

The Washington Post

A Public Arbiter of Good Design

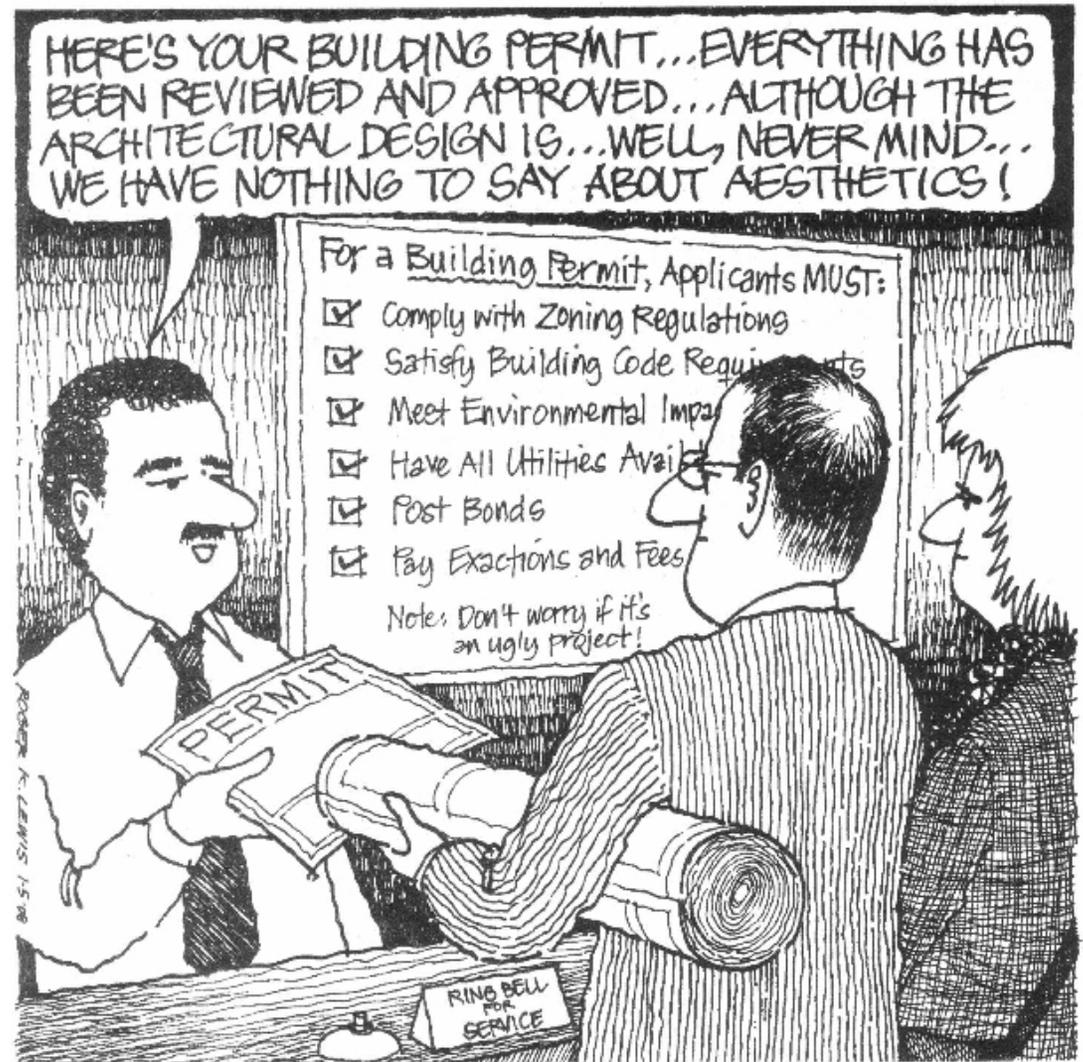
Most jurisdictions sidestep aesthetic considerations when reviewing construction-permit applications. Rarely must an owner or developer demonstrate that a project's design has merit. Ugliness is not grounds for denying a building permit.

Projects typically have to comply only with zoning and building codes. Zoning governs allowable land use, density, height, setbacks, open space and parking. Building codes focus on design and construction as they affect structural stability, comfort, safety and environmental impact.

It's easy to understand why jurisdictions avoid aesthetic evaluation of new buildings. Public officials, as well as many developers and architects, are uncomfortable with the subjectivity.

If no two snowflakes are "identical" how can two sites be treated as though they are? People take illegitimate comfort from numbers. Their precision falsely conveys certainty implying knowledge.

What should a community's aesthetic standards be, they would ask? How can beauty be measured? Who is to say -- and why -- that brick is better than stucco, that one window pattern looks better than another,



BY ROGER K. LEWIS FOR THE WASHINGTON POST

that a facade is poorly composed or that proportions are visually awkward?

How can you tell architects and their clients that a project, while meeting all legal requirements, would be detrimental to its site and neighborhood?

Zoning and building codes have long been accepted as legitimate uses of government's power to protect public health, safety and welfare, even if they infringe on private property rights. But is there any legal justification for regulating aesthetics? What health, safety and welfare issues arise when a property owner is deciding between red or blue paint, or between flat and curved walls?

Yet there is ample precedent for treating aesthetics as a matter of legitimate public interest subject to reasonable regulation. Courts have upheld challenges when regulation is based on achieving clearly articulated public purposes, when evaluation criteria are not arbitrary and capricious, and when the process of design review has been carried out fairly, consistently and transparently.

For example, protection of aesthetic as well as cultural values is a fundamental justification for historic-preservation laws. Many places have review boards empowered to make aesthetic judgments about design proposals that affect the appearance of historically designated properties and neighborhoods.

*Please read my comments on the column Roger Lewis wrote 26 May 2007 — {web pg sec 18}: **There's Nothing Sacred About the Building Height Limit** - R.Lewis Building Heights WashPost 26my07.pdf*

*Please read my comments on the column Roger Lewis wrote 7 July 2007 — **Region's Parks Are a Source of Pride, but Can There Be Too Much Green?** - R.Lewis Parks+Retail 7jul07.pdf*

***Metro-rail is a horizontal elevator.** Usage is a function of convenience which is proximity of sources and destinations for pedestrians. **Increasing building height, subject to good design, is a requirement, not an option.** It is not in the public interest to under-develop an urban site. Ironically, it is worth more money to the public sector than the private sector. (see my analysis of the economics of "public use space" — public cost of \$515,000 / yr vs private cost of \$135,000/yr - 3a) Public cost of on-site vs Amenity Fund 4900 Fairmont.pdf*

Design is an "externality." How a building looks, how it relates to it's neighbors are key components of the "experience of place." To uniformly and arbitrarily restrict building height does damage, not good (please see my analysis - Building Height Pros+Cons.doc

Government has a role to play here. But it should NOT be burdensome and bureaucratic. Government's job is big-picture long-term vision planning not micro-minutia. Let the private sector understand what is important and then unleash creativity. Have an efficient review process and deliver much better results.

*The Public Realm is government's job not the private sector's. The private sector pays for everything. Government must do its part to minimize costs and maximize benefits. (Please see my comments on the 3 Dec 2007 DC Examiner editorial **Party's Over in Montgomery** - DC ExaminerMoCo Fail IncludZone.pdf*

*And, please see my comments on the 12 Dec 2007 Gazette article by Nancy Floreen **County's Dirty Little Secret** - Gazette Floreen County's Dirty Little Secret.pdf*

It's regrettable, but there's frequently little discussion about the quality of new architecture. This is why, despite onerous land-use and construction regulations crafted mostly by lawyers and planners, there are so many mediocre and outright unattractive new buildings.

Jurisdictions unwilling to address aesthetics head-on need to change their attitude. Doing so is desirable and legally feasible, and it can substantially enhance the resulting projects.

Yet institutionalizing an effective design-review process entails challenges.

The first is political. Design review is ineffective without legal backing. Thus, elected officials and their constituents must be convinced that making aesthetic judgments is a good idea and that it would improve the built environment without encumbering the permit process.

The Town of La Plata, MD, after two years of Vision Planning created a Design Review Board (2002) motivated by such insights.

A second challenge concerns procedure. Design review must not be a one-time hurdle just before getting a permit. It should be a multiphase process in parallel with design phases so that a project benefits from reviews as it progresses from concept to final design. A multiphase review also must be carried out collaboratively and quickly, with clear requirements, to avoid undue delay.

The Woodmont Triangle is a perfect “project” for this. Such design review, done in the context of proper government re-engineering, will result in a more efficient process that produces much better results.

Remember, individual buildings are not projects — the Woodmont Triangle is the “project.” Please see my slide on Vision Planning quoting Peanuts creator Charles Schultz, Mark Twain and Albert Einstein 16Sep06
- [Peanuts Place Einstein & Twain.pdf](#)

The Council has done the initial “heavy lifting” (Woodmont Triangle Amendment passed by the County Council Resolution 1316 Jan. 31, 2006) although it is not quite complete nor all correct (see my memo to Marlene Michaelson and John Carter 12 May 2007
- [0\) Urgent plea improve TDR WTA.doc](#)

And my e-mail to Marlene Michaelson et al The reason you did not appreciate the singular quality of the Positano building ... 16 July 2007
- [Marlene Michaelson + Positano cluster TDR.pdf](#)

and Mal Rivkin’s e-mail to Royce Hanson 31 July 2007
- [Rivkin to Hanson re R.Lewis.pdf](#)

We are on the brink of very meaningful progress. This is very exciting!

Another challenge is establishing appropriate aesthetic principles, goals and guidelines at diverse scales. Some goals and guidelines should apply to an entire community, while others focus on neighborhoods, particular streets or even specific sites. A one-size-fits-all approach would be doomed.

Finally, for design review to succeed, a jurisdiction must appoint a design-review body composed of people who are motivated, broadly knowledgeable, politically independent, relatively unbiased and professionally qualified. Respected designers, including one or two from outside the jurisdiction, and at least one well-informed citizen representative should serve. A qualified city or county official also might serve ex officio.

The choice of reviewers is critical. How well they express their aesthetic opinions and justify their recommendations will determine the acceptability of the process.

Design-review bodies already exist in the region, the most notable being the [U.S. Commission of Fine Arts](#). Charged with reviewing all federal projects and projects directly affecting federal interests, the commission's essential mission is ensuring aesthetic quality.

A design-review process can never make less talented architects more talented. But it can motivate them to aim higher, pushing projects that might earn a C grade up to B. And it can likewise motivate developers to raise their aspirations and hire the most talented architects in the first place. **In either case, the public benefits.**

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