has observed, there is a paradox here: "In order to get good architecture, you also have to allow for the possibility of bad architecture."

But we are not finished yet. In the final chapter I suggest that the American experience offers the possibility of achieving better results.

Chapter 9 ASSESSMENT AND CONCLUSIONS

I began this study of Aesthetic Control from a somewhat sceptical point of view. One's libertarian instincts had always recoiled from the thought of bureaucratic planning officials meddling with the work of practising architects. More recently, good sense and good taste were offended by attempts to promote a "Code" of architecture intended to favour a wholly reactionary style. As to the latter, I need only say that I entirely share Max Hutchinson's cogent view that "We cannot build the future by trying to rebuild the past." Having declared my prejudices, I can address the subject in the more familiar terms of policy and administration.

Since the American planning system depends chiefly on written rules and regulation, I decided to take a closer look at those elements relating to design in the expectation that this would confirm my belief that any attempt to secure good design by prescription was bound to prove illusory. In the event, I was drawn to the conclusion that, while the regulatory mode has nothing to commend it, a concern for quality in the built environment is a legitimate subject for public policy.

It is a commonplace observation that more than forty years of post-war planning in Britain has resulted in little but mediocrity in urban development. Whether this is despite the most comprehensive planning system in the world or the result of it, is a moot question. But the fact remains that it is almost impossible to point to any post-war development that has enhanced the urban scene. Even the few individual buildings that achieve some distinction seldom if ever form part of any larger concept. Canary Wharf will prove to be an exception, but this is by a North American developer.

My conclusion is that the reason for this failure lies partly in the nature of our planning system. The process focuses attention on the development that is the subject of the planning application. Each proposal is examined separately and often in great detail. But the developer and his designer will rarely have any prior indication as to what the planning authority is looking for or will find acceptable. The proposal will be considered without reference to any specific criteria or objectives, and usually with a view only to assessing potential objections from neighbouring owners or local opinion. The

outcome is likely to be insistence on detailed alterations to elevational design, materials or subsidiary items of layout. The aim will be to subdue the new building to the existing scene. Such a process will hardly lead to its enhancement, and the cumulative effect may be protective but can hardly be creative.

The fact that the British planning system relies so heavily on <u>ad hoc</u> detailed discretionary control of individual building proposals means that it is very difficult to discern any underlying objectives or to evaluate its success in achieving them. The advantage of the American system, in terms of appraisal, is that its objectives and methods are more explicit.

It has been the purpose of this report to survey those methods and to consider how far they serve those objectives. Chapters 2-5 have displayed a variety of regulatory methods, as applied in both the public and private sectors, where certain design features are closely specified. This approach seems to work well enough in three types of situation.

The first is where the purpose is not essentially to dictate a particular style but to enforce certain environmental standards related to density, daylight, and layout. The Chicago Ordinance described in Chapter 3 is an example of this, and is typical of the traditional zoning system found all over America. This type of control seems to have been largely discarded in Britain, although it featured in many of the early 1947 Act development plans. It has its disadvantages in that it is not responsive to the characteristics of particular sites and can result in irrelevant uniformity. On the other hand it is explicit in its requirements, and the more recent American examples rely on performance standards rather than dimensional specification. The British planning system will need to move away from reliance on ad hoc discretionary control and to incorporate relevant performance standards if it is to serve as a useful tool of environmental management, where the emphasis is on objective rather than subjective assessment.

The second type of case in which the regulatory mode can be useful, and perhaps essential, is in areas where the existing architectural character needs to be retained and protected. The San Diego examples illustrate this approach, but veer too much in the direction of conformity and replication. Paradoxically, the result can be quite successful where the aim is simply to encourage the continuance of the local architectural idiom or neighbourhood character rather

than strict conformity to historical precedent. This less pedantic approach allows for cheerful, sometimes eccentric, variations on the traditional themes, whereas attempts to replicate building details and materials in an historical context all too often seem to depreciate that which is genuine and which cannot in truth be reproduced.

The third type of case is where a private developer is aiming to achieve a distinctive and coherent form of development over which he is able to exercise detailed control. The motive for this may be the achievement of a personal vision or ambition, which certainly motivates some developers in America. Seaside in Florida, described in Chapter 2, falls into this category. Or the primary motive may be to offer the customer the assurance that uniform standards will be maintained. The examples in Chapter 5 are of this kind. There can be no objection to this, since these are controls adopted by the developer, not ones imposed upon him. The results can be of high quality, which of course protects the investment and improves its value or marketability. Some of the best examples can be found in the large science parks or high-quality shopping plazas that achieve a standard of elegance and sophistication not paralleled in this country, where land constraints result in mean and congested layouts that lack entirely the spacious landscaped quality of the best American examples. Results of this kind can be achieved only by enlightened private developers. They cannot be generated by the imposition of planning controls on fragmented land holdings or piecemeal redevelopment. Where the rare opportunity for new development or renewal on a substantial scale exists, however, one would like to see British developers setting their sights on a comparable standard of development.

Much the most interesting aspect of aesthetic control in the American context is where the City planning authority no longer relies exclusively on the traditional regulatory methods but evolves policies that evoke a creative response from developers and their architects. One such method is to offer the kind of "Design Incentives" described in Chapter 4, where the developer can earn higher density or increased FAR in exchange for various "add-on" features such as a public plaza, art-work, decoration, or what-not. The notorious Seattle example shows how this sort of thing can get out of hand when exploited in a cynical manner by both parties. The Portland example, on the other hand, shows how it can yield good results when allied to a strong tradition of civic design.

The developer in Portland wins no plaudits merely by offering free gifts: those offerings have to meet the standards required by a critical public.

Design incentives can be a crude device for extracting payments in kind from a reluctant developer in exchange for his permit. That approach is not likely to inspire generosity or elicit more than token tribute. But where a city has a high regard for its own cultural traditions and architectural character, it can insist on high standards from those who want to participate in those benefits. Such a situation is not necessarily confined to the largest or wealthiest cities. It derives partly from the heritage of the past, where it has been carefully nurtured or resuscitated, but it derives even more from the sustained pursuit of quality as an objective of public policy. Good design in the urban environment cannot be achieved simply by attempting to extract it from the private sector. It requires a commitment of public resources, in professional skills and public expenditure. It has to attract a fair measure of political priority.

The most successful examples of "design policy" (I use that term to distinguish it from "aesthetic control") that I found in American cities comprise three key components: design analysis, design guidance, and design review.

The first component involves the careful and detailed analysis of the existing scene, the distinctive qualities of each district and neighbourhood, both commercial and domestic, its local characteristics, architectural features, incidental landmarks, the mix of uses and types of business that generate its character and its place in the life of the city. This very deliberate endeavour to understand and delineate the nature of each area provides the basis for the development of a design policy and its incorporation in Design Guidance for developers and their architects.

Three examples of this approach are given in Chapter 6. San Diego provides a somewhat naive example, where the depiction of neighbourhood character and architectural identity seems to have been undertaken largely by local residents without much in the way of professional assistance. The result is a set of design guidelines which relies too heavily on replication. Portland, on the other hand, draws on a long tradition of public awareness of civic design, and its Design Guidelines derive from this rather than from any more recent survey work. San Francisco provides the most useful example since it is based on a thorough and sensitive analysis of its various districts, and the resultant

design guidance emphasises congruity rather than conformity. The guidelines are intended to allow for modern design solutions that are compatible with the scale and character of the local environment. It is stated in bold print at the outset of the San Francisco document that:

The guidelines establish minimum criteria for neighbourhood compatibility, not the maximum expectations for good design.

The San Francisco example is useful because it incorporates the detailed descriptive elements and is designed to encourage a greater awareness of what distinguishes that remarkable city and its strange diversity. The Portland example is simpler to follow since it takes for granted the strong sense of civic identity and pride in the city that have matured over the past 150 years. Portland also offers the most important object lesson because it does not rely solely on the erratic and unpredictable process of private development activity to achieve its policy objectives. The City Council and the Planning Commission have always taken the initiative in envisaging major improvements and progressive enhancement in the fabric of the city. These range from the great public parks of the nineteenth century (to which others have been added over the years), to the intense care taken over such details as street signs, lighting, paving, bus shelters, bollards, traffic lights, litter bins, news-stands, telephone kiosks, and all the other impedimenta that can degrade or enhance the urban scene. In addition, landscaping, water features, sculpture, and other works of art in the open air are all of the highest quality, generous, well-sited. Commercial advertising is rigorously controlled and wholly unobtrusive. Historic buildings, including giant 19th century commercial offices, warehouses and department stores are immaculately preserved and put to good use. There is a great diversity of small-scale enterprises that have been protected from major redevelopment and are encouraged to prosper.

Portland's Design Guidelines take account of all these kaleidoscopic components and they create an ambience of quality and a climate of opinion that property owners, developers, and designers cannot ignore and are required to respect: it seems that the great majority gladly do so. While the City sets the policy and contributes substantially to major improvements, much of the more detailed public enhancement (repaving, landscaping, public spaces and walkways, arcades, shop fronts, public art-works) are provided or paid for by property owners and developers. There is a remarkable sense of the public and

private sectors working together to conserve and enhance the quality and style of this most attractive city. That alliance in itself seems to be part of the city's cultural tradition. It cannot be created by Government edict or imposed by regulation, but I am persuaded that the Design Guidelines, as part of broader planning policies, do help to express and to implement the city's objectives. I cite again the extract from the Introduction to the Guidelines that I quoted in Chapter 6:

The Guidelines herein focus on relationships of buildings, space and people. They are used to coordinate and enhance the diversity of activities taking place in the downtown area. Many ways of meeting a particular guideline exist, and since it is not our intent to prescribe any specific solution, the Commission encourages a diversity of imaginative solutions to issues raised by the Guidelines.

The third component in this approach to design policy is Design Review, which I deal with in Chapter 7. There are various versions of this, the least effective of which are those where a separate body, independent of the planning authority, is established in the form of an Arts Commission or Architectural Panel and to which major development proposals can be, or must be, referred. These bodies are usually only advisory in character and not have any powers of decision -- although sometimes the city council may prefer to rest on their advice in rejecting proposals that have proved unpopular. Such bodies have usually been established in the expectation that they will somehow bring to bear aesthetic concepts or criteria that are assumed to exist and to which those appointed to these bodies have privileged access. In practice the result is very often discord among the experts in the expression of differing personal opinions, inconclusive or incoherent judgements, and no consistent sense of policy objectives.

What is important in Design Review is not the existence of a body separate from the planning authority to whom difficult aesthetic issues can be referred, but the existence of Design Guidelines in the light of which proposed developments can be assessed. If well-conceived guidelines have been adopted, then the City Council or Planning Committee, assisted by their professional staff, should be able to reach an intelligible view on whether specific proposals match up to those requirements. If necessary, or if preferred, a separate body representative of local interests, and perhaps assisted by "outside" consultants,

can be set up to undertake this task or to provide advice. But it seems far preferable that the locally elected authority should have the final decision and be answerable to public opinion for their actions. That process is likely to work best where decisions of this kind are not treated as a separate function but are seen as part of the council's overall responsibility for preserving and enhancing the character and quality of the city's environment.

* * *

So much for my assessment of the American experience and practice. There are some very good examples to be found, and some American cities are undoubtedly benefitting from the enlightened exercise of aesthetic control. Those policies are best expressed and implemented by what I have termed "mandatory guidelines," to which developers and their architects must have regard and of which the planning authority must take account in reaching its decisions.

But is the American experience relevant to our own concerns in the UK? Here I confess that I am less confident of my conclusions. The recent report by Judy Hillman on Planning for Beauty, published by the Royal Fine Art Commission with the endorsement of its Chairman, draws on American practice and recommends the adoption of many of the features that I have described -- design guidelines, detailed specifications, explanatory statements, advisory panels, and obligatory public inquiries, together with new policy direction from Government. And yet one baulks at the prospect. The Secretary of State has already expressed scepticism about advisory panels and has declined to fetter his discretion on the holding of public inquiries. He has reserved his views on the other proposals.

While the American experience is in many ways instructive, there are very significant differences from the British situation. Perhaps the most important is that no one in America expects the Federal Government, or even state government, to concern itself with these matters or to issue "policy guidance" on the subject. Nor, on the other hand, are the President or State Governors burdened with the responsibility for adjudicating on individual development proposals: there are no planning appeals or call-ins. The aggrieved developer may seek redress in the Courts, but American Courts generally abjure aesthetic judgements.

Planning in America is essentially a local responsibility, and American local government enjoys far greater independence from central supervision and

direction than is the case in the UK. If American cities or suburban communities want to plan their development and to adopt design guidelines, they can do so. If not, they need not. They may decide to enforce conformity to misguided notions of architectural style, or they may pursue the most enlightened policies of civic improvement. It is their choice and the choice of instruments is theirs. There is also the fact that the typical American city presents a relatively clean canvas. I mean this in the sense that its rectilinear layout is simple to comprehend and imposes its own discipline on development. The historical dimension is often present but in relatively few layers and of limited extent. And the traditional planning system, with its standard dimensional requirements, is normally predictable and easy to apply. Against this background of comparative simplicity, compare the complexity of the English city: its unfathomable layout, its historical encrustations, its eccentricity, individuality, the smallness of scale, the slow but continuous process of change, the difficulty of achieving any large-scale improvement that is not also seen as destructive. On the other hand, the uncontrolled, or only partially regulated, effects of piecemeal development, of misconceived DIY, the minor but pernicious alterations, demolitions, additions, all tend to lead to a cumulative deterioration in the visual environment and neighbourhood amenity that seems to compel intervention.

My conclusion is that it does require action but strictly <u>local</u> action. The standards achieved will reflect local aspirations and local competence. I <u>do</u> favour the adoption of Design Guidelines. I do not insist on my coinage "mandatory guidelines," since the intention is not dictatorial although they should be used in a positive manner.

I am not the first to reach this conclusion. In 1977 that somewhat quaint and certainly cumbersome body The Environmental Board (appointed by the then-Secretary of State in 1975) produced its first mouse of a report (HMSO 45p net), in which they offered some observations on "Design Guidance":

We are convinced that some guidance by local authorities on design is necessary, but it must be thoroughly worked out and clearly presented. It must also be applied in a sensitive and flexible manner if it is to help in achieving a worthwhile improvement in the design of new development. We strongly recommend, therefore, that the issue of advice from central government on the form and content of design guides should be a priority.

The Board were not able to offer any more substantive advice themselves on the form and content of such design guides, but they declared that "In view of our strong beliefs about design guidance, we are anxious to be closely involved with central government in pursuing this matter further." So far as I am aware, the Department did not undertake any further work on the subject and the Environmental Board was disbanded in 1980, one of the victims of the slaughter of the Quangos.

I recognise that Design Guidelines are worth having only if they are well done. And they are very difficult to do well. But if they are not done at all, what basis is there for the exercise of aesthetic control? I would almost go so far as to say that if the planning authority is incapable of producing, or is unwilling to produce, Design Guidelines, then it has no business to be meddling with design at all.

I strongly emphasize that the kind of Design Guidelines that I have in mind are those that are based on a close and sensitive assessment of the character and qualities of the area to which they relate, and that they should concentrate on matters of context, scale, density, the relationship between buildings and the spaces between them, the enhancement of public areas, ease of access, pedestrian safety, and, where relevant, the appropriate use of locally derived materials, building techniques, and architectural features, not in the form of replication or pastiche but to assist in achieving congruity and a lively sense of continuity.

I think that this difficult task is worth attempting, but only where the local authority wants to undertake it and has, or is prepared to pay for, the professional resources competent to do it. With this in mind, I am appalled to learn from July Hillman's booklet that whereas in the 1960s about 40 percent of those entering the planning profession were also architects, the figure is now only 6 percent. By no means all architects would be good at the job, and evidently few want to do it. But it can only be done by those who are visually literate and have a good understanding of architectural history, building techniques, and the grammar of design. If a local authority wants to adopt Design Guidelines, it will have to hire the talent to do it, and some may be able to draw on the goodwill of local architects, schools of architecture, and voluntary organizations who take an informed interest in these matters. It may well be

worth hiring consultants to prepare the first draft of the Guidelines, in order to get started: they can be revised and approved in the light of experience.

Having said as much, my libertarian instincts at once reproach me. But I will be resolute. Generations of Ministers and Departmental Officials have experienced what I called in Chapter 8 the Enduring Ambivalence that confronts them when addressing this subject. Countless Secretaries of State have affirmed their commitment to good design and their wish to see more of it, while at the same time deprecating bureaucratic control and affirming their belief that good design cannot be achieved by legislation or regulation. Mr Patten's statement of 6 March 1990 says it as well as it has been said. I agree with all of that, but I think that, without insisting on the practice or expecting too much from it, we could at least look more benignly on the adoption of Design Guidelines of the kind I have described. I believe that some English local planning authorities already use such Guidelines and it would be well worth while seeing whether any of these offer examples of good practice that could be commended to others.

Finally, I emphasize yet again that the adoption of Design Guidelines for the purpose of aesthetic control is not in itself a sufficient means of achieving quality in the built environment. Those guidelines must apply to the public sector too. And policies to promote good design must comprehend the whole range of municipal activities that affect the visually environment. That means rigorous attention to good housekeeping -- parade-ground discipline in street cleansing and the prevention of litter. It means highly professional standards of public landscaping and maintenance of parks and gardens. It can include redesigning street crossings, sidewalks, and parking spaces, decorative paving, high-quality street furniture, bus shelters, kiosks, traffic signs, etc., all to a consistent "house style," good design and materials. It requires a deliberate and sustained policy of civic enhancement, new public spaces, tree planting, fountains, water features -- all immaculately maintained.

I am almost inclined to think that if all of this is done well, the design of individual buildings is of less consequence -- or, at least, that aesthetic control can be applied with a lighter touch. When the public domain is seen to be cared for and progressively improved, private developers and property owners will begin to respond with more than grudging compliance. When that situation prevails, not only will they be prepared to raise their own

standards but they may well be prepared to undertake an increasing share of the costs of maintenance and enhancement. Only if the public sector is seen to be committed will the private sector contribute. It requires public sector initiative to evoke a private sector response.

This is a subject that leads all too easily into sesquipedalian verbiage. But I intend to continue my interest in it. We have a lot to do to catch up with the best American practice and to recover the ground that has been lost over the past fifty years. It is a worthwhile objective of public policy.

APPENDIX

ENVIRONMENT

NEWS RELEASE

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<u>6 March 1990</u>

CHRIS PATTEN CALLS ON DEVELOPERS TO RAISE THE STANDARD OF DESIGN OF MAJOR NEW BUILDINGS

Environment Secretary Chris Patten expressed concern today about the standard of planning applications made for major development.

In response to a Parliamentary Question from Douglas French MP (Gloucester) he said:

"The Government has advised local planning authorities, in Circular 22/80, confirmed by Circular 31/85, and in Planning Policy Guidance Note 1, that they should not seek to impose their tastes on developers simply because they believe them to be superior. Judgements about external design are essentially subjective, and I have seen no evidence that a more interventionist approach by local authorities would result in improved standards overall. Indeed, there is a risk that attempts to compromise between differing aesthetic judgements may produce bland buildings which satisfy no-one.

"Accordingly, where they consider it essential to refuse planning permission or to impose conditions related to design, local planning authorities should ensure that the grounds for refusal or for conditions relate to relevant planning issues such as the density and bulk of the development and its compatibility with its surroundings. This may include, in sensitive areas, the use of materials appropriate to the locality.

"Such control of external appearance may be particularly important where development proposals affect National Parks, areas of outstanding natural beauty, conservation areas or the setting of important historic landmarks. Authorities should in general confine their concern to those aspects of design which are significant for the aesthetic quality of the area. Only exceptionally should they control design details, if the sensitive character of the area or the particular building justifies it. Alterations to buildings of special architectural or historic interest are controlled through listed building consent procedures for similar reasons.

"Although I have no plans to impose further measures of aesthetic control I am deeply concerned to promote good design. My concern relates particularly to the standard of planning applications made for major developments. I hope that developers will bring forward schemes which will make a major contribution to the architectural fabric of the country in the long term.

"Pursuit of the highest architectural standards should not be deflected by debate about style. I acknowledge that style is important but dressing a building in different stylistic devices whether classical, gothic, high tech or of the modern movement, is essentially a subordinate activity. I attach great importance to the more fundamental architectural values of good proportion and scale, and skill in the use of space and light which distinguish good buildings of any period.

"I do not believe that these qualities can be achieved by regulation control or Government edict. I cannot and would not want to try to impose my own views on design through individual planning appeals. So I must look to developers and designers to have greater regard for the impact of their buildings on the environment, now and in the future, and to aim always to achieve the highest possible standard."