Protection of Cultural and Aesthetic Values

- Historic Preservation
  - *TIAA Assoc. v. City of New York*
- Architectural and Design Review
  - *Anderson v. City of Issaquah*
- Sign and Billboard
  - *Asselin v. Town of Conway*

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**John J. Costonis, Icons and Aliens: Law, Aesthetics, and Environmental Change, p. 931 (not assigned)**

Aesthetics as a Goal

- Aesthetic considerations underlie all zoning.
- Other values underlying the land use system are just as soft as aesthetics.
- Aesthetics serves as a means of minimizing the "shock of the alien" in the culture.

**Landmark Preservation**

- Interiors
- “public openness”
- Rationale


**Architectural and Design Review**

- Impression of Gilman Boulevard
- Image of Issaquah
- Personally liked
- Tahoe blue may be too dark
- Not harmonious
- Not compatible
- Not interesting
- Not avoiding contrast
Anderson v. City of Issaquah Cont’d

Architectural and Design Review

• Requirements
  • Void for vagueness?
  • Objective guidelines or subjective feelings?
• Bound by proffered changes?

Hugo Martin, Hue and Cry Over Colors of Homes in South Gate, p. 955

How Far Should Aesthetic Regulation Reach?

• Freedom of expression
• Cultural statements
• “the shock of the alien”
• Anti-monotony ordinances

Sign and Billboard Regulation

- Legislative authority
- Sole justification

Asselin v. Town of Conway Cont’d

Sign and Billboard Regulation Cont’d

- Substantive due process
- Legitimate purpose
- Rationally related to goal
Town of Conway - Commercial Sign Regulations:

www.conwaynh.org