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Influencing Architecture: The Politics of Design Control

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As you will have already observed, this issue of Architecture California represents a significant change in direction for the magazine. In addition to signalling the resumption of a regular publication schedule, it reflects fundamental changes in content, format, and editorial responsibility. These changes have not come about easily.

Over the past two and a half years, the Editorial Board, working closely with the President, Vice-President for Communications/Public Affairs, and the Executive Director, has labored to reshape Architecture California to be more responsive to the shared needs of our readership as well as to the highest ambitions of the CCAIA. During this institutional soul-searching, the idea that the magazine can and should more fully exploit its unique role as a service to architects practicing in California emerged as the foremost concern. As the only forum for professional discussion of specific issues affecting our practices, its role is significantly different from that of national magazines and it was felt that this difference should be accentuated.

Coming in the midst of these editorial discussions, the news of last year's drastic cut in the operating budget for Architecture California posed the riddle of how to produce a meatier, better written, more informative magazine at less expense than the previous edition.

A look at this issue makes obvious some of our decisions. Chapter news and notes are gone having been absorbed by Update. Advertising, which has been a drain economically (as well as visually) has been eliminated. Our current financial straits render color photography a luxury in which we will indulge only occasionally.

Less apparent are operational changes such as the reduction of the Editorial Board from eight to four members and the replacement of Board meetings by conference calls and faxes. Another change is that each of the three regular board members will now assume responsibility for the overall direction of one issue each year. Design and production also have been simplified through the efforts of the Dunlavey Studio. Most importantly, our new Editor, Alicia Rosenthal, AIA, generously agreed to take time from her practice to apply her editorial talents to this fledgling enterprise.

Our hope is that you will find this issue to be substantial in the hand as well as professionally. Finally though, the success of Architecture California as an idea will depend upon its readership. We actively solicit your ideas for future issues as well as your comments and criticism. This is, after all, a participatory publication produced by volunteer members of the CCAIA for the membership and we encourage you to take part.

Barton Phelps, AIA
Chair, Editorial Board
From the Editor

Californians feel blessed by a benign and beautiful natural environment and have a tradition of actively organizing to preserve and enhance it. The artificial, built environment has also historically attracted the attention of community groups, but only relatively recently has it become a cause of widespread concern among citizens. The abstract notion of the public as a user whom we serve as responsible professionals is transformed into a very real, vocal group of representatives of that public with specific opinions and requirements. The need to include the input of third parties in design decisions is affecting the traditional architect-client relationship.

More and more communities are becoming missionaries of control, often inspired by one form or another of built abuse or by a vision of the future of a place. Among architects, few issues elicit such strong and divergent reactions as those of design control, especially in the realm of aesthetics. Emotions run high, touching on fundamental beliefs we hold as professionals and citizens.

In examining design control, it is not the intention of Architecture California to judge or recommend the adoption of a particular position, but rather provide information and provocative points of view in order to initiate a dialogue that will transcend simplistic conclusions. We think it is safe to say that design control is a political process with profound implications. An issue such as taste in aesthetics, far from being superficial, can convey strong social bias and serious economic concerns. Design Review appears prone to manipulation and therefore can be used in both selfish and altruistic ways. As architects, the challenge before us involves locating ourselves in the political spectrum in a position that is consistent with our values as professionals and as citizens.

This collection of essays, organized in three sections, attempts a broad consideration, and looks at the possible implications of design control and design review from perspectives within and outside our profession. Background brings us a historical overview of design control in America, particularly in California as well as a discussion of its economic and legal implications. Case Studies describes diverse experiences with design control at different stages of implementation in communities throughout; Commentary is a collection of pithy thoughts on the topic that we hope will be helpfully provocative.

I wish to thank all contributors and the Editorial Board for their support, enthusiasm and many captivating discussions. I invite you to contact CCAIA in writing with your views on the topics under consideration in this and future issues as well as on our journalistic approach to them.

As an architect and AIA member I share the Editorial Board’s enthusiasm in bringing to you our first issue of the “new” Architecture California. I hope you will enjoy reading it as much as I have enjoyed my role in making it happen.

Alicia Rosenthal, AIA
In the late summer of 1892, the New York architectural critic and writer Mariana Griswold Van Rensselaer visited Chicago’s World Columbian Exposition, then well along in construction. What interested her most was not the specific question of the success or failure of the Beaux Arts Classical architectural imagery, but rather what lessons the fair could provide for the planning and replanning of American cities. She wrote, “Any one of us can point to good and beautiful buildings in American towns; but can anyone think of a single satisfactory large group or long perspective? Beautiful groups, beautiful perspectives, a stupendously beautiful panorama is what the Fair will show us. It will be the first real object-lesson America has had in the art of building well on a great scale; and it will show us how, on a smaller but still sometimes a very large scale, our permanent streets and squares ought to be designed.”

The vision of the architect-planner Daniel H. Burnham, and the landscape architect Frederick Law Olmsted, brought about the planning and architectural unification present at the Fair, mentioned by Van Rensselaer. The Fair offered a unique opportunity for Burnham and Olmsted to function in a manner foreign to the nineteenth century American laissez-faire scene. They could play the game of architectural/planning arbitrator, similar to the role played by Baron Georges Haussmann in the replanning of Paris during the regime of Napoleon III.

As Van Rensselaer had anticipated, the 1893 Chicago Fair served as an impetus for America’s long term involvement with the City Beautiful movement. While a few City Beautiful-inspired civic centers and other fragments were built across the country during the first four decades of the twentieth century, the grand city plans of Burnham and others never came to fruition. These various schemes were not realized due to their often prohibitive costs and the array of difficulties posed by the private ownership of land and buildings. Equally determinant, though, was the sentiment of clients, their architects, and a large segment of the public that openly embraced a laissez-faire approach to design. Van Rensselaer’s, Burnham’s and others’ vision of an architecturally unified city lacked reality, for in the end it did not provide any acceptable mode of architectural review. Europe and England could and did impose such controls via the continued presence of a leftover feudal bureaucratic that could operate as architectural/planning arbitrator. Americans, with their traditional suspicions of government, found it difficult to conceive of granting such authority to an appointed governmental bureaucrat or even to elected officials (though there have in this century been occasional exceptions, such as Robert Moses of New York).

Ultimately, the demise of the Beaux Arts-inspired City Beautiful movement was due, not to its ideological defeat at the hands of the Modernist, but to its inability
to provide a workable method of carrying out its ideals. The typical City Beautiful solution (the creation of a Fine Arts Commission) might work in the public arena of Washington, D.C., but it did not function well in other American cities, large or small. Such commissions could work effectively only within the limited public realm involving groups of governmental buildings and parks, or on a very small scale with a new town or suburban development planned and controlled by private capital. Many privately established communities laid out in the second and third decades at least initially entailed firm architectural control and review. In the teens there were the copper mining towns of Ajo (Arizona), Tyrone (New Mexico), and others. During the heady boom days of the twenties, Florida witnessed the creation of many speculative cities, including Opa-Locka, Boca Raton and Coral Gables.

California experienced the same phenomenon, with communities such as Palos Verdes, San Clemente and Rancho Santa Fe. Upper middle class suburban residential developments like St. Francis Woods and Forest Hills in San Francisco, and Bel Air and Westlake Village in Los Angeles, accompanied these planned communities and preceded them in some instances. These communities began with some architectural controls. A few developed and maintained a highly visible review process. In Palos Verdes, this process specified the Mediterranean/Spanish Colonial Revival image - both in gardens and buildings. The seriousness of the developers of Palos Verdes appears in the "name-brand" professionals they involved in the process: the landscape architect and planner, Frederick Law Olmsted, Jr., the planner, Charles Cheney, and the architect, Myron Hunt. Generally these private communities dealt with the need for architectural review via legal covenants (C C & R's), not by any action upon the part of a governmental body.

Another impetus, which has had a far more lasting impact on establishing architectural controls and review has been tourism. In the United States, tourism brought together two seemingly unlikely groups in society: those who were ideologically arguing for a romantic self-conscious cultivation of regional differences made visible via planning, landscape architecture and architecture and those who had an economic interest in seeing tourism promoted. The earliest "grand" episode of architecture promoting tourism was in Florida in the mid 1880s. The key figure in this affair was the New York investor Henry M. Flager, who through railroad acquisitions developed the Florida East Coast Railroad system and commissioned the New York architectural firm of Carrere & Hastings to enhance the historic Spanish atmosphere through their designs for two resort hotels, the Ponce de Leon Hotel (1888) and the Alcazar (1890). A few years later, in 1893, the city of St. Augustine suffered a severe fire that destroyed a large section of its central core. Regional romanticists joined with the business community to argue that the city should be rebuilt entirely along Spanish lines; the basis of their argument was that an enhancement of the Hispanic image would entice more winter visitors to the city.

The real and mythical enhancement of exotic non-Anglo images developed almost as early in the American Southwest and in California. The Atchison, Topeka and Santa Fe Railroad, which traversed New Mexico, Arizona and Southern California, quickly took over first the Mission Revival image and later the Pueblo Revival and the Spanish Colonial Revival images. Architectural icons of the Southern Pacific and the Union Pacific railroads eventually joined the Santa Fe in this endeavor of regional salesmanship.

An off-shoot of this created regionalism, with decided implications for architectural controls and review, was the development of an interest in historic preservation. The pointedness of this connective link shows in the early establishment, in 1894, of the California Landmark Club, by
Charles Lummis (who was the first editor of *Land of Sunshine*, the promotional magazine of the Santa Fe Railroad) and Arthur B. Benton, the designer of Hispanic resort hotels such as the 1903 Mission Inn in Riverside and the 1910 Arlington Hotel in Santa Barbara. Their arguments for preserving the Mission churches and adobes of California was identical with those for creating Mission Revival railroad stations and hotels, namely that it would help to entice visitors to the state.

The close linking of historic preservation and architectural controls and reviews grew appreciably in the late 1920s and on into the 1930s. Charleston, South Carolina initiated its first ordinance in 1929 (a more complete ordinance was past in 1931), and New Orleans created its Vieux Carre Commission in 1936. The rationale for historic preservation eventually became, especially after 1945, one of the key arguments for the creation of historic districts. Their administrators reviewed all proposed demolitions, modifications and new developments. An intriguing development of historic preservation in recent years is that historic preservation commissions have, to a considerable degree, replaced planning commissions as the principal planning body in many communities, including New York City itself. Before turning our attention to incidents of official governmental design review, two added arguments for design controls that have been part of the scene in America for many years, should be noted. The first is aesthetic, i.e. the “obligation” of each community to cultivate the beautiful. The second has to do with the desire of citizens in a community to preserve, not only the historic flavor of the place, but equally, its scale and ambience. Such controls were entailed in several private developments in the nineteenth century including Llewellyn Park of 1852-53 (Llewellyn Haskell and Alexander Jackson Davis) and in Frederick Law Olmsted and Calvert Vaux’s 1868 suburban development of Riverside, Illinois. With the rapid acceleration of urbanization and density of development experienced across much of the American landscape since 1945, the issue of scale and present character has often turned out to be the underlying reason (sometimes, stated, often not) for design review and controls.

The preeminent figure responsible for establishing the rational and eventually legal arguments for aesthetic controls was the planner Charles H. Cheney (1884-1943). Cheney, who was a close associate of Olmsted and Olmsted, was a founder of the American City Planning Association (1917). He wrote the architectural review legislation for several communities, including Santa Barbara, Palos Verdes and Rancho Santa Fe. Within every master plan drawn up for a community, he argued, there should be a section devoted to “architectural control of all buildings, signs and physical appearances. The general architecture, mass and appearance of all buildings, private as well as public, is essentially a matter of public concern.” Cheney, with Newman F. Baker, Harold Beardslee Brainerd, Thomas W. Mackesey, and Rollin L. McNitt, established the court-tested abilities for communities to initiate design review legislation. The broad and general acceptance of the principle of community review can be seen in the comment of President Herbert Hoover in 1930, that “Beautiful buildings surrounded by ugliness partake of that ugliness and their beauty is impaired. So it is with all American cities where there is no architectural control.”

The communities of Nantucket, Santa Fe and Santa Barbara share several aspects that have allowed them to introduce design review and to sustain this process over many decades. All three of these communities are small urban environments and they are all somewhat removed from large urban centers. Each is situated within an impressive natural environment: Nantucket within its dunes, marshes and the ever present sense of the ocean; Santa Fe in its juniper and piñon covered hills...
overlooked by the towering Sangre De Christo Mountains; and Santa Barbara located on a narrow shelf of land between the Pacific to the south and the Santa Ynez Mountains to the north.

Nantucket, "Fair Street and the South Tower," 1926 by Hubert G. Ripley from Pencil Points, January, 1927.

Both by individual histories and by twentieth century artifice each of these communities has come to represent one of America's regional pasts: the essence of Anglo Colonial and early Republic New England, in the instance of Nantucket; the Indian Pueblo and Hispanic Southwest in Santa Fe; and in Santa Barbara, the mixture of Hispanic and Anglo that became Alta California during the first half of nineteenth century. The impressiveness of their geographic environments, coupled with their strong expression of regional architectural qualities, involved these three cities early in tourism. The economics of tourism has continually been employed to argue for maintaining their respective architectural images through imposed controls and review.

Finally, these three communities have succeeded in sustaining their scale and imagery because they eventually emerged as enclaves for the upper middle class and the wealthy, and at times, as retreats for artists and the intelligentsia. Individuals from these groups formed private organizations and initiated the appropriate planning, historic preservation and architectural control and review legislation. The history of the planning/preservation/review process of these communities proves that not only did these individuals know what they were about and how they were to obtain it, but of even more importance, their respective positions on these issues were sustained by most of the citizens of each community.

Of the three communities, Santa Barbara presents the oldest and most extensive example of design review. This city plunged into the design review process in the years immediately after World War I. The vision was to develop Santa Barbara (in fact the whole coastal zone of Santa Barbara County) as a new version of the Mediterranean coast of Spain. The rationale for this vision was the region's House, c. 1928, Santa Fe, New Mexico. From collection of David Gebhard.
strong Hispanic inheritance from the early nineteenth century. The Plan and Planting Committee of the Community Arts Association (a private organization) effectively pursued the concept of the planned city, of limitations of density, of the height of buildings, and of the creation of a single community-wide architectural imagery. The Association realized from the beginning that its first task was to inform and educate the citizens of the community. They diligently pursued the design and construction of a series of small scale examples, which could serve as apt demonstrations of what the city could look like if the goals of creating a unified Hispanic city were achieved. Accompanying these demonstrations were other educational programs – exhibitions, articles in the local newspapers and regional journals, and local and regional competitions. Simultaneously, the Association engaged the planner Charles Cheney to prepare an array of ordinances concerned with planning, zoning, and architectural control. Santa Barbara’s contingent of architects, George Washington Smith and others, was closely involved in the preparation of these ordinances, providing proposals for various plazas and streetscapes (The local architects encouraged the support and participation of outside groups of architects, particularly the Allied Architectural Association of Los Angeles). By 1924 ordinances relating to zoning, building height and density of development were in place. Immediately after the 1925 earthquake, the Association prevailed upon the City Council to enact the design review ordinance previously drawn up by Cheney. During the year of its existence, the city’s Architectural Review Board set up by the ordinance processed some 2,000 building permits.

From the late 1920s on through the immediate Post World War II years, architectural control in Santa Barbara reverted to the private Plans and Planting Committee headed by Pearl Chase. The general continuation of the Hispanic imagery during these years illustrates how very effective she and her committee were. With the renewed press of building activities after World War II, they prevailed upon the city in 1949 to institute once again an appointed architectural review board (eventually placed within the City Charter). To maintain tighter design controls over the downtown area, Chase and her colleagues induced the City to establish the Advisory Landmark Committee (1960), whose major responsibility was to act as a design review board over the city’s central core. In 1977 this committee was reorganized, given much more substantial authority to review all projects in the downtown, El Pueblo Viejo District.

As early as the late 1920s it was recognized that planning and review should not be limited to the City of Santa Barbara alone, but that it should eventually encompass the whole county. In 1931 the suburban community of Montecito received its historic planning and review ordinance. Earlier these issues had been placed within CC & R’s of another adjacent suburban community, the private development of Hope Ranch to the west of the city. In the 1950s Santa Barbara County became the first county in California to establish architectural review. By the 1980s Montecito, Summerland, and several other enclaves...
had established their advisory architectural review committees.

Perhaps, one can understand why community design review continues to blossom forth across the state and the country by turning to one of America’s preeminent critics of this century, Lewis Mumford. In a 1957 piece entitled “Babel in Europe” published in The New Yorker, he lamented the non-human, non-contextual approach of Post World War II modernist planning and architecture in Europe. “These plans of Le Corbusier [of the early 1920s] are today, ironically, the principal holdovers of that period, perhaps because they now unconsciously symbolize the inflation of money, the deflation of human hopes, and what one must perhaps call ‘normalization of the irrational.’” Design review is correctly perceived to be one of the principal planning tools to help create a sense of place, to create some sense of calmness within the present scene, and to place some limits on the growth of “inflation of money.”

In a 1952 article, “Historical Heritage vs. the March of Progress” the historian-critic Talbot F. Hamlin asserted that the goals of architectural review and preservation should be to encourage “...architectural excellence, community harmony, and historical association.” The realization of these goals, “...give a sense of community continuance, and make the city and the country both more lovable and more livable.” The best solution, he argued, to obtain these ideals was through “regional or community control.”

To respond successfully and creatively to community design review, the architectural and landscape architectural professions must become aware of the forces that lie behind it. Too often members of the profession tend to respond in the empty phraseology of supposed freedom of imagery, whereas the reality of the situation is usually a social, political and ideological one.

Notes:
2 Ibid.: 531.
Architectural Appearance Review Regulations and the First Amendment: *The Good, the Bad and the Consensus Ugly*

Samuel E. Poole, III

In February 1962 the city of Cleveland Heights, Ohio, denied Ms. Donna Reid's application for a building permit. The permit was denied because the Architectural Review Board of this fashionable Cleveland suburb objected to the unusual residence design submitted by Ms. Reid's architect. The plans called for a series of twenty-one-story, twelve-foot by twelve-foot rectangular glass and concrete modules winding through a grove of trees in a loose U-shaped arrangement. The house would be enclosed in a garden courtyard by a wall seven to ten feet high. Only the wall would be visible from the street. Inasmuch as a part of the neighborhood was developed in two and one-half story neocolonial and neotudor homes, the Architectural Review Board concluded the design was inappropriate because it was a one-story house in a two-story neighborhood. The denial was upheld on review by the Court of Appeal of Ohio.

It seems obvious that regulations granting such powers to appearance review boards may not only generate substantial uncertainty for builders and developers, but may also have a chilling effect on designers. Apart from simply copying neighboring styles, how will architects know when their design is acceptable? Where does the design cross over from merely different to excessively different? An equally obvious question to addressed is whether existing residents ought to be making such decisions.

It is not surprising that all court challenges to date have focused on the subjective standards issue. For developers, as well as for Ms. Reid, that is the obvious “smoking pistol.” The more interesting aspect of architectural appearance review, however, is the first amendment problem lying just beneath the surface. If nude dancing is a form of personal expression due first amendment protection, why not a personal statement in the form of one's unique, architect-designed home? Moreover, the statement of the Cleveland Heights review board that “[w]e don't like the appearance of that house in this neighborhood,” seems a rather bald example of suppression of expression for the most forbidden of reasons (i.e., “We just don't like what you have to say”).

While most of us fancy ourselves as good judges of architecture (or at least we know bad architecture when we see it), the prospect of good architectural design as determined by a citizens' committee seems an unwholesome perversion of an otherwise benign habit.

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A discovery of my investigation, and one that seemed quite surprising in light of the regulatory expansion in this area, was the fact that relatively few cases objecting to architectural appearance regulations reached the courts. Furthermore, apart from the "no excessive difference" cases, few of these regulations have had any problems in the courts. Understanding the characteristics of architectural appearance review regulations focused further inquiry on three issues: (1) What is the range of purposes, and how do the various appearance review programs work? (2) What is the relationship between architectural appearance and other forms of artistic expression protected by the first amendment? (3) What should be the outcome of a suit challenging an appearance review regulation (especially a "no excessive difference" one) on a first amendment basis?

Architectural Appearance Review Ordinances:
Architectural appearance review ordinances are a recognition that visual images are powerful statements. The shape, arrangement, color, and texture of residential, business, institutional, and service structures are assembled – whether we like it or not – into a statement about that particular neighborhood or community. That statement may reveal confusion or indifference; it may say "welcome," or "keep out," or "only rich people live here."

Architectural review ordinances have been created to shape images, either by positive design requirements ("all buildings will look like Swiss chalets") or by design prohibitions ("buildings may not be excessively different") in a number of ways: (1) To prevent the construction of buildings that are excessively different from nearby buildings. This is the program described in the introduction and is probably the most common form of appearance review ordinance. As revealed by case law and by the nature of communities adopting such ordinances, this form of control is principally suburban. It is frequently used to protect existing mid-and upper-level income, single-family neighborhoods from intrusion of radically different architectural design. However, many communities exclude single-family homes from their review. (2) To prevent construction of buildings that are excessively similar. This form of architectural control is also a suburban concern, originating with the explosive growth of tract housing (such as the Levittowns) in the 1950s. The ordinance is principally aimed at preventing the monotony of the same or similar home design in large subdivisions. (3) To preserve the architectural style and integrity of a historic district. This is probably the second most common type of architectural appearance review program. Its purpose is to prevent the destruction of historic buildings within a district and requiring that new construction therein conform to the district's historic style. This is generally an urban application, inasmuch as districts imply a concentration of structures. (4) To preserve architectural features of a particular building designated as a landmark. The landmark designation is for a structure, in contrast to a historic district, and programs may occur in urban, suburban, or rural settings. (5) To create an architectural style within a district, such as an alpine village in Colorado. This use of architectural review generally requires an agreement in the incipient stages of community development, and may be both a suburban residential and a central business district concept in application. (6) To create urban spaces, such as mini-parks and plazas, that attract (desirable) users. Recent studies have shown that with proper architectural design, urban plazas and mini-parks can be made much more inviting to city residents as lunching, meeting and recreation places. The "people activity" in turn makes the urban area more interesting and safe.
To create entrance districts along transportation review corridors. This type of appearance review program recognizes the familiar visual experiences we share in approaching cities and seeks to create a favorable impression.

In addition to the express purposes discussed above, it should be observed that architectural appearance review regulations may serve purposes that some may find socially undesirable. For example, an ordinance requiring that houses in a neotudor/neocolonial neighborhood be “not excessively different” may create the “only-rich-people-live-here” statement by the community’s enforced attempt at snobbery. Finally, although no example of this application of appearance view was discovered, regulation of building design to create a statement that the building and its environs are under the control of the residents can substantially reduce crime and vandalism. The design permits and conveys a stewardship idea.

Architectural appearance review thus may regulate the visual appearance of buildings for a variety of purposes, from neighborhood snobbery to crime prevention. The essence of this regulation is the recognition that visual images produced by architecture convey a message, and control of that message can produce certain desired effects (or, conversely, can produce undesired effects if uncontrolled).

Architectural Appearance Review Regulations from a First Amendment Perspective
The conclusions of the extensive analysis of case law and case studies conducted and presented in Poole (1987) are: (1) Architecture is a form of protected expression; (2) Architectural appearance review ordinances for most program purposes are burdensome regulations of protected expression; but (3) Only “no excessive difference” regulations are unconstitutional intrusions on protected expression. The most important conclusion can be summarized thus: In light of the infre-

quency of occurrence of designs sufficiently objectionable to merit permit denial, the cure seems more formidable than the disease.

Regarding the first point, the article concludes (with substantial support in the literature) that even though architecture is not a traditional form of protected expression, it is truly difficult to recognize art, adult films, nude dancing and such as forms of first amendment expression while denying such recognition to architecture.

Points (2) and (3) are the more difficult proofs in this thesis, principally because the Supreme Court is partaking of some line-drawing in an area with little constitutional or legislative direction. Although the first amendment states in simple terms that a law cannot limit the freedom of expression, case law unmistakably demonstrates otherwise. Moreover, regulation of protected expression based on content is permissible.

The resulting analysis for appearance review programs begins with the question, “what does the program do, and why?” This general question is used in the paper to develop a threshold and a balancing inquiry, two analyses that ultimately prove quite similar. The threshold approach focuses on the principle that ordinances regulating protected expression solely for reasons of community taste are constitutionally infirm. Among the programs examined, only the “no excessive difference regulations” fail this review.

The second inquiry follows the balancing of government and individual interests approach. This analysis begins with the question: “What is the government interest, and how clear is the relationship between the interest and the regulation?” Next, the balancing approach asks, “What is the impact of the regulation on protected expression?” Finally, the analysis inquires, “What is the nature of the protected expression?” Once again, among the programs examined, only the no excessive difference regulations are unconstitutional.
The similarity between the threshold and the balancing analyses arises from the fact that the most important variable in the competing public and private interest is the government reason for regulation. Although the nature of the ordinance’s impact is clearly of concern, there can be no doubt that first and foremost the Court wants to hear a very good reason for restraining a first amendment liberty.

Therefore, with respect to the thesis of this article, to say that the sole purpose of an ordinance is to regulate architectural expression based on community taste is to say that the public interest is both narrow and of questionable strength. Moreover, it is logical to suggest that the substantiality of the government interest increases with an increasing variety of purpose extending beyond majoritarian notions of beauty.

The obvious “bottom line” conclusion is that the “no excessive difference” type of appearance review regulation violates the first amendment. It is probably only a matter of time before this issue is addressed by the courts and the Ms. Reids will be free to make their architectural statement without the approval of a citizen’s committee on tasteful architecture.

Perspective and Recommendations

Perspective

Of the various types of architectural appearance review programs, only the no excessive difference regulations have proven troublesome to the courts. However, the infrequency of litigation involving architectural review programs makes predicting future trends risky. In light of the growth in the number of communities regulating building design and the community intrusion into a rather personal kind of value statement, one wonders why there are so few challenges of “no excessive difference” regulations. That is to say, why are people so willing to compromise seemingly important first amendment rights? Five logical reasons that may operate separately or in combination explain this infrequency.

First, the functional nature of architecture complicates our perception of architecture in a first amendment context. Unlike paintings, adult films, and symbolic antiwar protests, architecture is an essential part of our everyday domestic and business lives. In other words, people compromise these rights simply because they are unaware that architectural appearance regulations are intruding on a fundamental liberty.

Second, it is difficult to sue a community that does not actually deny permits. A community may seek to moderate the “distasteful” elements of the design through techniques such as plan modification, adjustment of site orientation, and landscaping. An applicant facing a board seeking a negotiated solution has a difficult time not making at least some concessions before reaching a litigation posture.

A third reason for infrequent litigation is a community intimidation factor. Once can imagine the discomfort Ms. Reid would have experienced had she prevailed in building her home over the strenuous objection of the neighbors-to-be. Few people would feel comfortable in their new home amid hostile neighbors. Even if the neighbors eventually decide the house is not so bad, the anger over the neighbor that forcefully intruded may linger. Similarly, apartment and commercial building clearly want to avoid community rejection.

Yet another aspect of the intimidation factor is that operating against the architect and builder. People who must obtain building permits in order to do business are unlikely to risk the consequence of bucking the appearance review commission.

A fourth reason is that of the few people able to afford new architect-designed homes, fewer still can afford to build a home without concern for resale value. Community rejection is certainly one measure of market response to design. The same resale value concern exists for apartment and commercial buildings.

The fifth logical reason for infrequent litigation is the preselection of community
by a builder. People who have strong and distinctive preferences in architectural design and lifestyle may be disinclined to select a building site in a community that actively enforces a contrary design preference.

The relatively strong economic disincentives to build architecturally unpopular buildings and the community intimidation factor (that continues independent of regulation) suggests that no excessive difference ordinances are much ado about very little. Moreover, the infrequency of architectural designs objectionable enough to merit community rejection, coupled with the infringement on first amendment rights, begs the question of whether such regulations should be retained at all.

Designs unpopular at the time they are constructed have a curious habit of becoming quite popular. One example of this shift in public opinion is the Eiffel Tower. Needless to say, the community’s opinion of this officially designated monument has improved somewhat. Similarly, had Ms. Reid prevailed, one certainly would not be surprised to find her home on the Cleveland Heights 1985 Tour of Distinctive Homes.

Community concern about the disruption of neighborhoods by a monstrously offensive building, however, strongly suggests that for the time being “no excessive difference” regulations will continue to be a hot item on the local government legislative agenda. A successful first amendment challenge might be the only chilling relief in sight.

A 1974 law journal article observed that in spite of the fact that government is the single largest builder in the country, appearance review ordinances frequently exclude government buildings from review. This apparently common condition is not unlike putting the hooker in charge of the vice squad. It suggests both a “Chapter 11” for government integrity on this issue and, more importantly, betrays the thinness of the veneer of community taste as a basis for regulation.

**Recommendations**

It is a firm conclusion of this article that architectural appearance review regulations directed at preventing the construction of excessively different buildings violate the first amendment. It is also a conclusion of this article that architectural designs sufficiently distasteful to cause measurable harm to a neighborhood occur so rarely (if ever) that regulations to prevent them amount to making mountains out of molehills. Therefore, the first and most sensible recommendation is that local governments get out of the role of imposing majoritarian notions of tastefulness on the community at large. Tastefulness by a committee assures nothing more or less than mediocrity.

For municipalities unwilling to give up community taste architectural review cold turkey, an alternative approach involves establishing reviewing criteria similar to that for obscenity. It seems obvious that a community ought to be able to deny a permit for a house built in the shape of a phallus, notwithstanding the architect/builder’s first amendment interests. It is less clear, but intuitively more than of trivial interest, when a community must decide on a permit for a building that is manifestly unattractive to the point of a documentably clear and substantial impact on the value of adjacent properties. The approach suggested by these two examples is a two-part test that must be applied by an architectural review board.

In order to deny a building permit solely for reasons of community distaste, the board must find either (1) that the proposed design is totally lacking in artistic value and/or blatantly offensive to community standards, or (2) that the building in its ultimate landscaped condition is so offensive to the sensibilities of the average person as to cause a clear and substantial decrease in value of the adjacent and nearby properties. Inasmuch as first amendment rights are at issue, the burden of proof lies with the community.
The appropriateness and workability of this approach is, however, arguable, because its constitutional health is seriously in question. The fact is that short of a phallus-shaped building, architecture may generate excited discussion but clearly does not tweak the same moral fibers vibrated by sexually explicit films. The consequences of a pyramid or (Eastern) courtyard home or a fuchsia door are simply not in the same orbit of public interest.

An obvious alternative for communities concerned principally with lawsuits over first amendment issues (as well as due process or equal protection issues) that wish to retain some level of control over design is to structure the role of the architectural review board as one of working with the builder/architect to moderate "outrageous" and improve "inadequate" designs. The board has a powerful negotiating tool without ever having to deny a permit, although the threat of "always a first time" may be tantamount to coercion. Although this approach reduces the risk of confrontation in court, the first amendment infirmity remains uncured. Limiting the review board's powers to recommendations only would be at least one step removed from coercion and would have the beneficial effect of requiring boards to develop better reasons for objecting to a design than "because we said so."

A final alternative is to develop a community style approach. The basic elements are defined community architectural style(s) and a comprehensive plan for the location of the style(s) (if there is more than one). Such a program would preferably allow a variety of styles based on a central theme and permit radical design in certain areas as well. Obviously such comprehensive programs are difficult to implement in established communities. A community style approach might be appropriate at a neighborhood level if there is sufficient uniformity of style in the existing buildings or if the style is established before buildings are constructed. However, the heterogene-

ity of architecture in many established suburban neighborhoods limits even this small-scale approach. Moreover, this type of regulation seems close to the breakpoint between permissible and much work for no improvement in position.

In light of the general mediocrity of government architecture, perhaps leadership by example (instead of by ordinance) is the best recommendation for a community concerned with preventing distasteful buildings. In a sense, the very condition of government architecture epitomizes the problems inherent in a committee approach to design. Although the art of compromise may be essential to the governing of people, it has never been praised as a wellspring of creative genius.

If local governments must impose the ephemeral standard of community taste on buildings that may stand for generations, perhaps it is most fitting that such review be limited to public buildings. History may then make its own comparisons of the aesthetic values of public and private expression.
How Do Design Controls Affect Prices?

Harvey Molotch

One of the important questions about urban design control is its economic and social consequences, particularly who will be the winners and who the losers. Especially in housing-poor California, where less than a fourth of the population can afford a single-family home, the question becomes important. Do design controls increase prices, thus lowering the housing standard of living of the population?

Given that most controversy over design control has centered on issues of aesthetics and property rights, this question of economic consequence has been less discussed. Little concrete evidence exists on the issue. I can interpolate from what is known about land use controls and try, with the particular nature of design regulation in mind, to deduce some conclusions.

For about twenty years, urban scholars have been battling over the price effects of land use controls, like density restrictions, growth caps and other assorted paraphernalia of the urban environmentalist movements. Especially regarding California, where home prices began, after 1974, to dramatically outdistance national housing markets, the suspicion has been strong that interference in the "free market" has separated the average family from the single-family home and significantly increased housing costs across the board.

It's a plausible proposition. Given the laws of supply and demand, anything that inhibits the construction of housing (as well as other types of structures) should make what does exist more expensive. The trouble with this "law" is that studies attempting to prove its effects usually fail at the task.

One thing not to do is to rely on builders' statements. Developers give out horror stories (sometimes unquestioningly recorded by academic analysts and journalists) of how they were forced to pass on their extra cost burdens to the consumer. They say the only way to improve the people's housing, especially for the low income group most in need, is to free the developer to do it. Developers, smarting from the restrictions visited upon them, often exaggerate the extra costs of regulation and tend to misunderstand how the markets in which they operate respond to such controls.

Using more careful methods, some social scientists have tried to determine the impact of controls by comparing housing prices in places that have strong restrictions with those that do not. My judgement on the overall results of these studies is that any possible effects are modest and not very relevant to the high housing costs in California.

Some scholars have found that when a single community in a larger metropolis instigates strong restrictions (usually a form of comprehensive growth control), some development shifts to nearby areas without the control. The kinds of projects that manage to be built in the restricted area are more expensive than those in the adjacent area. This is the "deflection"
thesis: regulation does not affect the overall price structure in the market area, but influences which areas will have the more expensive housing.

This, of course, is not a new pattern. Zoning and other forms of controls (including design control) have for generations influenced the distribution of housing types across the metropolis, primarily to protect some residential areas for the tasteful rich. This may be a socially obnoxious policy, but it was neither responsible for cheapening the housing of the past nor raising its overall cost today.

Without detailing the statistical findings, the relative unimportance of land use restrictions on housing cost can be grasped by comparing costs among the coastal areas of California. The price inflation in places like Orange and Los Angeles counties has been essentially the same as in the Santa Barbara area. While certain communities within the Los Angeles and Orange Country region have been restrictive, conditions have been far more laissez-faire than in Santa Barbara. These areas, so different in their restrictions, have had similar price histories over the past fifteen years. This indicates that environmental policies could be having only minor impacts on price.

How could this be? Costs imposed by regulation, even in environmentalist bastions like Santa Barbara and Marin Counties tend to be minor compared to overall project expenses. California’s real estate price inflation primarily has been due to increased land costs, not increases in any component of production. Land costs, in turn, have been driven up because so many people have thought real estate is a good investment – that is, no matter what one pays for it now, one can sell it for more later. Real estate, in other words, has become a speculative commodity like old master paintings or rare manuscripts. Price has become utterly subjective, based in buyers’ expectations of what future buyers will have as their expectations. If this is what drives price, then any increased costs in production on the land will likely have only minor, if any, consequence.

Indeed, even the nature of this possible minor consequence is commonly misunderstood. A clue to the misunderstanding lies in the claim, that land owners themselves make, that their property rights have been “taken” when restrictions, including design requirements, are put in place. It is plausible that government has lessened the value of their real estate. Property that has more restrictions will be worth less than property that has fewer restrictions. This means, contrary to the position of the “pass on” theorists, that land use controls do not necessarily raise the cost of housing, but instead lessen the value of land. The extra cost of development, in other words, is not passed forward to the consumer as higher housing cost, but passed backward to the property owner as decreased land value. Ultimate price is left undisturbed.

It is unlikely that land use controls have been responsible for increasing housing costs to any significant degree. But what about design controls in particular? Is there any reason to suppose their impacts would be different from those of controls in general?

There are, of course, different kinds of design controls. Some are clearly cost neutral. Insisting on conformity to a given architectural theme (“Spanish” or “Western”) does not necessarily imply higher costs, there being a wide range of ways to execute any style. An architectural review board may ask an applicant to simplify a design, preferring, for example, the elegance of a simple stucco wall (under a “Spanish” regimen) to one adorned with flagstone trim or topped with a medieval turret.

Other types of restrictions may dramatically decrease a project’s cost as when, for example, bulk limits are placed on house construction in affluent suburbs. The rich may be forced to build their palaces elsewhere. The restriction on what
can be done with the land will most likely have the effect of lowering its value and thus preserving the neighborhood for the somewhat less well to do.

Some design restrictions may require higher grade materials, more complicated siting arrangements, or otherwise establish criteria requiring the use of professional designers in drafting a building scheme. These are real costs but the question again is how significant are they and who really ends up paying them?

Especially in the coastal California context, the costs are not terribly significant. Studies I have seen on the total costs attributable to all environmental restrictions amount to between one and seven per cent of construction expense. Requiring an architect of all applicants may add perhaps another five per cent to development costs (a ten per cent fee minus the five per cent that would likely have to be paid a draftsman). This does not consider the losses to the client in faulty design and lower resale value resulting from less skilled work. The magnitude of extra costs due to intense design control thus might be placed at a maximum extra ten per cent of construction expense — with policies now in place falling far short of such a figure.

But this is not ten percent of project cost, because land value now approaches two-thirds of housing expense. The ten per cent shrinks to about three per cent when considering land — not significant in terms of the differences among the country’s housing markets and especially unlikely to affect the cost of poor people’s housing, since design restrictions tend to be least at the market’s lower end. Further, there is still the possibility that even these extra costs are passed backward to the land owner and not forward to the consumer. As with land-use restrictions design control likely has little if any overall price effect.

There are, however, issues that have little to do with price that help or hinder lives, whether rich people’s lives or those of the poor. Although we here embark on more subjective terrain, I’m one of those who think good design improves lives. Even unsophisticated people appreciate view sheds that have been protected, open space preserved, and environments carefully designed. The quality of the shared environment may have more significance for the poor than for other groups; the poor cannot buy access to refuges like walled communities, country clubs, and international resorts.

Some problems remain, and I don’t want to make light of them (other authors will deal with them at greater length). Government aestheticians run the risk, to be sure, of mauling indigenous ethnic cultures, particularly of folk whose political clout is less than that of well-heeled developers. They can run around design restrictions or effete patricians whose notions of good architecture pay no attention to ordinary people’s customary vernacular and daily life needs. We also have the horrible precedent of urban renewal that not only disrupted the lives of millions of poor people but also, in an earlier example of “design control,” created aesthetic mayhem throughout urban America.

There is also the problem of legislating a stultifying uniformity within and across places, merely reflecting trendy design motifs of the day, including celebrations of variously recalled old world traditions. Just as likely, design controls can be attuned to the wide variability of cultures that make up the United States and thus provide a physical means for respecting diversity. These are problems of politics and morality to be worked out in discussion and even struggle. My essential point about design control is that it likely does not harm the housing standard of any social group and that it can be organized in such a way that it respects (or even encourages) design diversity and protects indigenous cultures.
It matters a great deal whether design review begins in hope or in fear; whether the aim is to achieve or to avoid. Design review that is conceived only as protection against alien impulse is ultimately doomed to disintegration.

Design Review at the Sea Ranch was intended as a means of guiding all owners toward a common objective: the development of a place where buildings and landscape would form a structure that would be uniquely suited to the climate, topography and scenic qualities of this beautiful 10 mile stretch of Northern California coast. Oceanic Properties, the developers of the site, invested in a vision for the place. The plan Larry Halprin prepared located development sites in the forested hills and along the edges of meadows. They ran down toward the sea in fingers structured by the majestic cypress wind rows that earlier ranchers had planted, supplemented by new thickets of trees. This larger landscape structure would dominate the place; buildings would work within it, shaping places for people to use and helping to give character to the whole. The intention of the original buildings at the Sea Ranch (the Sea Ranch Store, a cluster of houses by Esherick and the condominiums by MLTW) was to show how this could work.

The masterful houses by Esherick set a standard that has, alas, neither been matched by subsequent development nor, apparently, understood. The houses are set along the north side of a windrow, their roofs all sloping up from an edge low on the meadow. They sweep the prevalent north west winds above board-fenced, sun-catching gardens on the south. Most were roofed in shingles, some in sod, all walls were clad in shingles. The materials weather and have textures and colors compatible with their surroundings. The
roof slopes vary subtly but all move up from the meadow toward the windrow and the sun in a manner that is not mechanical but subtly adjusted to the specifics of the site.

In the condominiums, 10 units are grouped around a wind-protected court, most under a simple large roof plane that slopes up with the land from the cliff’s edge toward the hills. It is broken at the top by two units of contrasting slopes and a small tower. The forms are developed to be big in the land, like barns, yet have visibly identifiable spaces that humans occupy. Here, as in the Esherick houses, windows and bays elaborate the simple volumes in patterns that derive from sun, air and view, not from decorative geometries.

The vision used the interplay of buildings with each other, with the natural forces of the site and with the landscape to create distinctive places that could be shared by all.

The Design Committee was charged with ensuring that subsequent development be “compatible with the Sea Ranch.” A set of constraints were incorporated in the CC & R’s and a limited set of Design Committee Rules were established. Most of these were derived from the character of the site and experience with the original buildings. Generally they intended to eliminate assertive distractions – to keep the eye on the larger landscape. Perhaps the most important was a requirement to screen all parked cars, not to pretend that cars don’t exist, but to keep their insistent glitter from dominating the landscape. Reflective materials were foresworn for the same reason, sometimes resulting in subtle, but important distinctions. Glass obviously reflects and at a certain angle casts glare in the eye; bubble skylights with their complex curves cast sparkling reflections at all times. The former is necessary and acceptable, the latter, in exposed locations, are not.
Many other rules were established. Rules had to do with concern for looking down on the roofs of other houses. (No more than 33% of a roof can be flat, tar and gravel should be covered with duck boards to shield glare.) Rules had to do with the sense of a general ensemble. (Naturally weathering surfaces became the norm, though a range of tones and stains was explicitly allowed.) Rules stressed keeping the big picture in mind by emphasizing building volumes and diminishing "fussiness." (No external decorative devices that twirl and glitter, generally no continuous overhangs that fracture the building into roof planes and walls with deep shadows and variable weathering siding that laps over foundations to reach to within 6" of the ground.)

The designation, some years back, of a dominant roof slope for every lot in the meadows was potentially one of the strongest tools for bringing coherence to the efforts of individual owners. The direction of slope was designated for groupings of houses, usually related either to the wind, the sun or significant landscape elements. The highly successful original grouping of Esherick houses with commonly oriented shed roofs was obviously the model. Given the simultaneous presence of height limits, the designated roof slope tended also to determine orientation, so that groups of houses would have a common relation to the land.

Over time, architects and builders began to view these various rules as items to be checked – a means to gain approval by the Design Committee, not a means to reach a shared objective. (The Committee, for instance, under pressure to simplify its requirements, was moved to adopt a rule that 51% of the roof slope qualified as "dominant" – irrespective, apparently, of its actual visual or climatic effect.) This led first to the construction of several houses that paid little attention to the sun, the wind, the land and each other, but tidily followed the rules. These in turn led to much fuss about monotony, and the misguided assumption that what was missing was variety. What was missing was an imaginative commitment to the larger landscape. There was an unwillingness and/or inability to make decisions that contribute to a larger whole.

The Design Committee, which bears responsibility for approving all designs at the Sea Ranch, has changed over time. The initial review group, which was party to the early development of the place, was replaced by a group of local architects. They were replaced some years ago by a group of "outside" professionals, most of whom have had long-term connections with Sea Ranch, but are not currently con-

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*How houses such as Esherick's hedgerow houses join natural forces such as wind and sunlight and land forms for protection from winds and creation of warm sun pockets. From *The Sea Ranch: Process for the Future* (1985).*
ducting a significant volume of practice there. The Design Committee in each of its incarnations has been the target of heavy local criticism usually across the spectrum of possible complaints (too in-bred, too remote, too lenient, too repressive, too arbitrary, too bureaucratic, etc.)

Much of the criticism is fostered by members of the local real estate and development community. They would prefer to reap the benefits of previous planning and the reputation that Sea Ranch has earned, without any hindrance to their own ability to turn a quick, untrammeled profit. It is in their short term interest to undermine design review — to tell potential buyers that they can do whatever they want, no problem. Criticism from the other side comes mostly from long-term Sea Ranchers, people who invested in the place early and care deeply about what the place will become. They often fail to recognize that their image of it is based on 25% build-out, trees that do not grow and land planning that was both more spacious and more suitable than the later, smaller lot plotting prepared by Oceanic at the north end of the development.

By far the most destructive element in the present mix, however, is the ubiquitous inflation of sizes. As the price of land increases, it is viewed more as an investment and conventional real estate wisdom demands that the houses be bigger, irrespective of need. Floor plans become fatter yet are constrained by the limited heights imposed by CC & R's, and their forms tend to become incoherent. As they are placed on smaller lots they begin to seek the standard setback lines. Streets are transmuted effortlessly into suburbia.

In an attempt to recover some of the original spirit of the enterprise, a group of designers (including Halprin, Moore, Turnbull and Esherick) were brought back to the Sea Ranch for a conclave. They subsequently issued a report containing suggestions for siting, materials use and landscaping. Most of them were reaffirma-


tions of the original approach, with some adjustments to accommodate the new conditions of closer packing. Most importantly, they called for the development of neighborhood plans — three dimensional landscape and building plans, giving positive direction to the development of groupings of houses — that could articulate definite design goals for specific areas.

For a variety of reasons, some political, some budgetary, some circumstantial, it hasn't yet happened, though a Planning Committee has now been formed. Meanwhile, the Design Committee, which urgently endorsed the recommendation, has been left to struggle on, case by case, with an increasing work load as development accelerates. Several times over the last few years they have requested funding to prepare exhibits and documents that would clarify objectives and, presumably, generate widespread understanding and better proposals. These have been standardly endorsed by the Sea Ranch Association Board of Directors, then not funded. The attention of the Association Board has been more resolutely focused on avoiding litigation from disgruntled seekers of Design Committee approval.

In sum, the prospects are not great, but there is hope. There is an increasingly active and vocal resident group that is concerned for the future of the Sea Ranch. The Design Committee is composed of very able and committed professionals. Volumetric planning for the landscape and its buildings in specific locations may yet happen. Perhaps, as building costs escalate, even speculators will consider that less bulk is more appealing.

Finally, maybe the builders and architects at the Sea Ranch (and elsewhere) will stop fuming about constraints and inhibitions, start imagining a larger picture and work toward building a better place. The "bottom line" on conducting design review is that you can only work with what's brought to the table. No amount of review will bring a cadaver to life.
Update: Design Guidelines in Santa Barbara and Montecito

Susette H.H.C. Naylor, AIA

Like the infamous instruction booklet that comes with every pile of parts, design guidelines try to lead the hapless consumer to a final product. Varying in clarity, complexity and format, they all have the same problem to solve – how to reduce an ideal vision into a set of rules. The associated questions involved are no less tricky. These questions include (1) what is the ideal vision? (2) what are the essential elements and relationships of architecture that affect this vision? (3) what level of specificity begins to be prescriptive? (4) who will be the final judge of compliance?

Recently, events in Santa Barbara and Montecito have given an immediacy to these questions. They have forced a reevaluation of existing design guidelines and their underlying premise – the assumption that the concept of public welfare is inclusive of aesthetic values and that they therefore can be regulated in the interest of the common good. In exploring the questions above, the citizens of Santa Barbara and Montecito may be moving toward a better understanding of the relationship between aesthetic values and community.

In March of this year, the Santa Barbara City Council forwarded an ordinance (nicknamed the “Big House” ordinance) to the Planning Commission for a public hearing. The ordinance would extend the authority of the Architectural Board of Review in an effort by its sponsors to stem gentrification and the resultant change in neighborhood character. Presently, commercial construction, house moving, and residential construction on grades more than 20% are subject to design review. Any historically significant structure and all buildings within the El Pueblo Viejo and Brinkerhoff Avenue districts are subject to review by the Landmarks Committee. The new ordinance proposes to extend the scope of critical review to include residential construction of remodeling projects exceeding 500 s.f., second-storey additions, and projects larger than 4,000 s.f.

Concurrently the Architectural Review Committee of the Montecito Association has reverted to a refined and more explicit version of their original design guidelines. After months of attempting to develop numerical guidelines limiting the maximum floor area relative to lot size, the Architectural Review Committee abandoned that tack and chose to emphasize “neighborhood compatibility.”

Common to both conflicts is the focus on a building’s relative size and scale. The invasive nature of recent construction prompted enough concern among private citizens and public officials to catalyze them into action. In Santa Barbara, city planners, planning commission members, and Architectural Board of Review members have become alarmed by the startling rate of second-storey additions and “tear-downs.” In Montecito, a recent subdivision called Las Entradas is often cited as an example of houses that are
perceived as incongruously large and visually prominent. That consensus triggered the reevaluation of Architectural Review Committee guidelines.

**Las Entradas, Montecito subdivision. Photo by M. Winford.**

These buildings are the too tangible symbols of growth. They are the target of leftover ire remaining from bitter debates about the appropriate level and proper channeling of growth. In preparing the 1977 General Plan, Montecito residents recommended a 1% annual growth limit. From 1984 to 1989 the estimated population rose 15% from 9,727 to 11,013. In April 1989, the Board of Supervisors enacted a 1% interim growth ordinance and funded a General Plan revision to be ready by 1991. In a community of 13 square miles but only one traffic light, 14 neighborhood associations have formed to defend the status quo. Last year, during a General Plan update process, Santa Barbarans expressed strong sentiments for slow growth, and passed Measure E, which limited commercial growth to 3,000,000 s.f. over 20 years. In this climate, it was inevitable that the design review boards would receive close attention.

Up to now, previous review board members have undergone little more than the tedium of long hours and the occasional angry outburst of the disgruntled applicant. The current crew finds itself in the middle of a controversy and is trying to find the correct balance between individual freedom and community responsibility.

**Paseo Nuevo & State Street, Santa Barbara. Photo by M. Winford.**

Locating the fulcrum between private property rights and community concerns requires an intimate understanding of the design guidelines and their conceptual basis.

The key concept of both boards' guidelines is neighborhood compatibility. The underlying intent is the preservation and maintenance of an idealized concept of the existing physical fabric. In Santa Barbara two key historic images anchor that ideal - the continued pretense that Santa Barbara remains a colony of the Spanish Crown, and the determination to retain the character of a small town with all its implied values. One reinforces the other because the dominant theme is inspired by the vernacular buildings and gardens of Spain, and to a lesser degree, Mexico.

In Montecito, the ideal is that of a secluded, elite enclave, where the aristocratic aura and genteel eccentricities of old money discreetly hide from public view behind lush, landscaped estates. The application of design control in an ordinance limiting the height of buildings to 4 stories and design review, has resulted in the retention of a small town atmosphere and a general visual coherence. The expression of the myth of Santa Barbara's colonial past provides a theatrical backdrop when the annual Spanish Days Fiesta parade wends its way up State Street. Both the town and the Fiesta sport stylistic trappings that have mutated over the years.
into a hodgepodge of Spanish/Mexican/Cisco Kid derivations. This porridge is the soporific result of decades of real and spurious flirtations with the Spanish Colonial/Mediterranean Tradition. A range of façades testifies more often to reduction and dilution than to rational simplification and innovation. A building can be tortured to conform to design rules that require something akin to pseudomorphism to be plaster, red-tile-roofed and vaguely Hispanic.

While attention is on the picturesque iron grille, there are paseos that begin at the street only to cannonball their way to a parking lot. façades feature gaping maws that inhale automobiles while two charming stories of arches and rosette windows sit above. Unfortunately the character of design review is more negative than positive, and cannot guarantee or generate good design, but can only lift the bottom line to an acceptable mediocrity. While there are many examples of fine work done over the decades, there are those that unfortunately border on kitsch. The overall uniformity in the El Pueblo Viejo District is usually ersatz. Too few architects heeded the advice of the Landmarks Committee guidelines to “walk through central Santa Barbara, observe the designs of the buildings, their details and their relationship with one another.” Instead too many buildings are blury second or third generation copies whose architects have settled for decorative recall instead of their own exegesis.

This kind of attempt at harmony is like an “eye rhyme,” where the words appear to have identical vowel sounds because of their similar spelling (e.g., bough, tough) but when tested aloud, disprove the eye. In addition, this illusion of harmony reduces the visual power of existing landmarks. The stated purpose of the El Pueblo Viejo District is to “preserve and enhance the unique heritage and architectural character of the central area of the city that developed around the Royal Presidio . . . .” This enhancement is to be achieved by conformation to the Hispanic style. It is not difficult to contend that the gradual transformation of ensemble buildings into pallid imitations of a true landmark does little to heighten or intensify its unique character. In this case, the sincerest form of flattery causes attrition of interest. A landmark building needs neighbors that reflect actual urban history and provide the physical scale and timeline of the place to which it belongs. Censoring this history is a disservice to both the landmark and its neighbors. The shadows of the Landmark Districts fall just beyond their edges. Buildings in close proximity are reviewed “with special consideration to that district’s guidelines.” This stylistic blurring at the edge of the Landmarks Districts is insidious. It gives credence to the legacy of continuing Spanish colonialism, at least stylistically, with the review board acting as its executor.

In contrast, the stance in Montecito has always been one of stylistic laissez-faire, as long as the design is consistent with the “high standards and excellence of existing Montecito styles.” This acceptance is buffered by the all-important requirement that “every effort shall be made to convey (from the public roads) a sense of trees and other vegetation that seem natural and rural. All buildings and walls are either to be completely hidden or only partially revealed within this semi-rural environment.” This continuation of picturesque eclecticism has succeeded up to now. The visual illusion maintained by the required privacy layer of dense green has preserved the myth of exclusivity.

By its relatively immodest nakedness, new construction in Montecito attempts to redefine this exclusivity. Ostentation à la Gatsby, rather than the romantic ideal of Andrew Jackson Downing, is the statement being made. The translation of Corbusier’s “la rêve à deux millions” to “the two million dollar dream.” The popular perception in Montecito is that much recent building is speculative. The mouse
these traps are set to catch is not the indigenous sophisticated one, but its city cousins from further south.

The voices against growth complain not only of increased density and its drain on lagging public services, but also of the differences in the new immigrants. The ease of absorption and level of welcome is affected not only by the quantity and rate of influx, but by perceived cultural disparities. Las Entradas has reached a critical level of discomfort with its too visible, too large residences sprouting too quickly. While there are existing homes larger than the new 8,000 s.f. residence by Morphosis, for example, they are on larger lots and have extensive landscaping.

These homes were approved by the Architectural Review Committee. Accordingly, many have reached the conclusion that the guidelines are not working since they got what they asked for, but not what they wanted. The same input will reach the Montecito General Plan Advisory Committee, that will advise the County Board of Supervisors on zoning and land use to the year 2010. The less bureaucratic Montecito Association with its Architectural Review Committee is defending itself by immediate reforms.

In response the guidelines have been revised to emphasize "neighborhood compatibility." A neighbor is primarily defined as a property that the proposed project visually impacts. This applies either in relation to its proximity along the same "small lane" or "thoroughfare" or, if the project is on a hillside, "enjoy the view shed." "Compatibility" is defined solely by a list of factors that will be addressed during review (such as roof line and scale). One imagines that neighbors, invited to the conceptual review, will have rather definite criteria leaning toward compatibility as similarity.

There are obvious problems with the new guidelines and the proposed "Big House" ordinance. Ideally, the guidelines themselves could be the product of a reevaluation of the existing community (both real and ideal), and represent an agreement on the course to be charted toward a desirable future, with the proviso that passing time would require the
reiteration of the process. This would clarify the character of existing neighborhoods and their relation to the whole.

Even so, guidelines must still be interpreted, and design review boards themselves should be reevaluated. The current process of selecting and sustaining members is open to several real and potential problems that reduce the probability that the best possible candidates are sitting in judgement and interpreting the concept of “compatibility.” The amount of time required for the volunteer board member makes it prohibitive for many to consider the role, narrowing the pool from which to recruit representative citizens. Once selected, the volunteer is offered little in the way of orientation and training in a role that demands tact, skill and accountability.

Notwithstanding those problems, this emphasis on neighborhood is a step in the right direction. Many areas of Santa Barbara and Montecito might not qualify as neighborhoods according to a definition that includes “the people living near one another” and “a section lived in by neighbors and usually having distinguishing characteristics.” The potential for the Architectural Board of Review and the Architectural Review Committee to identify existing and emerging neighborhoods and to reinforce their distinguishing characteristics is powerful and important, particularly during this time of reassessment.

The emergence of the neighborhood provides that useful mid-level unit between the private citizen and the full-blown, unwieldy community. It is a unit of physical scale, of social interaction, of consensual politics and, sometimes of shared values that is digestible, comprehensible and manageable. It revives aspects of pre-industrial, small-town America by offering the citizens an easier passage from private to public, from individual to social norm, that an idealist places at the heart of moral order.

Establishing and sustaining a neighborhood character through design review and the input of the people who live there will finally achieve consensus about a public order, and the inhabitant's place in it. It does so at a level of design intimate enough to be manageable.
When San Francisco approved its far-reaching zoning ordinance, the Downtown Plan, in 1985, it became unique among American cities for the determination with which it was pursuing a well-defined vision of its future. San Francisco had made an ambiguous choice to preserve its traditional character by means of strict controls. In addition to being the first American city to fix a yearly square foot maximum on office growth, San Francisco called for limits on the height, bulk and location of large buildings, designated several hundred structures for preservation, and required developers' contributions to public open space, transit, housing, and child care. Other provisions of the Plan discouraged creation of shadows, winds, and the blocking of views.

In the realm of design, the Plan's guidelines for downtown office buildings were specific, encouraging street level decoration, protruding cornices, setbacks, tapered tops, and the use of light colors and certain materials (i.e. textured masonry but not reflecting or dark-tinted glass). It is widely believed that city officials had taken a stand in the style wars of the 1970s and 1980s, coming out in favor of "postmodern" historicism and against the International Style.

Whether it was viewed as a courageous and farsighted instrument of public good or a wrongheaded attack on growth ("specific" or "restrictive," in the rhetoric of the opposing sides of the growth debate), the San Francisco Downtown Plan was recognized as an aggressive step by a city government determined to end laissez-faire development. San Francisco has become the laboratory experiment to which cities worldwide refer as they consider how to deal with development pressures.

After five years, the most controversial results of the Downtown Plan is the so-called "beauty contest," the process by which large office buildings (over 50,000 square feet) are reviewed by the Department of City Planning for recommendation to the City Planning Commission, which grants approval to build.

299 Second Street, Heller & Leake Architects.
Since 1985 there have been four complete rounds of the "beauty contest" (officially the Office Development Limitation Program), producing nine "winners" and ten "losers" (three of the losers have since been granted approval). Three winners are now under construction in the Financial District and scheduled for completion by the end of 1990: Skidmore, Owings and Merrill's 235 Pine for London Edinborough; Kohn Pedersen Fox's 600 California for Federal Home Loan; and Johnson/Burgee's 343 Sansome for Gerald Hines. This means that as of this writing, there are no finished examples of office buildings approved in the "beauty contest."

The "beauty contest" is the outgrowth of two of the most radical aspects of the Downtown Plan, the design guidelines and the cap on office development. As the Planning Department staff is quick to point out, the yearly ceiling on office growth (the current allotment is 475,000 square feet per year) was not part of the Plan they originally drafted. A cap of 950,000 square feet a year for three years was inserted into the Plan at the eleventh hour to insure its passage by the San Francisco Board of Supervisors in September 1985. A year later, in November 1986, that figure was cut in half, to 475,000 by the voter initiative, Proposition M, which also made the cap permanent.

During the years of debate over Proposition M and its predecessor, Proposition O, which nearly passed in 1979, it was frequently remarked that 1,000,000 square feet was the size of the average office tower going up in Manhattan, meaning that the city was thinking of allowing one new office building a year, and that a small one.

Who would get to build the one tower a year? And who would make the decision? The Plan had been passed by the Board of Supervisors with the support of then Mayor Dianne Feinstein, the City Planning Commission, and the Director of Planning, Dean L. Macris, who says he personally "edited every line" of the document. But after the cap was added, city officials understandably hesitated to saddle Macris and the Commission with total authority for selecting the "one office building a year."

Anticipating a fierce and highly-publicized competition for the allotment of office space, what public official of sane mind would want sole responsibility for the decision?

The Commission created an Architectural Review Panel of academics and critics, whose job according to their 1985-86 report, was "not to consider questions of compliance with the design or planning requirements," but to give "professional advice considering the architectural merit of the projects." Despite the persuasive rationale for such a review process and the addition of a distinguished group of outside experts, the San Francisco "beauty contest" did not get off to a good start. It's rocky beginnings were a reminder of the chief argument of those who had opposed the office growth cap from the start; i.e., that no city had imposed such a limit because no one could figure how to implement it. In any case, a contest where there are more losers than winners is not likely to be popular. And such was the case in San Francisco.

The first year of the contest, 1985-86, all four entrants were denied approval. All had been designed by San Francisco architects: Jeffrey Heller for Heller and Leake; Kaplan McLaughlin Diaz and Steve O'Brien for Skidmore, Owings and Merrill. "There was panic in this town," said Jeffrey Heller, a frequent commentator on the Plan, describing the reaction to the first "contest." "The word went out that local offices didn't have a chance, that all the clients were going to hire big international firms."

Such anxieties on the part of San Francisco offices were confirmed the next year, 1986-87, when the city approved the first new office buildings under the Plan and out-of-towners Johnson/Burgee (343 Sansome) and Kohn/Pedersen/Fox (600 California) were granted two of the first
approvals. However, the third went to the local Skidmore office for the 235 Pine project that had been denied the year before. The next year, Heller’s revised design for 4524 Howard was approved, along with a Gensler project at 222 Second for Chevron. The following year Skidmore’s PacTel at 150 California was approved, having lost the year before.

Disgruntled losers were not the only critics of the early years of the “beauty contest.” The fact that no projects were approved in 1985-86 provoked a report from San Francisco Planning and Urban Research Association (SPUR) calling for the reform of the review process. From many quarters came complaints that design had been given too much consideration, on the assumption that approvals had been withheld because none of the buildings were judged good enough architecturally.

The fact that the comments of the Architecture Review Panel were public gave ammunition to the critics of the Plan. Director of Planning, Dean Macris, allows that the first round of the “beauty contest” was not a public relations success. “When you have a competition that produces nothing but losers there is going to be frustration,” he said.

According to Macris, architectural merit was not the determining factor in the denial of approvals in 1985-86, it was “need.” Macris defends the Commission’s determination that “San Francisco didn’t need another office building that year. We were at the end of an office building boom and the vacancy rate was at 18 per cent.” Projects have begun to be approved as need has increased, Macris explains, that is, as the vacancy rate has fallen to around 12 percent.

In much of the reaction to the “beauty contest,” what is stated as concern over the fair implementation of design criteria is in fact disagreement with the space cap. Other strains in the outcry against the “beauty contest” are likewise intertwined with the fundamental arguments between the free marketeers and the proponents of limits on growth. The considerable cost to developers presented by the expense, delay, and riskiness of San Francisco review process is admitted by all players in the game. The Planning Department fee for entering a project in the allotment program is $15,000. The Department offered no estimate of the total cost of an average project’s passage through the process, but Heller placed it at “at least a half a million.”

Suggestions that the review has a discouraging effect on developers draw little sympathy from the many San Franciscans who believe in limiting growth. “Tough luck,” was the response of slow-growth activist and lawyer Sue Hestor. “They are
still lining up to get their projects approved," she said. "If developers feels discouraged, they can take their buildings to Houston."

"I don’t see much evidence that the city suffered," Macris said, when reminded that some projects have waited two or three years for approval. The Planning Department answers complaints about their contribution to an "anti-development" image for the city by pointing to the vacancy rate (still above 10 percent) and the fact that projects continue to be entered in the "beauty contest." (There were five under consideration in 1990, including a San Francisco Redevelopment Agency (SFRA) project, for a total of 1,617,200 square feet.)

But even for proponents of controls, there remains the issue of fairness. Is the review process fair to the property owners, developers, and architects who compete against each other for each years allotment? From the beginning there has been dissatisfaction with the built-in exemptions to the process: large hotels and Redevelopment Agency projects. The latter are given automatic priority for the year's allotment. If I.M. Pei's SFRA project at Third and Mission was approved next year, for example, its 459,000 square feet would have to come out of that year's 475,000 square foot allotment.

There has also been muttering about favoritism toward important clients, such as PacTel and Chevron, which were approved the first time around. (In that vein, it should be mentioned that another San Francisco giant, Transamerica, was not recommended this year.) However, when pressed, none of the "losers" interviewed said that their project had been treated unfairly in relation to other candidates that year. Jeffrey Heller, who had three projects rejected the first year, said that after five years of feeling injured, he now saw that the advantage might be on his side.

"At the beginning we were sensitive to the loss of prestige attached to being denied approval. No matter what the reasons are, it is discouraging to prospective clients if you are labeled a loser. Since we have won approvals we are getting a reputation as a firm that can survive the process. Now I can imagine the opposite trend, in which a few local offices get all the work because they are seen as experienced."

Macris registered similar uncertainty about how the process would ultimately influence who could play the office development game in San Francisco. "The process is expensive enough that only big developers can do it well," he said. "That may be unfair, but it's the way it is. By the same reasoning, we thought that it might require international architects, squeezing out the smaller firms. But now enough of the locals have succeeded that there is the opposite concern: the getting locked in to a few offices."

On a philosophical level, there is the matter of whether a selection process that relies on aesthetic judgements is inherently unfair. This question has been raised by former SPUR spokesman, Michael McGill. "It used to be that if a project met the zoning requirements it could get built," he said. "Now it can pass all the requirements and still not be built - not if the Commission doesn't think it's a great work of art."

"The Downtown Plan assumes that a building is innocent until proven guilty," McGill said. "Now, after Prop M, it's assumed that a building is guilty until proven innocent." This point of view is often expressed by those who object to the complexity of the review criteria, favoring a more mechanical means of selection such as first-come, first-served. (It is joked that a lottery might be the best solution.)

Challenges to the fairness of the selection process have their root in the argument over rights. Whose rights take precedence, those of the property owners and their architects or those of the citizens affected by what they build? While defenders of private property complain
about the loss of "the right to build,"
Macris' position is: "At this scale, there is no such thing as a right to build. Big office buildings are private, but on this scale, they are also part of the public realm." In this vein, Macris argues for the validity of design criteria: "If there is only the space allotment to build one building, why shouldn't San Franciscans get the best building?"

But whose definition of the best? Skidmore's Larry Doane speculated that the effect of the process would be to "cut off the spectrum of design at the top and raise it from the bottom. The city probably saves itself from the very worst. Some mediocre designs have improved as a result of the "beauty contest." But the city won't get the very best. If you had an idea that went beyond the regulations the city just wouldn't know how to deal with it."

Critics of the "beauty contest" have charged that it is biased in favor of a particular style, condoning "postmodern" ornament and articulation of form, while discouraging vestiges of the International Style, notably the flat top. This is the opinion Hestor expressed when she complained that "all the new downtown buildings have to have spindles on top and notches on the corners."

Hestor is not the only one to wonder if San Francisco does not already have too many faceted, fancy-topped towers. A boom in decorated buildings during the 1980s has generated fear of the downtown becoming a postmodern Disneyland. Johnson/Burgee's 480 California (with it's Mansard roof topped by statuary) and SOM's 222 Kearny (with it's rounded corner quoting Carson Pirie Scott) predate the "beauty contest," of course. But they underscore the fact that the city has changed since the Plan was formulated in the early 1980s and that it's historic emphasis may have become out of date.

A related complaint is that by making the design review for office buildings city-wide, Proposition M (the CAP) extended the criteria tailored for the downtown to other city neighborhoods where they may not be appropriate. In particular, it is argued that the formal 1930s skyscraper style proposed for the Financial District, in keeping with the spirit of the Shell and Russ Buildings, has been imposed as the stylistic model for the industrial area south of Market, whose history, climate, and street pattern are quite different.

There is no question that the Downtown Plan, a document created in the heated aftermath of Modernism's fall from grace, reflects the intellectual atmosphere of the early 1980s, when the concept of "contextualism" was being popularized and the virtues of the premodern commercial buildings were being rediscovered.
Like all such documents, it is vulnerable to the ironies of history. In this case, the pendulum of informed San Francisco taste is swinging away from historicism, leaving some of the Plan's embattled pronouncements sounding dated.

Macris dismisses the charges that the Plan is an instrument of stylistic tyranny, explaining that many such design features are promoted for "planning reasons not stylistic ones. Tapered tops are desirable because they allow for sunlight and views of the sky," he said, "Not merely as references to a historical style. I don't favor maintaining the street wall because I want to attack the tower in the park, but because it's better for pedestrians." Macris reminds us that the flat top of the International Style was encouraged by planners who enforced uniform height limits.

Despite its specificity, the Plan does not read like a document that must necessarily lock San Francisco into stylistic monotony. It has enough flexibility in it to allow a jury to pass a brilliant unconventional design, assuming any developer wants to risk submitting one. It's recommendations are qualified and prefaced by the overall goal of "a careful assessment of each building site, relating a potential new structure to the size and texture of its surroundings." In practice so far, the "beauty contest" has succeeded in harmonizing the scale and spirit of the new office towers. The majority of the designs would be described as in the "figurative," mode, faceted with "spindle" tops, clad with light-colored stone or masonry. More of the same, in other words. But there is at least on exception, the curtain walled, flat-topped 160 California, which Macris points to proudly as proof that "We aren't going to block an International Style building." The more flamboyantly historicist designs that Heller entered in the first "beauty contest," including a "Gothic" tower, have been redesigned in a more sober idiom.

What will be the ultimate effect on the quality of San Francisco's architecture? With no buildings up yet, it would be rash to say. There is some respectable work coming through the process, most of it in the pre-Plan downtown idiom, with no embarrassments and no stunning surprises.
Style, Quality and Place: Four Towns in the Santa Ynez Valley

Sam Hurst, FAIA

In the rolling hills and watered valley of the Santa Ynez two substantial issues occupy the public mind, beyond horses, water, wildflowers and the onslaught of refugees from Los Angeles. Nowhere in the state are the oak-studded California landscapes so well defined and contained by the mountains on the north and south and the rhythms of sunrise and sunset on the east and west. Ranching and cropping are rapidly giving way to the horse farms and ranchettes of those who, having made it in the city, can secure it in the country amidst vineyards, apple orchards and alfalfa fields edged by white fences. They bring with them the wealth and inflated values of the city and the almost paranoid concerns for security and comfort. A part of that has to do with the self-conscious style and the conspicuous waste of watered lawns, electric gates, concrete driveways and lamp posts off Rodeo Drive. The developers’ quick response in pseudo Spanish Mission houses is everywhere to be seen.

The issues of growth and style have been joined. Public policy mandates seek to restrain and direct growth and to sanction design style by ordinance and the interpretations of advisory Boards of Architectural Review. They raise the fundamental questions of the politics of design control and the efficacy, legality and wisdom of aesthetic judgements rendered in the public interest. While public building regulations have traditionally rested upon definitions of public health and safety, court rulings since the 1920s have opened the way for aesthetic standards to enjoy the force of law with presumption that legitimate criteria for such standards exist and can be interpreted by fair minded boards of local citizens. Architects do and should question those presumptions and the growing tendency to elevate style to the level of quality as a measure of the good community environment.

Amos Rapoport in House, Form and Culture has argued that it is the perceived “vision that people have of the ideal life” that finally decides the form of their dwellings. He identifies that vision as a socio-cultural force, more powerful in traditional cultures than the force of physical determinants such as climate, site, and technology. While houses represent personal property and privilege that image translates directly into the public architecture which defines the built environment of towns and cities.

In addressing the San Francisco Convention of the AIA in 1986 Jack Hartray of Chicago correctly observed that we live in a time when many people are more concerned with life style than with living. His speculation recognizes a common temper of the times. Life style can be quickly, easily and often cheaply acquired, off-the-shelf so to speak and then abandoned at will like tail fins on autos, short skirts on women and long beards on men. It represents short term commitment and lends itself readily to merchandising. A host of popular magazines and sales pieces, including architectural journals, seek to
mould our images, to shape our vision of the good life in the interest of selling. They invoke our yearning for nostalgic pasts which we never knew and romantic futures we may never know. Advertising drives toward the goal of more consumption, higher expectations and greater dependency upon outside trend setters to tell us what is in or out. Living, on the other hand, is more serious business, more deeply rooted in the real past and more responsible to the future.

I believe that the life style obsession today reflects the temporal and changing nature of our lives, the absence of real roots and the desire for quick and easy identity in our person and our things, including our buildings. It reflects our need for instant recognition, for a kind of unearned character, like a new garment bought and worn to the party. And it is well subsidized by our tax policies which encourage spending more than saving, waste more the conservation and rising expectations more than restraint, stability or frugality in every realm of our lives.

Citizens are genuinely concerned about the character of their built community. That concern focuses on architecture as one primary element in the environmental surround in which we live. Let us remind ourselves that it is only one element and perhaps not the strongest one. Others are the landscape, including nature, streets and parking spaces, lighting, signs, billboards and the enormous amount of existing or temporary, ad hoc, non-architecture building, not designed by anybody or subject to design review. We should be willing to see all these elements in reference to time, the time it takes for environments to mature, for tradition to form out of the real life experiences of a place. Some years ago in a conference on highrise building in Santa Barbara I suggested in seriousness that the height of buildings should be limited to the height of the tallest Eucalyptus tree and I am happy that Santa Barbara remains a horizontal city.

At issue is the quality and integrity of what is built, its' response to function and the question of whether or not adopted style supports function, improves quality, allows innovation and reflects any real traditions of a place. Such concern requires advisory boards to wade in deeper waters, to think from the inside out about basic working relationships of scale, size that overwhelms the existing, of urban conflicts and their resolution in respect to noise, security, pedestrian and auto traffic, open space, air quality, sun rights. We are called upon to balance the need for unity and diversity, to see the difference between architecture as advertising and architecture as shelter and container of vital functions, the difference between personal expression and public character in the buildings which shape the public domain. Such reflections will illuminate the choice between assertive and aggressive design, the architecture of "statement" and responsive and non-aggressive design which submits to the larger environment of nature, trees, hedges, plants and growing things.

Does the adoption of D-design themes for the commercial and public architecture of a community along with specific material standards and criteria allow for integrity in design and advance the quality of material and craftsmanship in construction? Often it does not. Rather it promotes fakery, cheapness, crudeness and expediency. Do chosen styles and themes increase the life-span, durability, energy conservation, sustainability of the structured community?

I have searched for answers in the experience of four townships in the Santa Ynez Valley with a total population of more or less 20 thousand. Their size, history, economic base and visual configuration are widely different. What they enjoy in common is climate, landscape and the shared proximity to the ocean, the mountains, the wilderness of the Los Padres National Forest and the cultural riches of Santa Barbara.
Solvang, the largest and best known for its distinctive Danish character is incorporated, has a largely tourist based economy and genuine cultural roots in the lives of the early Danish settlers whose names, shops and real estate holdings dominate the scene. Behind the surface of fake windmills, stud and stuccoed painted half-timbered buildings and Tivoli-like white lighted trees moves a vital and thriving town. Their hardware stores, building supply establishment, service shops, museum and motels attest to the fact that the Danish theme supports a distinctively lively community. Tour buses, pastry shops and abundant cuckoo clock offerings seem an acceptable accompaniment to the permanent residential life which grows around the edges. The testimony of architects and merchants alike verifies the fact that the design theme has elevated the quality and cost of buildings while attracting tourists, and so far the rebuilt Spanish Mission has preserved its' own uniqueness. Recently an out-of-town architect was sent back to the drawing boards to make his school design "more Danish."

Nearby Santa Ynez came to its' choice of a Western style theme by a different route than Solvang, based in history yet confirmed by careful research and broad based public participation. Led by resident broker Tom Bohlinger and acknowledging the existence on main street of real 1890s' Western store fronts, local representatives studied the Old Town history in Sacramento and Nevada City for evidence to validate the criteria they recommended to the county Supervisors in support of their ordinance. Not without opposition but with impressive homework in ten community workshops these groups moved towards consensus which now appears to be strong and working. Recent buildings do respond to the criteria of brick and wood, no concrete or corrugated iron, with notable visual unity. Along with a
wonderful historic museum and old library they inspire respect for real roots and confidence that the town will grow as a vital ranching service town with delightful references to times past.

Smaller but just as old the neighboring town of Los Olivos is moving to adopt a Victorian theme which seems less rooted in history and more foreign to the ranch setting in which it grows. The prominent old stage coach inn called Mattei’s Tavern is a thriving restaurant and a number of art galleries along Grand Ave. show high quality offerings of Western and native American art. While these galleries attract tourists they draw patronage from the well-to-do “urban cowboy” ranch owners in the valley who love and support good art. The Victorian theme is yet to be established and recently built pseudo Victorian houses seem to intrude on the horizontal street scene and be out of touch with the earth bound realities of ranch life.

Most challenging and yet undefined is the freeway community of Buellton at the western edge of the valley, a crossroads town in search of its history. A recently appointed advisory group is working to find and recommend a design style and theme. Press reports indicate their consideration of Spanish Mission, Western, Victorian, Art Deco, and Modern themes, “or a mixture of those.” The strong visual impact of service stations and auto dealerships vies with the tourist trap images of Andersen’s Pea Soup and the “Avenue of the Flags” is notable for its emptiness, having not yet attracted significant buildings to validate its name. No historic examples are in evidence and the newly built Holiday Inn makes only a gesture towards commercial Mission style in stucco and tile without serious historic reference. Impressive service and industrial shops have grown outside the town center, where access is easy and design constraints of no consequence.

As these valley communities search for roots, yearn for identity and struggle with growth any distinctly regional architectural style has yet to emerge. One must ask the question about the future and the impact of stylishness on innovation and creative response to environment and to changing needs. What congruence can we expect between life style and living and how will the politics of design review serve all the people? Much of the answer I think depends on the quality of those willing to serve on Boards of Architectural Review, their willingness to continue to educate themselves, to avoid doctrinaire stylish preconceptions of bureaucratic interpretations and to raise the level of environmental concern for sustainability. The professionalism which we architects claim needs to be strongly exercised to lead and to challenge, to define quality in higher values than selling the image of a place, to insure that growth is socially responsible and environmentally sustaining. Nature and our grandchildren may be unforgiving if we do less than that.
Cultural Affairs:  
The City of Los Angeles Reviews Itself

An Interview with Merry Norris  
by Barton Phelps, AIA

Unlike most design review boards, the jurisdiction of the Los Angeles Cultural Affairs Commission is limited to projects built on City-owned property. Begun in 1903 as the Municipal Arts Commission, its importance and visibility can be seen to have risen and fallen in direct relationship to the quality of Los Angeles public architecture. In recent years, as the volume of the City’s building projects has swelled – in 1989 the Commission reviewed 121 projects worth over $1.1 billion – the Commission’s commitment to effecting distinguished architecture has made it the center of major controversy.

In 1988, for its work in raising the standard of civic design, the Commission received a Presidential Citation from the American Institute of Architects that reads:

For distinguished service in encouraging creativity in design and artwork in public places and for stimulating public discussion of architectural projects proposed by the City of Los Angeles.

Much credit for the Commission’s new activism has gone to Merry Norris, a professional art consultant who played a pivotal role in founding the Los Angeles Museum of Contemporary Art she has served as the Commission’s president since her appointment by Mayor Bradley in 1986. Barton Phelps interviewed Ms. Norris in her art-filled modernist house in the Hollywood Hills.

BP: Lately there appears to have been a re-awakening of the Cultural Affairs Commission to its original vigilance. Did you know what you were getting into when you were appointed?

MN: No, not really. As you may recall, Mayor Bradley made a clean sweep of all the Commissions in 1984. On our Commission, virtually everybody was new, no one knew each other, and no one had a clue of what was in store for them.

The title “Cultural Affairs” is misleading in that it connotes the visual and performing arts, not architectural review. As there was no training period for new Commissioners, we were surprised to find seven architectural submissions and eleven street lighting submissions on our first agenda.

As it turns out, the mandate of the Cultural Affairs Commission to review all structures built on or over City property is unique. Our decisions are final and cannot be reversed. We also oversee the acquisition of works of art by the City, and we serve in an advisory role to the Cultural Affairs Department for the selection of arts organizations and artists to receive City funding.

So, we just started in. We didn’t even have a staff architect at the time. In fact, no architect was appointed to our commission until 1989. At the first meeting there were fire stations to be approved. We were shown two prototypes for fifteen fire stations and we were told to approve them. One of them looked like a Taco...
Bell, and the other looked like any average industrial warehouse, although it was by far the better of the two. Seven of one design and eight of the other, and these were going to dot the landscape of Los Angeles! They were to replace fire stations that had to be torn down because of earthquake safety standards, and they had to be passed immediately because they needed to proceed with construction right away. We actually turned them down that first day. The response was very unpleasant. It was made quite clear that Public Works, the Fire Department, and the Fire Commission were very upset.

At that time in our history, no one would listen to our pleas to create fire stations that could contribute to the identity of their neighborhoods, and be contemporary landmarks. Eventually all fifteen of these fire stations were built. That was before we understood we wouldn’t be killed if we turned something down.

BP: How does the Commission establish a knowledgeable basis for its response?

MN: How that basis has developed is an important part of the story. When I first came on the Commission, I explained to a prominent local architect that I was a member of the Commission, and that we were reviewing multi-faceted, complicated architectural projects with no staff help and no architects on the Commission.

“We take this very seriously,” I said, “but we must have professional help and advice.” Sometime later a volunteer group of design professionals called the Urban Design Advisory Coalition invited me to one of their meetings. I handed some of
our agendas around the room and a lot of jaws dropped when they saw the magnitude of what we are reviewing. UDAC then started advising us on an ad hoc basis.

We would be dead in the water without these people. I can never credit them enough because we just did not have the kind of expertise that it takes to make constructive criticisms. A lay Commission, dealing with multi-million dollar projects, did not seem legitimate to me.

Eventually, Mayor Bradley appointed a nine member panel composed of distinguished L.A. architects and deans of the local architectural schools to advise us on a regular, rotating basis. It's called the Mayor's Design Advisory Panel, and they offer invaluable theoretical and practical assistance.

BP: What has been the most significant event in your tenure on the Commission?

MN: The turning point for the Commission was undoubtedly the Downtown Central Library. That was when we started getting a lot of ink because we did not approve the initial design. Our position was that since the Goodhue Building was a landmark building and had been retained for its historic value even though it was in terrible shape and a firetrap, its new wing should have some direct relationship to the existing building. In contrast, the initial design looked as if they were two separate entities. We got into what turned out to be a raging controversy that went on for a year and a half....I believe firmly in the creative process, and no one could be better tuned in to that process; I seek new ideas and modes of expression. However, when you get into public architecture that affects millions of people, the concerns become exceedingly complex.

BP: Has there been positive popular reaction to the activity of the Board in the matter of the Central Library?

MN: It has been absolutely overwhelming. And it was important because that experience gave us energy to move forward on other projects. I think that one of the many things that the Central Library did was to raise citizen concern and involvement. It developed a real constituency for us. So many people came out of the woodwork to attend meetings and write letters. A lot of people who
wouldn’t get out front were of counsel privately.

BP: Are there any other signs of a growth of interest in civic building?

MN: Yes. One example would be the change in outlook of the Department of Water and Power. The first schemes for projects they brought to us were perfectly awful. Over time they began to hire more outside architects. Perhaps some of the best design in this City, private or public, will be seen in distributing stations and pump stations that are currently being designed by outstanding architects hired by DWP.

One horror story from early in our existence was the DWP Central Maintenance Headquarters Project. I can still see their staff architect presenting one of the most insignificant and boring buildings I’ve ever seen in my life. When we turned it down, it was as if nobody could understand why. We were told that we were “holding things up” and we “gotta move it along”. But what began to happen was that some of the City staff architects on other projects would privately thank me for turning things down because they said it gave them the kind of imperative that they needed to try to do better design. The first time I was told that by a person with the Port of Los Angeles I was just wide-eyed. Then I heard it again from somebody in another City department. Then I heard it even from somebody who was designing a sign for Pioneer Chicken, who said, “you’re right, this is terrible. Since you’re turning it down I can go back and tell my boss. Now maybe we can do something better.” But until those little ripples appeared on the surface, it really was very frightening.

BP: Is the Commission faced with the problem of selling good design?

MN: Absolutely. At this critical time in the development of the City of Los Angeles, it is incumbent upon our commission to seek the best possible design. We can and must lead the way, creating an opportunity for innovative ideas. A problem that we have is that we only review designs, and it takes years for these to become built projects. We don’t have many things to point to and say, “please drive over and look at that building because it represents the kind of work we want.”

BP: How do you respond to the accusation by City Agencies that projects have cost more because of the requirements of the design review process?

MN: I respond by saying that this represents a bottom line mentality. These projects are being built all over the city and we feel they should serve visually as attributes to the City. If they do not bring us designs that are suitable for the context, then perhaps we will argue with them about it. But we don’t get into discussions, for example, of materials. We don’t suggest that they use marble instead of concrete. The point is, people do not like the way the city looks. I don’t have to explain the need for design review. It’s crystal clear. From people in the community who realize what we’re trying to do, we get a very positive response. They figure it can only get better, it can’t get worse. So design review doesn’t need a lot of explanation.

BP: Does the Commission theorize about the progress of development in Los Angeles?

MN: No, except perhaps on a personal basis, because the Brown Act requires that no more than three of us can meet at a time unless it is on a stated Agenda. I tend to talk more about theory with our advisors.

But, in order to broaden the discussion of civic building we organized the first Awards of Excellence Program last year. The Commission selected fifteen projects to which it wanted to draw attention. The program was intended to illustrate the attitude and the integrity of design work that we are looking for. It was so well received; it was a high point in our history. At the presentation ceremony we had standing room only in the City Council.
chambers. All kinds of people - city officials, architects, new and old guard. The response demonstrated the great interest on the part of the architectural community in becoming involved in the civic process.

BP: It can be said that the purposes of art and the purposes of government are differently aligned and that there can never be a mutually supportive relationship between them. But your successes suggest that this is not true and that your Commission has turned things around in Los Angeles.

MN: There’s no question that we have. I often thought to myself when I first began reviewing projects, “There is such a great opportunity here. Why isn’t anybody taking advantage of it? How can we make more of this happen around the City?” I think the City agencies are simply unwilling to take chances, and even developers seem to be afraid to take a risk with more adventurous design. I believe the risk is worth taking. I prefer the new and untried. I think of buildings as public sculpture. An important aspect of our work is that we try to create an opportunity for architects to express themselves in the most innovative way. We try not to put a damper on their work by telling them what to do.

By the way, I got a call from Art Center College of Design this morning asking me if I would give a seminar on “How an art person functions in the bureaucracy.” What a great idea!

BP: How does your background in the art world shape your perception of architecture?

MN: Artists work independently, in studios by themselves. They are not usually equipped to deal with notions of the social “good.” Architects have to deal with multiple issues and defend their positions. They have to develop an understanding of the art of compromise. Compromise is not a word in an artist’s vocabulary.

But being in the art world, I deal with art and museums and collectors. I am interested in individual experimentation and creativity. Institutions exist to support such work.

Architecture is a cultural process and different from the work of an individual. Maybe that explains this problem we have with the City Council - they can’t understand architecture as part of “Cultural Affairs.” We really are the City’s Architectural Review Board.

I believe that if we do not create an atmosphere that expresses the best ideas of our time, future generations will be without visual information that suggests what they were. I like the term “cultural imperative.” It suggests the important responsibility that we have to demonstrate the wealth of contemporary thought and ideas.
Design Mediation: The Role of the San Francisco AIA

Arnold Lerner, AIA

Politics can be defined as the competition for leadership in the influence of public policy. The issues surrounding the politics of design control in San Francisco are rooted in the struggle over growth control, both in the residential neighborhoods and the downtown commercial center.

Background
In 1957 San Francisco proposed eliminating the cable cars. People furiously organized against it, and preserved the system. During the early 1960's a proposal was put forward to build a highway extension through the Panhandle and Golden Gate Park to link with the Golden Gate Bridge and Highway 101. This, too, galvanized opposition and the plans were abandoned. A development in Fisherman's Wharf produced two huge apartment buildings that blocked significant views of the bay. The Western Addition (just West of the Civic Center) and the South of Market areas were experiencing urban renewal, or "urban removal," as some called it, with the leveling of entire neighborhoods and the elimination of thousands of housing units.

The public had begun to recognize the need to question what had been a somewhat paternalistic system of design control by the "experts". They also learned that they had to organize and understand their common visions. By the 1980s, the City had produced a series of development controls that did not satisfy the neighborhood activists. Proposition M, a sweeping growth control measure, was approved by the voters; a key provision of the ordinance mandated design sympathetic to "neighborhood character." The City began searching for new ways to define this mandate to break the stalemate created by the seemingly endless requests for Discretionary Review that had overwhelmed the Planning Commission and staff and had reduced residential development to a long and costly waiting game.

Blue Ribbon Committee
In 1988, the Planning staff contacted the SF/AIA and asked us to form a task force to help solve the problem. The "Blue Ribbon Committee" consisting of experienced AIA members with the leadership of the City Planning Department's staff, became a working task force. Over the next 6 months, we met to review the causes of the problem and to decide how we address them. We invited a wide range of speakers to give us their views, including representatives of the Residential Builders Association, the Foundation for San Francisco's Architectural Heritage, the Planning Association of the Richmond, the Bernal Heights Community Foundation, the Mayor's Office, and other activists and developers. On a parallel track, we assisted in the rewriting of the Department's Residential Design Guidelines.

The most significant issues involved the size of building envelopes and the increases in density; others included the lack of parking, the building's height in relation to established scale, the ornamentation of facades, and the reduction of access to light, air, and views. There was not a clear public understanding of what a building would be like once built. Many
people simply felt they weren’t taken seriously by developers or City agencies and there was an underlying mistrust of the impartiality of professionals.

It was clear among the AIA members that the problems encountered were attributable to several factors, including the lack of adequate numbers of planning staff and the need to supplement the design experience of the planning staff and city commissions. Because the city’s conflict of interest laws make it almost impossible for practicing architects in the City to sit on a board or commission, those making the most crucial decisions affecting design were (and still are, to a large extent) political appointees, such as lawyers, financial analysts and environmental generalists.

The Blue Ribbon Committee’s first proposed solution was to set up an advisory panel to review residential projects, including remodeling and new construction. The panel would become an official part of the review process and would consist primarily of AIA members. Once a public membership program was implemented, public members with a demonstrated expertise in the visual arts would also participate.

Our proposal met strong resistance from the planning staff. The Department thought we could help staff and inexperienced developers come up with better designs but that the power of review should stay within the Department. There were also legal obstacles to the quick creation of an official body. It soon became apparent to us that we needed to move ahead and create the review service on our own. Our hope was that, through its usefulness and recognition by the decision making commissions and boards, it would become a de facto design review panel. Faced with an impossible caseload, the Department continued to meet and assist us in developing the program.

We reviewed the Department’s files of Discretionary Review applications and selected those projects concerned with design issues only. We sent an announcement of the service to the parties involved and we organized the selection of panelists similarly to traditional mediation. Each side to the dispute received a dozen or so resumes of potential panelists, including their professional backgrounds and indications of their particular biases: community organizations they belonged to, their client base, political activities they had participated in, where they lived, etc. The two architects chosen selected a third to serve as moderator and be responsible for writing a report that would be sent to the Department as a record of their work. The panelists reviewed drawings and statements of the case and visited the site before meeting with the participants. A review session was scheduled in the evening at the AIA headquarters, where the participants presented their cases. The panel discussed the merits of each side and attempted to mediate a solution. If agreement was reached in all or some issues, a statement was written that night and initiated by the parties present.

The Chapter’s Housing Committee took over the process, recruiting twenty-five architects. We waited for the Department to forward our first case. After several months of waiting, they eventually responded and we began contacting parties of the cases we felt were design related. We realized that many of the cases were about personal disputes between people who simply could not talk to each other. Fortunately, a community service organization known as Community Boards, had volunteered to help mediate disputes that did not involve design.

Advisory Design Review
We titled the service Advisory Design Review. Since our panels had an unofficial status, we knew internally that it would be an uphill battle to gain acceptance. It would only be after an official commission or board verified our results would the message get out that we were to be taken seriously. Our first case represents our
uphill battle to gain acceptance. The side that had filed the discretionary review simply came to give the appearance of good faith, but would not agree to anything, thinking they would win their case in the more political arena of the Planning Commission. They refused to acknowledge the aspects of the dispute we felt we had resolved. We forwarded our written recommendations to the Planning Commission but made the tactical error of not sending a representative to appear. The Commission made a decision that went counter to our recommendations — reportedly distorted by those holding opposing viewpoints. There was another hearing, before the Board of Permit Appeals. We presented the merits of the case and, with the neighbors’ support (elicited by the project’s sponsor), the decision was reversed 5–0 and the project will be built. Since then, both the President of the Planning Commission and the President of Board of Permit Appeals have asked those appearing before them whether they have used the AIA’s service and scolded some for wasting the commissioner’s time by not doing so.

We are now seeing cases before us whose participants come into the session wanting to find a solution, an attitude essential to compromise. We succeeded on the initial seven cases and requests are growing. The Planning Commission’s application form now “strongly encourages” those who fail to resolve disputes among themselves to contact the AIA for mediation services before intervention from the Commission becomes necessary.

Recently, the status of our conclusions has been elevated to that of the unbiased professional overview we had sought. Our report is given after the Department’s staff report and before the floor is opened to public comment.

The most significant benefit has been an increase in the Chapter’s prestige in the eyes of the city’s official bodies and the public. We are seen as providers of a valuable community service. The process also has a positive impact on architectural practice. Our members are getting their projects approved and regaining a sense of participation that seemed lost in recent years. It has attracted new members to the Chapter and has led to an increase in the use of architects to design residential projects.

What does the future hold for Design Review and the SF/AIA? Faced with the prospect of a professional review, participants in disputes are increasing their conciliatory efforts. But the majority still seeks mediation. Our Chapter’s staff is stretched to the limits, processing about four cases per month. Demand will surely outstrip our resources soon. A short term solution may lie in a private, non-profit corporation to provide design mediation, or in an official Advisory Design Review Board.

But can we afford the time it takes to review so many projects? Alan Jacobs, the former Planning Director and U.C. Berkeley Professor, was right when he predicted that “the fundamental notion of ‘uses by right’ is important and critical, and if we don’t get back to it soon, its going to haunt us all. In fact, it’s not planning at all if you can’t tell what you want to do ahead of time.” Discretionary review is haunting us now. The SF/AIA has made a valiant effort to begin to turn the decision making process concerning design in a more positive and professional direction. What should we be setting up as our long term goals? Ed Bacon, the noted city planner, said it best when he stated: “There is a difference between getting good design by specifying what good design is as compared with setting up a kind of vision of what the objective is that is so compelling and inspiring that it leads people automatically toward its fulfillment.” The key to the future lies in developing this vision and de-politicizing the nature of design consensus.
A City of Gardens:
The Challenges of Implementation

Phoebe Wall

There are sections of Pasadena that look today exactly like they did in the 1930s. One can still see street after tree-lined street of little bungalows with wide front lawns, deep shady eaves, big front porches and narrow driveways slipping between hedges and bay windows to garages set in the back.

Multi-family housing has come slowly to Pasadena. During the Depression and the war years, the city allowed second units in single-family neighborhoods in order to help ease the cost of living or to make up for the lack of housing. In residential areas, multi-family housing came to mean additional units on single-family lots, duplexes, bungalow courts or four-family flats. The small scale, single-family character of the neighborhoods remained intact.

After World War II in the expectation of a huge population boom, Pasadena zoned many of these old bungalow neighborhoods for even higher density multi-family housing. The little California bungalow was not held in very high esteem in the fifties; it was seen as rather creepy and old, and the neighborhoods they made up were considered rinky-dink and ripe for redevelopment. [The population boom happened, but not in Pasadena.] However, nobody bothered (or dared) re-examine the zoning.

It wasn’t until the early eighties that the demand for housing was sufficient to warrant denser development. By then, land values, building and zoning codes, parking needs, the fire department, lenders and simple greed combined to create a quite different animal from the modest duplexes or four-plexes of old. The buildings being crammed onto the little 50 to 60 foot wide single family lots were monstrous.

Raised a half story to provide parking under the units, each had a huge gully of concrete, (dubbed the "Grand Canyon," on one side and a narrow elevated sidewalk down the other. Because the units were all the same and were entered from the side of the lot, the front of the buildings facing the street was often left blank: no windows, no doors, no nothing. The only open space on the site was the left-over berm in front or perhaps a little three-to-five-foot planter next to each entrance. Additionally, the quality and craftsmanship of these stucco boxes did

"Six pack" building type. Illustration by Kathryn Clarke.
not even approximate that of the older bungalows. Community people nick-
named them “six-packs.” Realtors referred to them as “townhomes.”

By the time market pressures had made multi-family units profitable, people
had reawakened to the charms of the bungalow. The neighborhoods were
now seen as enclaves of stability, a part of the cherished heritage of the city.
But they were being destroyed by what they were zoned for: multi-family housing. Panic
set in.

Despite the fact that the city was (and still is) wildly overzoned for its General
Plan capacity, the City rejected the idea of outright downzoning. Several years
before, it had struggled through bitter downzoning debates. The issue was not
something the Board of Directors, Pasadena’s City Council, wanted to get
into again.

First the City tried to deal with the problem by enacting design controls such
as widening side yards, requiring modula-
tions in walls, putting planters in the
middle of driveways and bridging over
the driveways with decorative framework.
But, the community pushed for more
drastic measures. The Board then declared
a number of interim study districts in order
to see what, if anything could be done
about the neighborhoods and, at the same
time, appointed a citizen task force to
study the multi-family zoning codes.

It is interesting to note that the way
people define a problem determines the
types of solutions they seek. Some in the
community saw the problem as develop-
ment in general: change born of profiteer-
ing. Some focused their discontent on the
term “condominium,” rolling their dislike
for a lifestyle, density and building type
into one.

One astute criticism of the new develop-
ments was that by tearing down the
older bungalows, the city was losing a
limited supply of sturdy, affordable
housing and, in too many cases, replacing
it with more expensive units of shabbier
construction. In most cases, however,
people saw the problem as one of density.
They felt that if one could somehow get
the developers to build fewer units, things
would be better.

The city then hired a consultant team
consisting of Christopher Alexander,
Daniel Solomon and myself to work with
the task force. We had a different reaction
to the situation; the problem wasn’t
density, it was the building type.

When we began our work, we were
asked by realtors, developers and archi-
tects in the city not to rewrite the code, but
simply to make adjustments and, perhaps,
add some design controls. But, it was
apparent that changing only a few of the
factors would not solve the problem. We
needed to start over. We began by search-
ing for what gave Pasadena its special

Reinway Court, one of the oldest bungalow court projects still existing. Photo courtesy of Pasadena Heritage.
character. What were the qualities that could be recaptured to mitigate the disruptive elements of the old code and to cure the neighborhoods? How could they be allowed to develop without losing their special character?

Pasadena has a wonderful, lush, garden-like quality. There are magnificent allées of street trees, each of a different species. There are gardens: front yards shared with the street, side yards, and courtyard gardens where residents can sun themselves and stop to chat with neighbors.

The precedent for multi-family housing in Pasadena is a grouping of cottages around a garden or court, the "bungalow court" for which the city is famous. This is the icon that people mentioned when they thought of multi-

Gardens and buildings in historic Pasadena. Illustration by Kathryn Clarke.
family housing they liked. This icon became the essence of *A City of Gardens, the Pasadena Design Ordinance for Multi-Family Housing*, the resulting, entirely new code that we wrote.

Typical zoning codes for multi-family densities require that a developer first consider how many parking places will fit on the site. This in turn determines the number of units. In *A City of Gardens*, the first thing a developer must determine is the size and location of the main garden. Thus the garden is effectively raised to the level of parking layout in the planning hierarchy.

To approach previously allowed densities, a number of trade-offs are made. The density and height envelope is shifted to the rear of the lot where zero lot line set-backs are allowed. The visibility of parking is kept to a minimum and therefore, in most cases, must be located in the back or underground. Units can still be built with parking adjacent or "tucked under" them, but the density of the project will probably drop.

The ordinance goes beyond controlling land use, densities, setbacks and height limits. It folds design controls into zoning and pushes zoning into the context-sensitive realm of preserving neighborhoods. It allows for change, encourages variety and still enhances the quality of life of the community. It is more complex than the usual zoning checklist, takes longer to understand and is more difficult to implement. It has not been received without opposition and controversy. The length of time (three years) that it took to write, debate and adopt the ordinance is testimony to the widely differing opinions of members of the task force as well as the members of the consultant team.

One of our fundamental concerns was that the ordinance be economically viable. It would fail if projects created by it were not financially feasible or would not sell. Some realtors and builders carp ed that the only thing that would sell, and that banks would fund was the "townhome" type of building with "tuck-under" parking - this despite the fact that there are many courtyard and garden projects of various vintages in the finest as well as the humblest of Pasadena's neighborhoods.
Courtyordin

Enhonces
where owners or tenants park in the back and walk happily through the gardens to get to their units.

In fact, one unit in a newer building with security gates, intercoms, elevators and underground parking recently sold for 24% less per square foot than a much older (fifty years) and much larger unit in a building next door to it. Everything about this older building should have made it worth less per square foot. It was a two story walk-up and had no security. The units' owners had to park in the garage of the new building next door and walk outside to get home. “Well, it’s more charming,” scoffed the opponents of the ordinance a bit desperately. Precisely the point. It was an old Spanish revival, garden-court building, selling for 24% more per square foot than the next-door units that had all the bells and whistles supposedly demanded by the market.

Refining and initial implementation of an ordinance like City of Gardens are absolutely crucial to its success. Like a concert hall, it won’t produce quality pieces unless carefully tuned. Follow-up review and revision must be carried out by someone who has been intimately involved with the entire process or else no one will know if the original intentions are being met. But hiring the consultants back to do tune up work is hard for a City to do after it has already spent substantial funds to get an ordinance in place.

There has been a succession of at least five staff members working on the City of Gardens project. No one is left at staff level who was involved in the writing process. Each staff member in turn has
had the task of trying to understand the story as it is told and in turn make it understandable to the next in line. It has been hard to keep the story straight.

Shortly after the ordinance was adopted, a flap erupted over the design of an atypical project on an atypical lot. All of the design-sensitive elements had been considered unenforceable by staff and the resultant project was bad. All of the “shoulds” of the document are now being made mandatory with discretion.

Ironically, just as City of Gardens was being adopted, further evidence of non-responsive planning and the need for more sensitive zoning and design controls appeared in the form of a strict growth-management initiative adopted by the City of Pasadena. It limits the construction of multi-family units to 250 a year, except in redevelopment areas or affordable units. There were, at that time, 30 of the old six-pack projects in the pipeline. These were exempt from City of Gardens but not from growth management. As these old style projects were the first to receive allocations, there have been as yet no projects built under the new ordinance.

Instead, what are being built in far greater numbers, are single units behind existing houses in multi-family zones. As second units are exempt from growth management. This is a type of development that the ordinance was never intended to address, but this is where it is being most frequently applied. The ordinance is already in need of amendment.
Architecture and Taste

Diane Ghirado

However different individual cases may appear, the battle for design control (apart from controls codified in zoning regulations) boils down to two debates: building bulk and its effect on the right of neighbors to preserve views and sunlight, and aesthetic differences over the propriety of a particular design at a specific site. But by far the most common -- and to architects the most irritating -- design controls are those based solely on aesthetics. The often acrimonious struggles between architect, client and the community represented by the design review panel rarely conclude happily for the designer because ultimate control is vested in the review panel.

I want to propose that while "aesthetics" are held to be at the core of the dispute, they mask more compelling issues, both for the community's corps of watchdogs and for the architectural profession. The issues involve propriety, taste and the question of who is allowed to establish these boundaries. Even more deeply, they involve the community's image of itself, grounded in a set of implicit rules adopted by residents in order to distinguish themselves from other (inferior) groups. This code embraces such things as automobiles, home furnishings, and club membership. The point here is simply that there are no absolutes in the world of taste, only different constituencies and the different social and political relations that different tastes imply.

Design review panels do not exist in south central Los Angeles, or East Los Angeles -- the poorer areas of the city. The wealthier or more exclusive the neighborhood, the more intense the control exercised over design. Issues of height and bulk represent attempts to preserve and protect the rights of existing residents. They likewise assure the newcomer of the same protection in the future. But aesthetic issues preserve or transgress accepted limits and acquire or adapt existing taste structures, all of which are activities of a self-described elite, or dominant class. Status and legitimacy are being protected or advanced.

Stylistic variations from the acceptable aesthetic canon become necessary when higher social and economic groups depend upon aesthetics to confirm their privileged status and to distinguish themselves from other groups. As new styles are popularized, they lose their power to ratify privilege. Just as Gucci, once a universal emblem of privilege and luxury clothing, no longer appeals to the wealthiest because it has been diffused to other groups (not to mention faked from Italy to Taiwan), so architectural styles lose their capacity to serve as emblems of distinction once they have been popularized. Patrons pay for that which is unique (repetition of anything being an emblem of low status), and in architecture as in other things, these unique artifacts help the owner maintain his or her position in a hierarchy, and the very contours of that hierarchy itself. The aesthetic preferences of the self-described highest classes are presented as objectively true rather than as socially and culturally conditioned, maintained as the privileged attributes of the upper classes by the very inaccessibility to the lowest groups, against whose tastes that of "legitimate" culture is tacitly defined.

On the most simple terms, what is at stake is the legitimacy of the aesthetic standards upheld by a specific class -- and the question of whose right it is to define those standards. The criteria for judging individuals concern not only their capacity to consume, but the art with which they dispose of their capital, and which groups shall dominate in deciding the legitimacy of other individuals as well as of aesthetics.
Community Design Review Boards and the AIA

Jim Maul, AIA

In 1974, in response to pressures from the building industry, the National AIA completed an extensive study and report titled: “Design Review Boards: A Handbook for Communities.” The 52-page handbook, includes a history of the phenomenon, a national survey of existing review boards, a summary of the general law of design review, suggestions for drafting a design review ordinance, and a model ordinance.

In 1982, The CCAIA decided to form a design review board Review Committee. It asked the committee to present to the Board a policy statement that could be distributed to all the California chapters. The goal was to achieve statewide guidelines for the proper establishment and operation of design review boards.

As Chairperson, I was assigned the dubious job of authoring the policy statement. I say dubious because we – the committee – found that battle lines had been drawn within the architectural community throughout the country.

Advocates of design review argue that a mechanism is needed, by which a community can exercise judgment on specific development proposals. They claim that design review boards, if soundly constituted, fulfill this need. Opposition forces feel just as strongly that the discretionary powers granted to review boards are a threat to the designer’s freedom of expression. They increase delays and cost, discouraging new ideas and encouraging mediocrity.

The committee decided to steer a path through the middle ground, which we were quite aware, would probably result in a continuing status quo. The national AIA study conclusion statement eight years before had done the same. In the final analysis we incorporated that conclusion statement into our policy along with twenty-three recommendations for the “proper establishment and operation of design review boards.”

As it turned out, there was no “middle ground.” Those on the CCAIA Board in favor of design review couldn’t agree on the recommendations. Those opposing did not care to consider design review as an acceptable mechanism for improving the quality of our built environment. End of story – to date.

Eight years later we can ask ourselves: has the quality of our environment been enhanced by design review? Although I wrote a conciliatory policy to reflect a majority opinion among architects, I find myself with both feet in the opposition camp.

I believe a better, albeit slower, more difficult road to that one common goal of “a better man-made environment” is that of education. The AIA nationally, and especially in California, is heavily invested in that effort through B.E.E.P., or Built Environment Education Program. Adults may resist this course, but our kids are eager to learn about those elements and forces that establish the difference between a pleasant and an unpleasant environment.
Professional Liability and Political Control of Design

Nigel A. Renton

Architects have expressed concerns about their potential liability when serving on planning commissions, design review boards, and similar official bodies. Normally the public entity will indemnify architects in respect of decisions made during their work on the commission or board. We would recommend asking the city attorney or other responsible official to provide a copy of the actual wording of the indemnification, for review and comment by your attorney.

Protection is unlikely to be available for informal ad hoc task forces formed to give testimony or other input to an official body. If asked to serve, find out if you are going to be protected in respect of comments and decisions made within the scope of your perceived responsibilities.

Regarding professional liability insurance, if you work for someone else or for a partnership (and you are not a partner), or for a corporation, and you are sued for something allegedly said or written, done or not done, it would be far-fetched to claim that the work you are doing on a design review board or some less formal group is work done for your employer, let alone having anything to do with the practice of architecture. If you are encouraged by your employer, as part of your duties, to engage in some form of design review, you might look to him or her to fill any gaps in the protection available to you.

An employer is not likely to encourage you to tap into professional liability coverage for design review work. There are two good reasons for this. First, there is the obligation to pay a deductible; if the employer were to say that your civic responsibilities were part of your job, wouldn't the employer then become responsible for the deductible? Further, the amount of protection available to the firm for a year is customarily a finite amount. If anything is paid out in excess of the deductible by the insurer, that leaves less protection for the firm in performing its consulting services.

What if you are a partner or a sole proprietor? Although you might wish to claim that your work with a planning commission, etc., cannot be separated from the rest of your practice, it remains unlikely that your insurer would leap voluntarily into the fray on your behalf.

If you are put in the position of having to give your reasons for refusing to approve a design, it is better if it can be shown that the design fails to meet objective criteria, making any subjective judgments unnecessary. If you should be sued for libel or slander, check with your broker — you may have coverage in force as one of the features of a "package" policy.

The design review process may create another hurdle for the architect with an unsatisfactory client. Allegations of negligence, in the failure to obtain permits, are commonplace. Our advice is not make affirmative statements to the effect that you will obtain permits, but rather that you will endeavor to do so. However, if the architect does not even investigate the need for permits, she or he must expect to take the blame.

New materials, new technology, and new controls designed to protect the environment, can complicate the architect's task, and expose her or him to unexpected lawsuits. For example, in some communities a "new improved" system is required for the installation of a septic tank. A civil engineer informs me that this can triple the cost of installing the system, and there is no record of how the new system will perform over time.

Political control of design is essential if we are to create livable communities and protect our environment. The risk of lawsuits is part of the price we pay for the protection of society.
In Pursuit of Urban Beauty
Design Review Boards & Other Band Aids

Kurt W. Meyer, FAIA

Even in a democracy, a strong action-oriented group can beguile and mesmerize a public which is already beset by fears. High taxes need radical action; high density of development and freeway traffic jams are ruining my quality of life.

The "action group" has the answer: interfere with development, file lawsuits, make it expensive and eventually the project will go away. The owner, disgusted, will give up and move to Portland, or at least, the project will be delayed indefinitely.

Many tools are available to the zealot. Here, we are focusing on the government's role in dictating, prescribing and approving the aesthetic design of privately-owned buildings. The Design Review Board process was established to do just that: government interference with an artist's free expression of his or her art. Since aesthetic judgment is subjective, the zealot on the DRB can object to any project he or she wishes. Our City Council and the Planning Department have failed to use the powers that the State has given to them to do so in the form of planning and land use/zoning laws. Today, frantic circular movement and land use band-aids are attempts to gain back the confidence of the electorate before it disposes of the elected.

And why can the Design Review Board members (appointed by the Councilperson) use this tool? Because we architects, have not done our job. Many projects should have been prevented because of their negative impact on neighborhoods and not because of the subjective judgment of some people who dislike a particular design.

It is not possible to legislate "excellence" or "beauty," just as it is not possible to legislate "excellence" in medicine or politics.

We postulate that land use decisions must be governed by a set of laws, to keep the "mean" people at bay, laws designed to protect society and the community at large. But whatever these laws are, and even while protecting the public, these laws must NEVER control the thinking and the product of the design community in the broadest sense, be they painters, sculptors, writers, composers, movie directors, or yes, even architects. Set the designers free and Los Angeles will develop an eclectic style which is truly reflective of its heterogeneous multi-ethnic history and composition. Aesthetics is not the politician's arena, be the arena federal or municipal.

Will this result in some "bad" building designs? Yes! (History may some day call them good examples of our era.)

Will it produce some extraordinary building designs? Yes! Nobody will pull the designer down to the lowest common denominator.

But the all important issue is that the total fabric that emerges will create urban beauty in terms of our era, our times, in step with our our society and civilization! Future generations would then enjoy L.A. as a beautiful city which displays the boundless creative energy of a democratic society, rather than the rigid, one-dimensional order of an autocratic system of governance.
Design Review: Public or Private Responsibility?

David DeSelm and David Baab, AIA

Who should conduct design review? The public sector or the private sector? Historically, design review has been the responsibility of the private sector through deed restrictions administered by homeowner associations or merchant associations. Today city governments are claiming this responsibility. Should this trend continue? The answer is no.

Public entities are effective in controlling life safety and infrastructure aspects of design through building codes and ordinances. However, they are limited in jurisdiction over other, more aesthetic aspects of design by such principles as the Constitutional guarantee of freedom of expression. Private entities are limited in design review only by public policy and legislation, such as prevention of discrimination. Therefore they can control design for more comprehensive, coordinated objectives. But private interests may be more focused on design issues affecting private development than public concerns.

A good solution for who should control the appearance of a community seems to be the close coordination of separate and parallel design responsibilities between public and private entities. Public efforts should focus on public buildings, infrastructure and safety issues, while private efforts should focus on private buildings, image and quality. If mechanisms are established to coordinate public and private design review efforts, to complement their activities, avoid overlapping interests, minimize the potential for conflicting regulations and streamline processing, these activities can actually reinforce each other and produce positive effects for the entire community with less difficulty for all involved.

Whether it's private or public, design review cannot be legislated. It must be interpreted. A clear set of design policies or guidelines is certainly desirable and definitely useful in providing project designers and developers with information and ground rules on which to steer their project in the preferred direction. However, rules alone cannot guarantee good design. Nor can they adjust to changing conditions or cover every circumstance. Success depends upon design review administrators with the ability to see the larger picture and the flexibility and expertise to work out solutions that are practical but consistent with the intent of community design objectives.

Design review requires expert staff -- individuals or a team with a blend of management skills in problem solving, understanding, communications and negotiations; as well as technical skills in site planning, architecture, urban design, landscaping, lighting, and signing. Design reviewers must also have the ability and credibility to evaluate design proposals, to encourage refinements of individual designs toward larger community objectives without discouraging creativity, and to resolve conflicts and difficulties with minimum time and cost. This is not for newcomers, part timers, or the faint of heart.

To be successful, design review must have strong support and commitment by the organizations and authorities involved. Efforts require full time attention, consistency, objectivity and purpose. Staff must have the support of supervisors and policy makers so that vested interests cannot sidestep design review efforts by going to higher authority. At the same time, design review decisions should involve the consensus of more than one person and must include an appeal procedure, so that decisions can be fair, objective and free of capricious personal tastes.
The Doors Are Closed,
the Lights Are Out

Jacqueline Leavitt and Carol Goldstein

It can start with hardware from Sweets, roll down gates over retail storefronts, security bars on residential windows. Signs inform would-be trespassers that the house is wired or Dobermans will attack. A perimeter fence may appear one day around an office park, mini-mall, or senior citizen housing complex. Newly constructed residential enclaves are surrounded by rusticated block walls with front doors and stoops facing inward, away from sidewalks and streets. Older office buildings close off three of four entrances. New high-rise offices are accessible through one set of revolving doors. Gatekeepers guard the elevator lobby from behind a bank of closed-circuit television screens.

Contemporary urban and suburban life is preoccupied with crime and security to the extent that underlying meanings about intrusive cues are overshadowed. Questions about quality of public life, class stratifications, and individual psychological vulnerability are lost or dismissed. Interlocking edges engaging people in dialogue with each other and with the environment have been redefined as heights or depths of fences, gates, ditches, berms, hedges, and walls, and placement of laser beams, surveillance cameras, and guard kiosks. In society’s risk reduction mode, designers enter mental cul-de-sacs where mitigation of fear and protection from outsiders become predominant design principles.

Most importantly, psychological and emotional classifications of edges and boundaries layer over and influence ways in which people of different color, ethnic, gender, and age groups reference each other; indeed, whether occupants and outsiders even come in contact. Intangible separations evoke deep-set feelings, giving way to metaphoric images: e.g., censorship of information, culture, commerce, and political thought expressed as an “Iron Curtain.” Decades later, a force touted to be of similar intensity, the defensive line of the 1974-79 Pittsburgh Steelers, was known as the “Steel Curtain.” Similarly, psychological demarcations between homeowners and renters are reinforced by residential zoning, tellingly revealed in restricted neighborhood associations. Bankers’ redlining practices prevent sales, often to people of color wanting to move into a white area, or preclude renovations and loans in areas in which lenders feel uncomfortable. Gangs create literal and figurative turf ownership, reflected in prescribed colors of dress. A sharp emotional edge is etched in communities where public housing developments are located. A white they mentality is frequently prevalent.

Psychological classifications within historical contexts belie the ever changing dynamics of edges and boundaries. In the cold war climate obsessed by ideological exclusivity, boundaries needed tangible reinforcement. The manifestation of that desire can reach awesome proportions. Witness the Berlin Wall. What may have been an acceptable, “permanent” edge or boundary once is likely to become an anachronism.

But as long as the public is force-fed a hedged-in environment, a challenge exists for designers to collaborate with users, to foster the kind of exhilaration and social interchange that accompanied the tearing down of the Berlin Wall.
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