

most places design review is inconsistently applied. There are no provisions for referencing earlier cases or building up case law that would limit the interpretation of guidelines or judgments and help designers and interested citizens defend their positions.

Design review is difficult to protest on aesthetic grounds. Consider the situation of an architect whose building design is severely altered, but not rejected, by the design review body. He or she has two choices: carry out the alterations and get on with the project (a choice the client is likely to support), or mount a time-consuming and expensive battle, possibly losing the client and commission in the process, as well as alienating a design board that he or she must seek approvals from on a regular basis. Thus the very nature of the design review process (use of “negotiated” coercion, discretionary decisions, uneven power balance, client/architect relationship) works against an individual’s ability or desire to try fight for aesthetic decisions.

Unless the developer finds it to his or her monetary advantage, cases about design seldom go to court. So, while “takings” suits, which claim monetary loss, are common, First Amendment suits, which claim the right of free expression, are nonexistent. Coupled with the tendency of clients to select architects on the basis of their ability to make it through the review process quickly, this may mean that an architect with thoughtfulness, creativity, and design integrity is at a distinct disadvantage.

Aesthetics

A design reviewer must sooner or later face up to the difficulty of deciding what is right and what is wrong—in short, making judgments. Some have argued that design review could simply drop the idea of beauty, since it is too slippery to be legal, and focus instead on “shared values” (Costonis, 1987). It is clear that many aesthetic decisions are complicated by moral issues (values). We may share the belief, for example, that mowed lawns are attractive. On the other hand, mowed lawns are not good for the environment because they waste water and provide no shelter for wildlife. Fields of native flowers may not only be better in a moral sense, they may also be more beautiful. Or maybe not. It doesn’t help that these decisions are relative: one man’s wildflowers are another’s weed-infested lawn. Clapboard is fine here, but not there. Sign variety is desired in Times Square but not on Court House Square.

Design review is reluctant to acknowledge that there are no rules to create beauty. Architecture today admits of no reference standards, no abstract principles, no Vitruvius or Alberti or even Le Corbusier to dictate propriety. Principles of good design, for today’s architects, are not universal, they are specific to the problem, place-centered, expressive of time and culture. For design review to be consistent, on the other hand, principles must be harder, broader, and applicable across the board. The arbitrariness of design review is a result of the vagueness of the guidelines, and the inconsistency of the reviewers. The solution would seem to be more definite guidelines, more precise rules, judgment tempered by precedent. The tendency to increase the use of objective criteria bears this out. Yet, design excellence is not easily defined by hard and fast principles, beauty is not subject to objective criteria, and judgments are necessarily dependent on the aesthetic response to singular, particular case, not a universal abstraction. A conflict between the increasing objectivity of design review guidelines and the very nature of postmodern architectural thought is inevitable.

Planners do not seem to be morally conflicted at the prospect of making objective criteria, on the other hand. Perhaps it is because that, in the haste to draw up the sign control standards or the contextual controls, the important questions are not being asked. What makes cities well designed or beautiful? Is making a consistent place the same as making a beautiful place? What makes a building beautiful? How can design review take heed of the different aesthetic responses that people have? Shall design review view the building as an object, to be judged without reference to its meaning or use or place in the larger site? Shall design review judge only those surficial aspects of the object such as its style or roof line? Shall design review only concern itself with contextual issues like massing and relationship to streets and leave meaning or style alone? How about the message, the “reading” of buildings—if it contributes to our response to the building, can design review judge that as well? If so, how can we give the architect freedom in his or her message? What can possibly serve as criteria for judgement? No wonder it is such a tangle.

Design review principles tend to be abstract and universal, not specific, site-related, or meaningful at the community scale. Along with the use of contextual patterns as design criteria, my survey of cities and towns with design review revealed nearly universal agreement on the elements that cities review: more than 90 percent of towns review fences and buffers,