Planning and Financing Public Works

Three Historical Cases
Planning and Financing Public Works: Three Historical Cases

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Modern public works systems do not just happen. They require a considerable degree of planning and financial investment, in addition to sophisticated engineering, technology and management. Effective planning of public works involves the development of sufficient political support and a reasonably accurate assessment of future community needs—if not a direct responsiveness to current perceptions of them. Generating financial investment in public works requires the support of various levels of government, as well as the involvement of private groups. With such requirements, it is clear why planned, integrated and complex public works systems are not easily created or redeveloped.

Overcoming obstacles to the planning and financing of public works has been a continuing challenge to professionals and concerned citizens since the nineteenth century. Different techniques and approaches, with varying degrees of success were developed as unprecedented urban growth in the late 1800's generated unprecedented problems like congestion, stench and filth, were dealt with—but not always effectively or expeditiously. New urban technologies and scientifically designed systems of public works were developed. But they often had to wait for new ways of arranging for planning and financing before they could be implemented.

This essay includes three pieces of recent historical research, each providing important insights into the process of "how public works happen." While they focus on different historical eras and different levels of government, and different aspects of the planning and financing process, together they form a basis for developing a better understanding of this important but neglected dimension of public works history. Christine Rosen is the recipient of the Abel Wolman Award, for her book, *The Limits of Power: Great Fires and the Process of City Growth in America*. Marc Weiss's book, *The Rise of the Community Builders*, is sure to be recognized as a major contribution to the history of planning. The article by Jon Lines, Ellen Parker and David Perry is the first national publication based on the research conducted in the Robert Moses collection at the State University of New York at Buffalo. In addition to the practical lessons and the contributions to historical scholarship which these articles provide, this essay should help readers appreciate the need to learn more about the subject.

Howard Rosen
“Planning Subdivisions: Community Builders and Urban Planners in the Early Twentieth Century”

By Marc A. Weiss

This article tells the story of “the creation of the modern residential subdivision.” That an urban land subdivision could be considered “residential” at the time the land was still being platted was a fairly novel concept in late nineteenth- and early twentieth-century America. Prior to this, land was usually carved out into individual building lots and sold for whatever use the new owners intended. Subdividing land exclusively for residential purposes presupposed a level of planning and control that was certainly not the norm for early American urbanization. Planning and developing for specifically residential districts or neighborhoods was first utilized by land subdividers in the case of high-income suburban communities. The technological and economic changes that made possible spatial separation of urban land uses were combined by the developer with substantial investment in landscaping and infrastructure improvements and legal use of deed restrictions to control and preserve a planned environment.

Creating residential subdivisions for builders and purchasers of expensive single-family houses represented the first phase of the modern transformation of urban land development by private real estate entrepreneurs, a phase called “changes at the high end,” which reached maturity during the 1920s. The second phase, “changes at the moderate end,” completed the revolution in community building by the 1940s. In this phase, subdividers became full-fledged suburban housing developers, not only planning and improving large tracts of land, but building the houses on the lots and selling the completed package to the homebuyer. Often parks, schools, shopping centers, and other community public works facilities were also built. Even where smaller subdividers only created modest-sized neighborhoods, what the average consumer was now purchasing or renting was a new dwelling in a new district of completed dwellings, rather than a vacant lot in an undeveloped area with an uncertain future. This phenomenon of “community building,” particularly for the average modest-income resident, constituted a dramatic change from the speculative “lot-selling” practices of the preceding generation.

Subdividers who engaged in full-scale community development in effect performed the function of being private planners for American cities and towns. Working together with professional engineers, landscape architects, building architects, and other urban designers, residential real estate developers worked out “on the ground” many of the concepts and forms that came to be accepted as good planning. The classification and design of major and minor streets, the superblock and cul-de-sac, planting strips and rolling topography, arrangement of the house on the lot, lot size and shape, setback lines and lot coverage restrictions, planned separation and relation of multiple uses, design and placement of parks and recreational amenities, ornamentation, easements, underground utilities, and numerous other physical features were first introduced by private developers and later adopted as rules and principles by public planning agencies. This pattern can
be viewed as "private innovation preceding public action." One need only look at the Federal Housing Administration's (FHA) 1940 publication, Successful Subdivisions, to see clearly and graphically how the various innovations of a half-century of private development were fully incorporated as public values to be standardized and emulated.

The main method by which community builders implemented their planning and design vision, other than through direct capital investment and administrative coordination of the investment and improvement process, was through the vehicle of legally enforceable deed restrictions. These restrictions, written into a private contract between the original seller and buyer of the building lot, both mandated and prohibited certain types of behavior on the part of the present and future property owner. Deed restrictions, by virtue of being voluntary private contracts, went beyond the scope of public sector police power regulations, particularly in the earlier years. These restrictions, which might even include barring the owner from painting the house a certain color, constituted a very significant abridgment of property rights. That they were willingly and in many cases eagerly accepted by purchasers opened the wedge for the introduction and extension of public land-use controls. Deed restrictions, an innovation of community builders and their attorneys, served as both the physical and political model for zoning laws and subdivision regulation.

Community builders did more than just serve as innovators for the land planning ideas that were spawned in the early 1900s and spread rapidly during the succeeding four decades. Many of the large subdivision developers played a direct role in actively supporting and shaping the emerging system of public land planning and land-use regulation. These community builders, most of whom developed stylish and expensive residential subdivisions and were leaders of the Home Builders and Subdividers Division and the City Planning Committee of the National Association of Real Estate Boards (NAREB), worked actively with city planners to establish public planning laws and agencies. J.C. Nichols, the developer of Kansas City's Country Club District, spoke for his colleagues among the community builders when he stated that the private planning of large residential subdivisions could not succeed without "municipal assistance." What Nichols meant was that in addition to the public provision of infrastructure and services, private developers who scrupulously planned and regulated their own subdivisions needed the planning and regulation of the surrounding private and public land in order to maintain cost efficiencies and transportation accessibility, and to ensure a stable and high-quality, long-term environment for their prospective property owners.

Community builders by no means represented the typical subdivider. In their support of public planning, as in most other aspects of their business operations, they were a distinct and fairly unrepresentative minority breed of real estate developer. The longer time-frame for development, larger scale of activity, greater degree and quality of design and improvements, and other features distinguished community builders from the average subdivider. Many subdividers were indifferent if not openly hostile to public planning regulations, although they often welcomed public investment. One group of subdividers, referred to variously as "curbstoners," "fly-by-nights," "land butchers," and "lot sellers," were a source of scandal and market instability that competitors through government regulations. An important goal of community builders was to prevent potentially speculative subdividing of unimproved lots heavily encumbered with special assessment obligations. The battle between subdividers and the many factions in between on the real estate industry and urban land planning.

Community Builders and Subdivision Regulation

The two most widely adopted land-use regulations were those of the City of Kansas City, which controlled the use, height, and bulk of structures. These regulations, which imposed minimum standards of physical infrastructure, and other provisions for public utilities and open space, were among the first to control public land-use. Community builders, and the executive director of NAREB stated in 1945, went beyond the pattern of land usage in residential successful subdivisions by actively supporting and shaping the emerging system of zoning ordinances thirty years ago. Their efforts to attract neighbors from trade areas that would result in low values of private deed restrictions, residential subdivision use regulations and found them to be most effective public zoning to supplement private restrictions not covered by deed restrictions.

In lobbying for zoning laws, community builders stressed the need for large, affluent subdivisions as "good residence neighborhoods." It was frequently used for promotion of higher-value industrial land uses, rather than protection of property values. Community builders turned to community-wide, enforcement of restrictive deed regulations, and assisted in protecting borders such as rivers or park areas.

Community builders' desire for subdivisions to conform to different forms of planning to address the need to ensure that new subdivisions would be similar and other public works structures and facilities, with existing and projected major and minor utilities, to develop and enforce standards for public utilities in the laying out of new subdivisions, and for residential construction (as opposed to new planning as control, to restrict competition, procedures, increasing start-up costs and barriers to entry, fraudulent or misleading sales efforts, the availability of lots and eliminating the curbstoning problem).

The first two forms of planning were responsible for the real estate industry and real estate industry.
of scandal and market instability that community builders hoped to eliminate as competitors through government regulation and private trade association agreements. An important goal of community builders was to stop the mania of land speculation that turned subdividing into stock market-style gambling in vacant, unimproved lots heavily encumbered with private debt and public tax and special assessment obligations. The battle between community builders and curbstoners and the many factions in between is a vital part of the story of the American real estate industry and urban land planning.

Community Builders and Subdivision Regulations

The two most widely adopted land planning tools were zoning laws, which regulated the use, height, and bulk of structures on urban land, and subdivision regulations, which imposed minimum standards of lot size, street width and alignment, and other provisions for physical improvements in the subdividing of land for sale as urban building lots. Community builders wanted zoning to help stabilize the pattern of land usage in residential subdivisions and surrounding areas. The executive director of NAREB stated in 1947: “We helped think up the idea of city zoning ordinances thirty years ago. Their purpose was to protect good residence neighborhoods from trade uses that would destroy values.” Through the use of private deed restrictions, residential subdividers had already market-tested land-use regulations and found them to be most desirable. Community builders needed public zoning to supplement private restrictions and especially to regulate areas not covered by deed restrictions.

In lobbying for zoning laws, community builders were opposed by their curbstone rivals. Most real estate interests in central cities were not in the business of developing “‘good residence neighborhoods.”’ City zoning, once established, was frequently used for promotion of higher-density apartments, commercial, and industrial land uses, rather than protection of single-family houses. Zoning quickly became a tool for speculation and turnover, destabilizing land uses and property values. Community builders turned to incorporating smaller suburban governments, enforcing tighter deed restrictions, and developing larger land parcels with protected borders such as rivers or parklands as alternative methods of maintaining control.7

Community builders’ desire for subdivision regulations encompassed three different forms of planning to address three set of concerns: planning as coordination, to ensure that new subdivisions would be accessible to highways, parks, and other public works structures and facilities, and would be properly aligned with existing and projected major and minor streets; planning as design and engineering, to develop and enforce standards for streets, lots, drainage, and utilities in the laying out of new subdivisions that would enhance their marketability for residential construction (as opposed to pure speculation in vacant lots); and planning as control, to restrict competition in subdividing by regulating the procedures, increasing start-up costs and barriers to entry, and publicizing and penalizing fraudulent or misleading sales efforts, thereby reducing the overall supply of available lots and eliminating the curbstoners.

The first two forms of planning were responses to long-term changes in the structure of the real estate industry and real estate development, particularly residen-
tional development. The third issue arose directly in the context of the collapse of the early 1920s subdivision boom, when after 1926 a rapidly accelerating financial crisis in real estate induced some industry leaders to support government actions to help save their businesses. This cyclical crisis also provided the impetus for public intervention in the first two categories of subdivision planning.

A key publication of the 1930s highlights this three-part planning relationship, Subdivision Principles and Practices, a collection of essays published by the California Real Estate Association, clearly details the community builders’ approach to large-scale residential development. In an essay called “Selection of Property: Improvement and Development Program,” Walter Leimert, one of California’s leading subdivision developers, articulated the level of design and engineering standards for a successful high-income community builder development. Leimert, who employed the Olmsted Brothers as landscape architects on several of his California subdivisions, used as his example of attractive, quality development the various residential subdivisions of Beverly Hills:

Could Beverly Hills have been carried out by the method of the old subdivider, who usually sold sixty to seventy per cent of his lots with a certain ease, during the period allotted for selling, which was generally too short, and then disposed of his thirty or forty per cent of “culls” at sacrifice prices? Of course not, for that sacrifice, which meant to him only the loss of dollars, was the sacrifice of the character and value he had promised the home seekers who first came at his promise of a good place to live. The present-day subdivider, through expert market study of his prospective buyers, intelligent restrictions, good quality of improvements, establishment of environment and general knowledge of the business in which he has engaged, finds that the last thirty or forty per cent of his lots can command very high prices. For he has protected those who already live there and his tract is becoming a stronger and stronger magnet to home seekers. This is the history of every development in the United States in which care, forethought and planning have been brought to development.

Walter Leimert argued the case for excellence in design and engineering. Most of the local subdivision regulations administered by planning commissions during the 1920s and 1930s were concerned with minimum standards of street grading, drainage, lot size, availability of water, and installation of sewers and utilities. The purpose of these regulations was to avoid the burdensome future private costs to the lot and home purchasers, and public costs to the taxpayers, of adding or reconstructing essential public works improvements in the subdivision. The regulations were also intended to help avoid falling property values and disruption of real estate markets from excessive marketing of poorly subdivided and inadequately or improperly improved land. Rising costs and falling values had both become serious problems by the late 1920s, with widespread defaults on real estate loans and on property tax assessments, mostly related to subdivision lot purchases.

As the community builders became more economically integrated and sophisticated in their own methods of subdivision planning, their example helped set higher minimum development standards for subdividers, lenders, insurers, and regulators. The FHA minimum subdivision standards of the 1930s were equivalent to advanced practice for the early 1920s.

A second essay in the California anthology, by the Real Estate Commissioner J. Mortimer Clark, describes the subdivision control procedures under the California Real Estate Act. The commissioner was a former president of the Long Beach Realty Board and vice-president of the California Real Estate Association.

The FHA, the Real Estate Commissioner, and all subdividers offering lots for sale in the state of California, and to stop the sale of lots if an intervention in the subdivision, and to the sale of lots if and Planning as control was combined with design and engineering standards by local purpose of restricting the ability of curb the urban subdivisions. In particular, these try and prevent curbsiders from flooding the subdivision lots and destabilizing investors through speculative overpromising and control was supported by community builders, lenders, insurers, and other elements of the real estate market.

A third essay, written by Charles D. Carlen and Angeles County Regional Planning Commission, This function of subdivision regulations with the rise of the master plan in public and controversial of the three. Whereas the market subdivision control and often deeply regulated and engineering of their subdivisions, most urban coordination as an important service to their land.

Coordination planning was much more the real estate development practice. As resur- ban subdivisions farther away in all directions the automobile and other technologies reshaped urban spatial patterns, large subdivisions their individual developments with surrounding extension of streets, parks, and other forms of services.

The first state subdivision planning law, which authorized Wisconsin cities to regulate streets that were proposed for public use. of Washington passed a bold act requiring filing in or near major cities to dedicate streets into marina, California’s first coordination-based subdivision, 1913 and 1915. The primary purpose of the state law was to promote street width and alignment.

During the “City Beautiful” period of the twentieth century, planners and subdivisions street openings and widenings could now. Subdividers had dedicated the appropriate street first developed their acreage into urbanized lots the desired to pursue such far-sighted concepts as mistakes and uncertainty. However, public uses not be undertaken on a piecemeal basis but to dedicate, the planner had first to determine...
...in the context of the collapse of the U.S. economy in 1926 a rapidly accelerating financial panic. Industry leaders to support government intervention in the cyclical crisis also provided the impetus for two categories of subdivision planning.

-appointed this three-part planning relationship.

-a collection of essays published by the California Regional Planning Commission. Walter Leimert, one of California's most famous landscape architects on several of his projects as an example of attractive, quality development in Beverly Hills:

-urban design and planning. Most planners agreed with the California Regional Planning Commission concerning their standards for the subdivision process.

-avoid the burdensome future costs to the taxpayers. This was the early 1920s, with widespread defaults and the resulting loss of confidence in subdivision sales value, which also provided the impetus for subdivision planning agency coordination as an important service that could only enhance the sales value of their land.

-Coordination planning was much more the offspring of structural changes in real estate development practice. As residential developers began to scatter urban subdivisions farther away in all directions from the center of the city, and as the automobile and other technological innovations were increasingly utilized to reshape urban spatial patterns, large subdivisions became interested in coordinating their individual developments with surrounding private land uses and with public extension of streets, parks, and other forms of public works infrastructure and services.

-This law authorized Wisconsin cities to regulate the width and alignment of all subdivision streets that were proposed for public dedication. Two years later the state of Washington passed a bold act requiring subdividers submitting plats for map filing in or near major cities to dedicate small public parks in their subdivisions. California's first coordination-based subdivision planning laws were approved in 1913 and 1915. The primary purpose of the California laws was the regulation of street width and alignment.11

-During the "City Beautiful" period of downtown reconstruction in the early twentieth century, planners and subdividers realized that millions of dollars in public street openings and widenings could have been saved if only the original subdividers had dedicated the appropriate street size and arrangement when they first developed their acreage into urban lots. Both subdividers and planners strongly desired to pursue such far-sighted cooperation in the future and avoid the costly mistakes and uncertainty. However, public-private partnership of this nature could not be undertaken on a piecemeal basis. In order for a subdivider to know what to dedicate, the planner had first to devise a master street plan as the basis for...
any individual subdivision regulations. As Charles Clark put it: "The 'backbone' of the subdivision ordinance is the master plan of major and secondary highways." 12

Regional planning in the United States had its origins in the metropolitan highway planning and subdivision regulation of the 1920s. The very idea of comprehensive planning was a direct outgrowth of the uncoordinated subdivision mania and subsequent private economic collapse and public fiscal crisis of the late 1920s. Residential subdivisions with well-planned public thoroughfares that avoided costly special tax assessments on property owners were in the best position to thrive or at least survive, and city and regional planning could help assure the developer's survival.

To Develop New Sections of Our City

During the initial phases of the city planning movement, from the early 1900s to 1914, realtors generally did not play a leading role. The reason for this secondary involvement is that the first phase, called the "City Beautiful" period, was very narrowly focused on refurbishing the downtown areas of most cities by constructing civic centers and by making major thoroughfare improvements. Other plans elements varied from city to city, although frequently increased parklands were also proposed. 13

The principal backers of these downtown-oriented plans were the largest owners of real estate in the central city, and those whose retail and commercial businesses depended on strengthening the downtown's accessibility and "image." Typically the city's biggest corporations with office headquarters in the central business district, plus the main daily newspaper publishers and the principal department store and hotel owners, constituted the key business support for "City Beautiful" plans. Realtors who routinely sold, leased, and managed substantial amounts of downtown property for their major clients were also involved, but since their clients were often much wealthier and more politically potent, the local real estate boards usually followed the planning crusade rather than leading it. 14

Once public regulation of private land-use became the top issue in planning, however, real estate boards leaped from the shadows to the forefront. With the single exception of New York City's zoning resolution, which was designed primarily to remedy the real estate conflict in downtown Manhattan, zoning in all other municipalities was much more strongly stimulated by a desire to regulate residential expansion than to facilitate central business district restoration. The further from the downtown one located, the more important the realtor's role became. In Chicago, for example, the Real Estate Board played a minor part in initiating and promoting the famous 1909 Burnham Plan, which was sponsored by the corporate Commercial Club. The 1923 Zoning Ordinance, on the other hand, was passed almost entirely as result of the realtor's strenuous lobbying efforts. The Chicago Real Estate Board wrote the bill and shepherded it through the political terrain, such that Everett Hughes in his classic sociological study maintained that the Board was "the real father" of Chicago zoning. 15 Similar relationships between realty boards and local land-use regulations were repeated in most United States cities during this period. 16

Beginning in 1914 the attention of city planning began to shift dramatically away from the downtown and onto the periphery over proposed public improvements moved and highways. Moreover, an additional variety of planning discourse — regulation, coordination through zoning laws and public review of federal aid policy — in decentralization and suburbanization raised the urban history, community builders began.

The City Planning Committee of the National Association of Real Estate Boards, founded in 1915, was composed entirely of people who were actually carrying out this planning effort and the planning movement. People who were the planning experts and the planning movement; it was the recognition of their contribution to community to develop better subdivisions and community centers. The realtors also were expected to help them plan and build effectively and protect and enhance their investments. In short, they hoped that planning and planning new sections of the city along the right lines and in the direction of the real estate mania that was being fostered by the Board.

Many realtor-subdividers were familiar with the particularly the landscape architects such as F. M. Nolen. These, and other consulting engineers, were the "City Beautiful" plans for a wide range of cities and became the planning consultants were well aware of in modern community design by "progressive" plans. F. M. Nolen noted such places as the Country Club in Baltimore, Forest Hills Gardens in New York, and many others. 17

Not surprisingly, the real estate brokerage subdivisions were among the planning consultants. Acceptance of land-use regulations. Four were included in the 52 founding charter members of the American Consulting Engineers Institute (ACI), which later became the American....
As Charles Clark put it: "The 'backbone' of the master plan of major and secondary streets has its origins in the metropolitan highway problem of the 1920s. The very idea of comprehen-sive uncoordinated subdivision mania and the public fiscal crisis of the late 1920s forced the planning process to consider public thoroughfares that avoided costly as well as unimportant development. The result was the development of urban planning as a potentially powerful tool.

Our City Planning Movement

The city planning movement, from the early 1900s to the late 1920s, was a leading role. The reason for this second movement was the "City Beautiful" period, which focused on the downtown areas of most cities by concentrating major thoroughfare improvements. Other elements, although frequently increased parklands from the downtown and onto the peripheral growth of metropolitan areas. Debate over proposed public improvements moved from civic centers to major streets and highways. Moreover, an additional vital element was added to the universe of planning discourse — regulation, coordination, and planning of private land-use through zoning laws and public review of subdivision plans. As metropolitan decentralization and suburbanization raised the curtain on a new scene in American life, community builders began moving to the center of the stage.

The City Planning Committee of the National Association of Real Estate Boards, formed in 1914, was composed entirely of realtors whose primary interest was in land development, residential subdividing, and homebuilding. As the big downtown realtors were naturally interested in the issue of re-planning, NAREB's community builders were understandably very enthusiastic about developing the new sections of the city along the right lines. As they saw things, they were the people who were actually carrying out this important task. What they hoped planning experts and the planning movement could provide them with was public recognition of their contribution to community building; scientific advice as to how to develop better subdivisions and communities; and government legal and financial assistance to help them plan and develop their subdivisions more cost-effectively and protect and enhance their considerable financial investment. In short, they hoped that planning and planners could both widen the market for subdivided land and make their long-term market prospects more secure and predictable.

Among the majority of the larger subdividers, the bandwagon for city planning did not proceed apace until well into the 1920s. During the pre-World War I period, however, a relatively small group of community builders took up the cause of private and public land use regulation and as a serious issue. Community builders from NAREB exchanged ideas with the landscape architects, civil engineers, architects, and lawyers who predominated in the National Conference on City Planning (NCCP), founded in 1909. Together, these community builders and the NCCP activists worked to promote planning legislation among other entrepreneurs in the real estate industry, to the general public, and within state and local governments.

Many realtor-subdividers were familiar with the leading planning consultants, particularly the landscape architects such as Frederick Law Olmsted, Jr., and John Nolen. These and other consultants had traveled the continent preparing "City Beautiful" plans for a wide range of cities and towns, and had also worked as designers or advisors to a number of the larger real estate developers. In turn, the planning consultants were well aware of what they considered to be the best in modern community design by "progressive" subdividers. For example, John Nolen noted such places as the Country Club District of Kansas City, Roland Park in Baltimore, Forest Hills Gardens in New York, and St. Francis Wood in San Francisco.

Not surprisingly, the real estate broker-developers of Nolen's most admired subdivisions were among the planning consultants' closest allies in the drive for public acceptance of land-use regulations. Four of these community builders were included in the 52 founding charter members of the American City Planning Institute (ACPI), which later became the American Institute of Planners) in 1917.
Nichols, developer of the Country Club District; Edward H. Bouton, developer of Roland Park and Forest Hills Gardens; Robert Jemison, Jr. of Birmingham, Alabama, the South's largest developer, who became president of NAREB in 1926; and Lee J. Ninde of Ft. Wayne, Indiana, head of Wildwood Builders, who as president of the Indiana State Association of Real Estate Exchanges in 1916 launched a new organization called the Indiana State Campaign for City Planning to lobby for planning legislation at the state and local levels. Edward Bouton, by virtue of his connection with the Russell Sage Foundation, actively participated in the National Conference on City Planning (NCCP) from its first year, 1909. Broader cooperation between community builders and city planners at the national level began in earnest during 1912 and 1913, when greater numbers of subdividers and realtors began attending national planning conferences. In 1913 J.C. Nichols joined the General Committee of the NCCP, and the following year the conference initiated a major national study of "The Best Methods of Land Subdivision," directed by John Nolen and Ernest P. Goodrich. NAREB's newly formed City Planning Committee, headed by Lee Ninde, worked closely with the planners in encouraging this research agenda. Presentation and discussion of the study was the major topic at the 1915 National Conference on City Planning in Detroit. This also was the first year that several realtors were featured as speakers at the annual planning conference.

The focus on land subdivision and the scheduling of prominent realtors as speakers continued for the 1916 and 1917 NCCP conferences. By 1916 no less than ten realtors, including NAREB President Henry Haas, sat on the NCCP General Committee. The following year J.C. Nichols headed the Committee on General Arrangements for the 1917 NCCP conference, held in his hometown of Kansas City. When the ACPI was formed at that conference, both Nichols and Ninde were elected to its first Board of Governors. Private subdividing and residential construction slowed to a standstill after America's entry into World War I in April 1917, but national public cooperation between planners and community builders reached new heights through the medium of the land development and homebuilding for war workers orchestrated by the United States Housing Corporation and the Emergency Fleet Corporation. NAREB and ACPI leaders worked together on these efforts more closely than any previous joint activity, and the legacy of this cooperation continued on in the 1920s under the auspices of Herbert Hoover and the United States Department of Commerce.

During 1917 and 1918, J.C. Nichols headed NAREB's War Service Board, and some of the nation's leading realtors worked for war agencies on real estate appraising, acquisition, and development. ACPI member and future NAREB President Robert Jemison, Jr., directed housing and land development for the Housing Division of the Emergency Fleet Corporation. When the United States Housing Corporation (USHC) was created in June 1918, several NAREB leaders served as officers and directors of the corporation and ran its Real Estate Division, which provided subsidized financing for private residential developers building "priority" war worker housing.

Frederick Law Olmsted, Jr., directed the USHC's Town Planning Division which built a number of public residential subdivisions for war workers, as well as assisting in private efforts. In his 1919 presidential address to the National Conference on City Planning, Olmsted argued strongly for the subdivision and local government through the subdivision regulations and planning. He counseled experience with the USHC that large subdivisions offered the provision of infrastructure and services prior to sales and development.

Timing of the New Cooperation

The reasons for the emergence of subdividing interest between NAREB and NCCP began with technological changes, particularly in transportation. The need for subdivisions to closely resemble continuously compact form of urban development that urban middle-income residential suburbs used to be, was based on electric transit and possible residential uses. Those far-sighted developers and planners had development experience in favor of a new effort together to search for new legal, financial and physical framework that they saw as changing times.

Key to all discussion of changes in private subdividing was one of the two concepts: spatial separation, and time. Technological innovations made it increasingly possible to separate and spread the various working and living spaces. This separation could only be sustained by stabilizing land uses such that urban physical form and more predictable life. "Building for classification and development of varying utility load capacities, building sizes, and building procedures" proceeded without the costly intrusion of confusion that was then so common a feature of urban space.

Real estate subdividers had been woefully behind development through the use of deed restrictions in these efforts. Both developers and planners found in public restrictions through zoning and "districting", or zoning, to supplement their private efforts. Districting, or zoning, were vital elements. A second important reason for the timing of entrepreneurship in "the best methods of land subdividing of the urban real estate market beginning.
In 1912 District; Edward H. Bouton, developer
Barnes; Robert Jemison, Jr. of Birmingham,
who became president of NAREB in 1926;
head of Wildwood Builders, who as presi-
dent of Real Estate Exchanges in 1916 launched
the State Campaign for City Planning to lobby
at state and local levels. 20

In connection with the Russell Sage Foundation,
the Conference on City Planning (NCCP) from
1916 on, sponsored by the General Committee of the NCCP, and
presented a major national study of “The Best
Practices” by John Nolen and Ernest P. Goodrich.
Chairing the Committee, headed by Lee Ninde, worked
this research agenda. Presentation and
a topic at the 1915 National Conference on
was the first year that several realtors were
in a planning conference. 21

And the scheduling of prominent realtors as
in 1917 NCCP conferences. By 1916 no less
President Henry Haas, sat on the NCCP
governing board. Nichols headed the Committee on
a NCCP conference, held in his hometown of
and presented at that conference, both Nichols and
Governors. Private subdividing and resident-
宅 in America’s entry into World War I in
cooperation between planners and community
the medium of the land development and
planners by the United States Housing Cor-
poration. NAREB and ACPI leaders worked
on greater than any previous joint activity, and the
the 1920s under the auspices of Herbert
Department of Commerce. 22
headed NAREB’s War Service Board, and
was war agencies on real estate ap-
agement ACPI member and future NAREB Presi-
dent housing and land development for the Hou-
Corporation. When the United States House
in June 1918, several NAREB leaders served
on the Town Planning and ran its Real Estate Division, which
a major role in subdividing building “prior-
ities” for the USHC’s Town Planning Division which
localities for war workers, as well as assisting
eral address to the National Conference on
City Planning. Olmsted argued strongly for greater cooperation between private
subdividers and local government through the establishment of city zoning and
subdivision regulations and planning. He concluded from his development ex-
perience with the USHC that large subdividers needed public assistance in plan-
ing for the provision of infrastructure and services while land was still being platted,
prior to sales and development. 24

Timing of the New Cooperation

The reasons for the emergence of subdivision planning as a field of common
interest between NAREB and NCCP beginning in 1914 were three-fold:
technological changes, particularly in transportation, utility, and construction
improvements; market competition and institutional changes in the scale and private
government control of urban land development; and the inadequacy of the existing public legal
and governmental framework to respond to these changes.

The transformation of American urban development utilizing the combination of automobiles and commuter trains was only in its infancy at that time. The previous wave of residential decentralization, already proceeding for several decades prior
to 1914, was based on electric transit as the primary mode of urban transporta-
tion. The need for subdivisions to closely surround traction lines dictated a con-
tinuously compact form of urban development. Many property owners believed
that urban middle-income residential subdivisions would eventually be engulfed
by high-density congestion and possible transition to commercial or industrial land
uses. Those far-sighted developers and planners who rejected the pattern of past
development experience in favor of a new model were just beginning to work
together to search for new legal, financial, and institutional forms to adapt to what
they saw as changing times. 25

Key to all discussion of changes in private subdividing and public planning were
two concepts: spatial separation; and stability of land and building use. Technological innovations made it increasingly possible to lower urban densities
and spread the various working and living spaces over a wide metropolitan area.
This separation could only be sustained, however, if there were some means of
stabilizing land uses such that urban physical investment would have a longer
and more predictable life. “Building for permanency” would allow differential
classification and development of varying lot sizes, street sizes, infrastructures,
utility load capacities, building sizes, and building types. Further, construction could
proceed without the costly intrusion of constant public and private reconstitution
that was then so common a feature of urban growth.

Real estate subdividers had been working on private means of stabilizing
development through the use of deed restrictions, and planners assisted them in
these efforts. Both developers and planners became increasingly interested in
public restrictions through zoning and subdivision controls, and public plan-
ing, to supplement their private efforts. Discussions of the possibility for public
“districting”, or zoning, were a vital element of the NAREB-NCCP-ACPI coopera-
tion. 26

A second important reason for the timing of the growing interest by real estate
entrepreneurs in “the best methods of land subdivision” was the general weakening
of the urban real estate market beginning in 1914, simultaneous with a height-
ned competition for the sale of the best deals in suburban residence property. The coming of the Great War in Europe significantly slowed foreign immigration to American cities. It also increased agricultural exports and farm prosperity which considerably slowed rural-to-urban migration in the United States, and drove up interest rates and shifted debt and equity capital from urban real estate development to foreign loans and related industrial and commercial investments. The net effect caused a major urban real estate recession. Demand for subdivision lots and construction of new residential developments fell substantially after 1913.27

At the same time, the growth of aesthetic consciousness resulting from the "City Beautiful" campaigns, the increasing availability of private automobiles for upper- and middle-income purchasers, the public acceptance of deed restrictions in property ownership, the expansion of urban transit lines, and other factors combined to stimulate a nonspeculative market for suburban residential building lots in relatively new and well-planned subdivisions. Developers who could offer a complete package of futuristic improvements, attractive surroundings, and deed-restricted exclusivity could beat out their competition and sell higher-priced lots and homes much faster, thus saving on the burden of excessive carrying charges and avoiding the curse of low profits. The time was right for existing community builders, would-be large-scale residential subdividers, operative homebuilders, and real estate brokers who previously sold or desired to sell higher-grade suburban residence property to focus their collective attention on "scientific city planning."

Defining an Agenda for Public Action

In 1916 J.C. Nichols delivered a major address to the National Conference on City Planning entitled "Financial Effect of Good Planning in Land Subdivision." His speech outlined the broad contours of the urban land planning agenda that would accompany and help foster the emerging transformation in the institutional processes of urban land development. He clearly underscored the crucial interconnection between the changing nature of residential development and the creation of land-use regulations and planning agencies in American cities. He also described the basis of cooperation between community builders and city planners from the developer’s viewpoint, a similar task to that performed by John Nolen in his important article, "Real Estate and City Planning," which presented the planner’s perspective on the same issues.28

Nichols began his address with a complaint that "Eighty to ninety percent of our city property is covered with residence districts, and yet ninety percent of the discussion in city planning conventions I have attended is directed to traction problems and downtown development."29 His own participation and that of other community builders helped to considerably change the latter percentage.

He further lamented that in order for community builders to successfully develop a large subdivision, the amount of land they needed to control and the length of time it took to sell all the parcels imposed huge financing problems on the subdivider, despite the profitability of individual lot sales. Nichols pointed out that the true community builder must take a long term approach to development of a very big tract of land, and yet time would be his enemy in being able to financially afford to hold onto the land. By rejecting the method of selling cheap unrestricted speculative lots for quick turnover, the developer exposed himself to the financial risk of not being able to sell high-quality residences for the long haul.

Nichols then listed the various ways that good of longer-term and higher loan-to-value insurance companies, saved money in land sale layout), and generally brought much higher sales prices. "But this private planning -. . . Now, how in the world can the private developer expect his property to succeed, if he is competing all around him?"30

The solution for Nichols was quite clear — control. Land-use controls would establish development in different locations (as part of a master high-grade subdivision in an undeveloped like-minded neighbors, what Nichols called "a constant effort of the operator is to try to get something to what he has placed upon his property, and it must have municipal control of the surrounding ."

Regional planning in the United States, the metropolitan highway planning of the 1920s. The very idea of zoning was a direct outgrowth of the speculative mania and subsequent private economic fiscal crisis of the late 1920s. Residentially well-planned public thoroughfares through tax assessments on property ownership to thrive at all costs, and zoning helped assure the development of a broad range of planning tools and techniques. In addition to the control of new land subdivisions, regulation of building use, size, land coverage, and zoning. Zoning would classify future development, mark areas and the ability of private deed restrictions to create profits for the developer and asserted that this was the resulting .32

Finally, Nichols argued that developers needed to develop their subdivision with future plans for extens as well as the placement and extension of public utilities, and the entire range of municipal services. In the next two decades this notion of .
Regional planning in the United States had its origins in the metropolitan highway planning and subdivision regulation of the 1920s. The very idea of comprehensive planning was a direct outgrowth of the uncoordinated subdivision mania and subsequent private economic collapse and public fiscal crisis of the late 1920s. Residential subdivisions with well-planned public thoroughfares that avoided costly special tax assessments on property owners were in the best position to thrive or at least survive, and city and regional planning could help assure the developer’s survival.

In addition to the control of new land subdividing, Nichols advocated municipal regulation of building use, size, land coverage, and set-back, which was called districting or zoning. Zoning would classify each type of development and make future development stable and predictable at any given building site. He extolled the ability of private deed restrictions to create monopoly value and hence extra profits for the developer and asserted that public restrictions could achieve similar results.

Finally, Nichols argued that developers needed municipal assistance in aligning their subdivision with future plans for extension of major streets and highways, as well as the placement or extension of public parks and recreation land, schools, utilities, and the entire range of municipal public works improvements and services. In the next two decades this notion of coordination-based regulation be-
between public and private development became the central logic of land-use planning for urban expansion: the comprehensive land-use plan, the capital improvements budget, the official map of public land reservations for future uses, and the staff planning agency to work with the subdividers to correlate public and private development plans and establish rules for accepting dedications of speculative streets, parks, and other land from private subdividers for public development and maintenance. Nichols also stated that community builders needed the same type of coordination-based cooperation from other key private concerns including financial institutions, street railway companies, and churches.

Nichols' comments constituted a community builder's manifesto on the need for local government planning. He advocated a public-private partnership in the preparation and execution of private urban land development at a level of resource commitment and regulatory intervention much greater than had been applied by American local government since colonial times. Nichols concluded his address with a plea for the assistance of the Advisory Committee enabling Enabling Act. Together these acts almost immediately rationalized the physical design standards and established a mechanism for asserting long-term control by many small private owners — deed restrictions.

The initial step in the long march toward a real estate law, as the planners called it, was the Deed Restrictions legislated the idea that of their individual property rights. In 1914 it was becoming clear that the rising assertion demonstrated that it was quite beneficial to participate in collective land-use control, and that building restrictions; and now I cannot sell a deed.

Deed restrictions did more than legitimate; they also were the principal vehicle for the community builders and architects, and other public works profession.

Three years later, Thomas Adams, who had directed the New York Regional Plan, codified and summarized the best planning knowledge to date in The Design of Residential Areas. In the mid-1930s the federally-owned greenbelt towns furthered the state-of-the-art in public community building that had previously been explored by the United States Housing Corporation. The Radburn, New Jersey private experiment of the late 1920s, "a town for the motor age," as well as various development efforts by innovative subdividers, also broke new ground in establishing better planning standards. The last and in many ways the most effective step in tying the entire planning process together was the decision of the city planning agency to work with the subdividers to correlate public and private development plans and establish rules for accepting dedications of speculative streets, parks, and other land from private subdividers for public development and maintenance. Nichols also stated that community builders needed the same type of coordination-based cooperation from other key private concerns including financial institutions, street railway companies, and churches.

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the central logic of land-use planning, a comprehensive land-use plan, the capital impact of public land reservations for future uses, is one with the subdivider to correlate public and private rules for accepting dedications of property from private subdividers for public development. It stated that community builders needed the cooperation from other key private concerns: railway companies, and churches.

As a community builder's manifesto on the need to advocate a public-private partnership in the era of urban land development at a level of resource concern much greater than what had been applied by colonial times, Nichols concluded his address to planners in implementing this new approach.

The policy tools which formed the basis for an official map, zoning map and laws, setting up regulations and planning agency review, were adopted by both the community builders and state city planning's first big decade, the 1920s.

The taking by both the community builders and the renamed city planning's first big decade, the 1920s, of zoning laws. In 1921 Secretary of Commerce Advisory Committee on Zoning, which published a report in 1924, and later in 1928 as the renamed Zoning and Zoning, published A Standard City Plan. Two documents outlined the basic principles for implementation of comprehensive urban planning: and financial institutions, building and trade associations from various branches of industries, could help speed the transition from a large-scale, standardized, modernized, and produced by. Community builders were prominent and "community building" as a goal was very prominent.

Nichols, who had directed the New York Regional Planning knowledge to date in The Design of 1920s the federally-owned greenbelt towns further community building that had previously been using Corporation. The Radburn, New Jersey was a town for the motor age." as well as various single-family subdividers, also broke new ground in towns. The last and in many ways the most effective step in tying the entire planning package together came through the federal rationalization of housing development and financing initiated by the Federal Housing Administration (FHA) in the mid-1930s. The FHA's Land Planning Division played a crucial role in institutionalizing as part of the housing tract development process the very forms of "municipal assistance" and regulatory intervention that J.C. Nichols had called for in his 1916 speech.

Deed Restrictions — Private Innovation Preceding Public Planning

When J.C. Nichols called the subdivision work of the early community builders "the foster mother of the city planning movement" his statement may have been considered far too self-congratulatory by professional planning consultants, but it was essentially correct. Indeed, planning consultant and former NCCP President George Ford corroborated this line of reasoning in a 1925 speech to NAREB's Home Builders and Subdividers Division when he opined that "It is the realtor subdivider who is really planning our cities today, who is the actual city planner in practice." 37

Neither Nichols nor Ford meant to claim that subdividers per se were "city planners" simply because they platted undeveloped land into salable lots. Rather, their point was that the most innovative of the large subdividers were working out "on the ground" the newest and most advanced principles and techniques of urban land planning. More specifically, they acted as pioneers in developing the physical design standards and establishing and improving the first widely used mechanism for asserting long-term control of parcels of urban land owned by many small private owners — deed restrictions. 38

The initial step in the long march toward achieving "public control of private real estate," as the planners used it, was attaining a measure of private control. Deed restrictions legitimized the idea that private owners should surrender some of their individual property rights for the common good, including their own. By 1914 it was becoming clear that the rising land values of deed-restricted property demonstrated that it was quite beneficial for individual private owners to participate in collective land-use control, and that many prospective land purchasers, builders, and occupants understood and appreciated its advantages. As J.C. Nichols noted in 1912: "In the early time [1906-1908] I was afraid to suggest building restrictions; now I cannot sell a lot without them." 39

Deed restrictions did more than legitimate the concept of land-use control, however. They also were the principal vehicle by which subdividers and technicians tested and refined the methods of modern land planning. In this important activity the community builders led the economic charge, but received a great deal of guidance and assistance from leading landscape architects, civil engineers, architects, and other public works professionals. The finest designers frequently were the planners of the best deed-restricted private subdivisions. For example, F.L. Olmsted Sr. and Calvert Vaux laid out Riverside, Illinois, the Chicago residential suburb that set an early and long-held standard for excellence of planning and for the creative use of deed restrictions. Riverside, platted in 1869, served as the inspiration and example for Roland Park in the 1890s, landscaped by F.L. Olmsted, Sr. and Jr., and for the 1911 design of Forest Hills Gardens by F.L. Olmsted, Jr., and Grosvenor Atterbury. John Nolen designed both Kingsport, Tennessee
and Mariemont, Ohio just after the end of World War I. F.L. Olmsted, Jr. and Charles Cheney designed Palos Verdes Estates in 1923. Clarence Stein and Henry Wright planned Sunnyside and Radburn for developer Bing in the 1920's. The list goes on. The key point is that all of these land development plans and many other similar efforts were executed by private developers using deed restrictions as their most effective means of retaining control in executing the plan after the lots were subdivided and sold to individual private owners.

Community builders worked together with planners to privately establish the framework for most major aspects of what later became public planning — building restrictions; classification and separation of land uses; integrated planning and design of streets, blocks, and lots; open space between buildings and within and between subdivisions; uniform set-backs; advance reservation and dedication of subdivision land for public use. The list is long and covers a wide range of applications of zoning and subdivision regulations and urban design and engineering. Even on the commercial side, the basic concept of the modern suburban shopping center was first developed by J.C. Nichols and widely introduced as a new innovation in residential subdivision planning by community builders.

Members of the real estate business community understood that private restrictions were no panacea and could not substitute for public regulation. Nichols made this point quite forcefully in his 1916 speech to the National Conference on City Planning. Seven problematic issues rendered private restrictions inadequate: 1) They were difficult to establish once land was subdivided and sold to diverse owners. Thus they could only be easily applied to new subdivisions, and not in already built-up areas. 2) They were often difficult to enforce through the civil courts. Property owners could not depend on their future effectiveness with any certainty. 3) They generally were only considered to be legally enforceable for a limited period of years, at which point the restrictions would completely expire and the area would be officially unprotected. 4) They were very inflexible. Once written into the original deeds, they were difficult to change, even where new and unforeseen conditions clearly warranted certain modifications. 5) They only applied to whatever size parcel of land could be controlled by a single owner or subdivider. All land surrounding a restricted subdivision could remain unrestricted, subjecting the subdivision's border areas to the threat of encroachment by "undesirable" uses. 6) Even where deed restrictions were applied to a number of tracts, each subdivider used a different standard, leaving a complete lack of uniformity between each private effort. 7) In addition to the lack of coordination between privately restricted and unrestricted land uses, restricted subdivisions were not at all coordinated with public land uses and future public land-use plans.

Leading subdividers and realtors advocated public planning to overcome the deficiencies of private restrictions and to supplement their strengths. Without the visible precedent of private planning efforts by community builders and their advisers and allies within the city planning profession, the establishment of public land-use regulations would no doubt have taken longer to accomplish and the newly-created public planning agencies would have been far less knowledgeable in their initial attempts to set reasonable standards for urban land development.

Community Builders and the Standard Plan

Just as the initial cooperation between Nichols at the National Conference on City Planning set the planning agenda for the early 1920s, a similar effort commenced ten years later that produced planning documents of the decade. The immediate stimulus for such realtor-planners of the mid-1920s.

The massive urban population increase combined with a period of relative prosperity, a subdivision boom in the early 1920s that included speculative frenzy. By 1923 there were areas of "shoe-string" purchases and crash sales, and the level of complaints and swindles began to accelerate sharply. In several cities were already leveling off or declining. Between everywhere and the long and steep descent, and "frozen assets" was commencing. The notorious and highly publicized Florida land boom began to accelerate sharply. In southeastern Florida's boom faltered in the fall of 1925 and markets.

The Home Builders and Subdividers D. S. Minutes for the first time at the June 1925 NAREB for the first time at the June 1925 NAREB to establish a Committee on Subdivision Control. Shuler, the chairman of NAREB's Home Builders Committee and the chairman of the new Committee on Subdivision Control, and regional planners of the American City Planning Institute to form a new subdivision control with the realtors. As a result, set up its own Committee on Subdivision Control in hopes of defining a consensus position. In popular publicized Florida land boom, decline, sending shock waves through the markets.

Irenaeus Shuler had earlier conducted a subdivision control in 24 cities in the United States. Street extensions was now required for the street subdivisions should be regulated according to the width, grade, and alignment and the sewer systems, and other utilities. Areas "have retarded city growth and have increased the need for regional rather than local planning. The spirit in which even the largest and most effective planning agencies took action, however, was highly defensive. 42
Community Builders and the Standard Planning Act

Just as the initial cooperation between NAREB's City Planning Committee and the National Conference on City Planning beginning in 1914 had helped set the planning agenda for the early 1920s, a renewed and more extensive cooperative effort commenced ten years later that produced in 1928 one of the most important planning documents of the decade: A Standard City Planning Enabling Act. The immediate stimulus for such realtor-planner dialogue was the subdivision crisis of the mid-1920s.

The massive urban population increase in the 1920s in many metropolitan areas combined with a period of relative prosperity and rising real incomes stimulated a subdivision boom in the early 1920s that quickly took on the character of a speculative frenzy. By 1923 there were already many warning signs that the house of cards of "shoestring" purchases and leveraged credit would soon come crashing down, and the level of complaints and horror stories of investors being swindled began to accelerate sharply. In some cities lot prices and sales activity were already leveling off or declining. By 1926 activity had peaked nearly everywhere and the long and steep descent into bankruptcy, foreclosure, default, and "frozen assets" was commencing. The capstone event was the collapse of the notorious and highly publicized Florida land boom, in which enough land (some of it underwater) had been subdivided to house the entire American population. Florida's boom faltered in the fall of 1925 and by the fall of 1926 was in full-scale decline, sending shock waves through the nation's financial and real estate markets.42

The Home Builders and Subdividers Division of NAREB took organized action for the first time at the June 1925 NAREB convention in Detroit when it voted to establish a Committee on Subdivision Control in Metropolitan Areas. Irenaeus Shuler, the chairman of NAREB's Home Builders and Subdividers Division and of the new Committee on Subdivision Control, had invited the professional city planners of the American City Planning Institute to come to Detroit and discuss subdivision control with the realtors. As a result of these discussions, the ACPI set up its own Committee on Subdivision Control to work together with NAREB in hopes of defining a consensus position. Shuler strongly criticized the inadequacy of existing planning efforts in addressing the problems of large residential subdivisions. He said that "city planning as practiced in America has had to do mainly with the built-up areas. In all of our cities most of the efforts along this line have been devoted to correction of mistakes of the past."43

Irenaeus Shuler had earlier conducted a study for NAREB on regional subdivision control in 24 cities in the United States, concluding that the planning of future street extensions was now required for the entire metropolitan area, and that new subdivisions should be regulated according to a "master plan" to assure uniformity of street width, grade, and alignment and to provide for proper drainage, water and sewer systems, and other utilities. Arguing that poor street systems in urban areas "have retarded city growth and have necessarily kept down land values," the study concluded that "the advent of the automobile has brought a new emphasis on the need of regional rather than merely city planning."44

The spirit in which even the largest and most prosperous realtor-subdividers took action, however, was highly defensive. Shuler told his more than one thou-
sand colleagues assembled in the Detroit convention hall that the "successful subdivider" had actually pioneered the methods of private control through deed restrictions, large-scale land planning and construction of improvements, arranging purchaser financing, and homebuilding — in short, the complete development of communities. Shuler stated, "If these things were always done with reasonable thought and care, values would be created and maintained and there would be much less need for public or civic control of the subdivision of land." However, he continued, "private control has its limitations," and any standards promulgated through the 26,000 members of NAREB "can only extend to the voluntary adoption of its individual members" at best, and not at all to the "many other men... engaged in the subdivision of land who take no part in the affairs of this or similar organizations." Shuler warned his fellow realtors that the level of subdivision crisis was heading to a point that some public action would eventually be necessary: "I realize the viewpoint of the subdivider who objects to control over the subdivision of land, on the ground that it may become burdensome, and the operation of such control might be placed in the hands of political agents. Public demand, however, will bring about this condition sooner or later, unless the subdivider himself devises means of reasonable control. We all realize that there are some subdividers who will not exercise proper private control."

N.P. Dodge, the chairman of the Committee on Legislation, reinforced Shuler's comments with a report which endorsed some form of public subdivision regulation, but only if planning boards "are composed of experienced Realtors in good standing, or at least a majority of the board is made up of such men." Otherwise there is a "danger of over-regulation" if planning commissions are "composed of inexperienced men and women" who might have "unreasonable and extreme views."

Dodge urged that control of subdivisions be exercised countywide, "for nearly all new platting is outside the city limits," and listed three main purposes of plat control: that the subdivider be required to connect up with existing or proposed streets; that the streets be improved to permanent grade before lots are sold, or a bond posted to guarantee that streets will be improved within a reasonable time; and that a minimum lot size be required, to prohibit the selling of "lots of such small dimensions as to constitute a fraud by misleading the buyer concerning the cheapness of the lot." In these three recommendations we see the three key motivations of the real estate industry for subdivision regulation: coordination, design and engineering, and control.

The NAREB committee and the ACPI committee deliberated for the next two years with the realtors coming to a tentative agreement on principles at their June 1926 convention in Tulsa. A final position was hammered out and approved by the NAREB Board of Directors at a business meeting, appropriately located in Miami, Florida in January 1927. Four months later the ACPI approved the statement, and it was subsequently endorsed in May 1927 by the National Conference on City Planning. The NAREB-ACPI Joint Statement on Subdivision Control was so influential that it formed the basis of the United States Department of Commerce's document A Standard City Planning Enabling Act. In this the Commerce Department recommended to state governments that they pass enabling legislation, using the Standard Act as a model, to facilitate local and metropolitan land-use planning and regulation in all 48 states.
The committee on legislation, reinforced Shuler's proposal of adding a new subdivision regulation. The ACPI committee deliberated for the next two months and approved the act. A key section of the suggested planning enabling act dealt with subdivision control. The Standard Act formed the basis of most state and local subdivision control and planning legislation for the next several decades.

The work of NAREB's Homebuilders and Subdividers Division in initiating the Joint Statement on Subdivision Control with ACPI, and in encouraging the spread of what many realtors called "the Hoover Act," is often forgotten. The Joint Statement on Subdivision Control was adopted by the American City Planning Institute in 1927 by the National Conference of State Planners. The ACPI committee deliberated for the next two months and approved the act. A key section of the suggested planning enabling act dealt with subdivision control. The Standard Act formed the basis of most state and local subdivision control and planning legislation for the next several decades.

The work of NAREB's Homebuilders and Subdividers Division in initiating the Joint Statement on Subdivision Control with ACPI, and in encouraging the spread of what many realtors called "the Hoover Act," is often forgotten. However, it demonstrates the fundamental basis for cooperation between community builders and urban planners in achieving a goal of mutual importance to both groups: the coordination and control of public and private development to improve the quality and cost-effectiveness of residential land subdividing and housing construction, for the design and building of modern communities.
Appendix

NAREB-ACPI Joint Statement On Subdivision Control, 1927, Recommendations

We therefore recommend the following:

First: That State Planning Enabling Acts should be enacted, delegating to cities and other political subdivisions the authority to prepare general plans and to approve subdivisions.

Second: That under the authority of such an Enabling Act a master plan should be prepared for the area of control, showing the location of main thoroughfares, recommendations for open spaces and designating land areas for specific uses.

Third: That the control of the platting of subdivisions should be authorized under the act and this control exercised by the local planning commission.

Fourth: That the planning commission should be an appointive, non-political board, serving without compensation, and the members should hold no other municipal office, excepting that certain legislative or representative officials should be ex-officio members of the commission.

Fifth: That the master plan and the control exercised should extend out beyond the municipal limits into the nonmunicipal territory which will sooner or later be developed as a portion of the city. This control to be developed in accordance with a Regional Plan in cooperation with the adjoining territorial governments.

Sixth: That the planning commission be authorized to adopt regulations providing for the location, continuity and width of streets, to safeguard travel, prevent congestion and provide proper drainage. Such regulations to include, where and when practicable, the minimum size and area of building lots and the extent to which street improvements, such as water and sewer provisions should be made before approval of plats. In some states bonds are required from the land owner, guaranteeing the installation of these improvements. This seems to be practicable.

Seventh: The general requirements for principal public parks and recreational spaces and sites of public buildings should be included as a part of the master plan. Where a land owner has submitted a plat of his land and the authorities have designated in it such a principal public park, recreational space or public building site as part of the master plan, the municipality should take prompt steps to acquire such land, or failing so to do, should act upon the plat, so that the owner can make use of his property. The subdividers should be encouraged to provide small private recreational parks.

State Enabling Acts, as recommended in the foregoing, should be broad in their authority. The extent to which this authority shall be accepted and exercised by each municipality will remain for local determination. It is also the work of the local real estate boards, chambers of commerce, and other civic organizations to advance and support local ordinances, putting into effect the purposes to be accomplished under the authority of State Enabling Acts. The city officials in whom is vested the power to appoint members of the planning commission, if supported
by public opinion and by civic organizations, will see that a capable planning commission is provided to carry on this important work.

Signed for the National Association of Real Estate Boards:
Irenaeus Shuler, Omaha
(Chairman, Committee on Subdivision Control in Metropolitan Areas)
J.C. Nichols, Kansas City, Mo.
J.J. Hurst, Baltimore
R.G. Lambrecht, Detroit
Guy S. Greene, Detroit
Robert Jemison, Jr., Birmingham (President, 1926)
Nathan Upham, Duluth (Advisory Board of Past Presidents)
Arthur M. Suor, Buffalo

Signed for the American City Planning Institute:
Morris Knowles
(Chairman, Committee on Subdivision Control)
Jacob L. Crane
T. Glenn Phillips
Irving C. Root
Lawrence Veiller
Robert Whittem
Frank B. Williams


2 Successful Subdivisions, Land Planning Bulletin No. 1, Real Estate Board of New York, 1933.
3 Charles M. Nolen, Replanning Small Cities: Six Typical Studies (New York: B. W. Huebsch, 1912); and for California see Weiss, Chapter 4, Rise of the Community Builders.
5 Charles M. Nolen, Replanning Small Cities: Six Typical Studies (New York: B. W. Huebsch, 1912); and for California see Weiss, Chapter 5, Rise of the Community Builders.
11 For Wisconsin and Washington state laws see John Nolen, Replanning Small Cities: Six Typical Studies (New York: B. W. Huebsch, 1912); and for California see Weiss, Chapter 5, Rise of the Community Builders.
13 Charles M. Nolen, Replanning Small Cities: Six Typical Studies (New York: B. W. Huebsch, 1912); and for California see Weiss, Chapter 5, Rise of the Community Builders.


27 See note 43; and Weiss, note 12, Chapter 2, Rise of the Community Builders.

28 Nichols, "Financial," and Nolen, "Real Estate and City Planning."

29 Ibd., p. 92.

30 Ibd., p. 100.

31 Ibd., p. 101.


35 Of the 11 volumes published by the President's Conference on Home Building and Home Ownership, it is notable that volume 1 was John M. Gries and James Ford, eds., Planning for Residential Districts (Washington, D.C.: National Capital Press, 1932), which contained committee reports on City Planning and Zoning, Subdivision Layout; Utilities for Houses; and Landscape Planning and Planting. Another important book in this series was volume 3, Slums, Large-Scale Housing and Decentralization. A summary of all the conference recommendations is contained in volume 11, Housing Objectives and Programs. For the active participants, see The President's Conference on Home Building and Home Ownership,
36 Of the 11 volumes published by the President’s Conference on Home Building and Home Ownership, it is notable that volume 1 was John M. Gries and James Ford, eds., Planning for Residential Districts (Washington, D.C.: National Capital Press, 1932), which contained committee reports on City Planning and Zoning, Subdivision Layout; Utilities for Houses; and Landscape Planning and Planting. Another important book in this series was volume 3, Slums, Large-Scale Housing and Decentralization. A summary of all the conference recommendations is contained in volume 11, Housing Objectives and Programs. For the active participants, see The President’s Conference on Home Building and Home Ownership, Directory of Committee Personnel, December 25, 1931 (Washington, D.C.: U.S. Department of Commerce, 1931). For a description of the Conference, see William L. C. Wheaton, “The Evolution of Federal Housing Programs” (Ph.D. diss., University of Chicago, 1953).

On the further codification of subdivision standards following the President’s Conference Committee Report on Subdivision Layout, see American Society of Civil Engineers, Committee of the City Planning Division on Land Subdivision Manual, Land Subdivision (New York: American Society of Civil Engineers, 1939). The 1931 Conference Subdivision committee and the 1939 ASCE committee were chaired by the same person, planner Harold Bartholomew, NAREB’s director of research in city planning. See Annals of Real Estate Practice (Chicago: NAREB, 1930).


38 Monchow, Deed Restrictions; and Nichols, “A Developer’s View.”

39 Nichols, Real Estate Subdivisions, p. 7. On the Country Club District, see the special issue of National Real Estate Journal 40 (February 1939).

40 The best source is Conney and Wehrly, “Planned Communities”; On Duncan McDuffie, see Real Estate, 3 (April 5, 1914): 128; and Weiss, “Urban Land Developers.” On the pioneer, see John E. Todd, Frederick Law Olmstead (Boston: Twanye Publishers, 1982).


4 Birch, "Radburn and the American Planning Journal of the American Planning Association 46 Cities for America: The Radburn Experience 1925-1932" (1963); Roy Lubove, Community Planning in the 1920s


18 Edward M. Basset, in advocating the need for public regulations, frequently began his argument by pointing out some of the inadequacies of private restrictions. For example, see Basset, Zoning (New York: National Municipal League, 1922), p. 317; and Pacific Municipalities 36 (February 1922): 55.


20 Iraeneus Shuler, "Subdivision Control and Standards," Annals of Real Estate Practice, Home Building and Subdividing, 3 (Chicago: NAREB, 1925), p. 241, "Detroit Meeting of the Institute," City Planning 1 (October 1925): 198-200, and California Real Estate 5 (July 1925): 23. One sign of the growing cooperation is that in 1925, three NAREB leaders, Robert Jemison, jr., Nathan W. MacChesney, and Iraeneus Shuler, were elected to the Board of Directors of the National Conference on City Planning. J.C. Nichols was already a Director.

21 California Real Estate 5 (March 1925): 25; and Shuler, "Subdivision Control," p. 241. Shuler was a leading community builder, head of Shuler & Cary, one of the biggest real estate brokerage and land development firms in Omaha, Nebraska. Shuler & Cary specialized in expensive, high-quality residential subdivisions, similar to J.C. Nichols' Country Club District. Shuler, in addition to his role in NAREB (vice-president as well as chairman of the Home Builders and Subdividers Division), was also president of the Omaha Real Estate Board in 1920, chairman of the Omaha City Planning Commission from 1923 on, and on the Board of Directors of the National Conference on City Planning from 1925 through 1928. Shuler's views on subdividing were summarized in a 1927 NAREB speech: "Planning and developing the modern subdivision (the new community), means much more than merely engineering, platting and building. Successful planning and developing requires the unified efforts of the city planner, the landscape architect, the engineer, the building architect, and the Realtor. The city planner is consulted to determine the best available use to which the land may be put. ... The foresighted Realtor-subdivider will generally secure such promises for his subdivision. . . . The farsighted Realtor-subdivider will generally secure such . . .

22 Ibid, p. 301; and Weiss, Chapters 1 and 5, Rise of the Community Builders.

23 Theodora K. Hubbard, the librarian of the American City Planning Institute (and the School of Landscape Architecture and Department of City and Regional Planning, Harvard University), wrote in April 1926: "an event of 1927 which promises far-reaching
results in the wise development of suburban lands is the adoption jointly by the National Association of Real Estate Boards and the American City Planning Institute of a report on subdivision control, endorsing the preparation of an official master plan and the control of platting of subdivisions by local planning commissions. The principles thus endorsed have already been embodied in the Standard City Planning Enabling Act of the Department of Commerce..." (emphasis added). Hubbard, "Annual Survey of City and Regional Planning in the United States, 1927." City Planning 4 (April 1928): 117. A NAREB press release described the effect of the recommendations of the NAREB-ACPI joint statement of subdivision control thusly: "They thenceforth became a nationally accepted platform for sound subdivision development, particularly for areas outside a city's corporate limits. The principle which they enunciated for such control is recognized in the so-called Hoover Model City Planning Enabling Act." California Real Estate 9 (June 1929): 380. Henry V. Hubbard and Theodore K. Hubbard, in their book Our Cities To-Day and To-Morrow (Cambridge: Harvard University Press, 1929), p. 9, call the work of the Hoover Advisory Committee "the most potent single recent influence on city planning in the United States." For a later discussion of the "Hoover Act," see T. J. Kent, Jr., The Urban General Plan (San Francisco: Chandler, 1964).


“Building the Twentieth Century: P. A. Moses and the Public Authority”

By Jon J. Lines, Ellen L. Parker, and David F. Aveling

The State's Infrastructure is the cornerstone of growth and industrial development and the State has wisely made in the past...”

No politician or academic would quarrel with the importance of public infrastructure to the economy of the state. Indeed while the argument is scarcely new, the libraries of studies on the impact of public infrastructure changes in the population and the economic growth of urban politics, and regional and national development. New studies of uneven regional economic development simply underscore New York Governor Dewitt Wallace’s complaint to the condition of physical infrastructure and economic and social growth and stability in that state. But in the growth centers of economic renewal in the "frostbelt" of the North, public works, economic growth in the service of infrastructure, parks, roads, water systems and other services appear on the landscape. Public works are also a political decision making, the dynamics of which is to be explored in this essay. The intent here is to supply a historical analysis of the institutions of this decision making process. "New York State, more and more of what government of the past" has been funneled through public policy and public works evolve. While the public works are by no means the only political decision making, the dynamics of which are to be explored in this essay. This "branch of government" appears to legislators. Responding to the fiscal crisis, the state Corporation, one of the largest of these agencies, is reported that the power and authority of a state agency has been overextended. As the Moreland Com...