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# Planning and Financing Public Works



## Three Historical Cases

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

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# FOREWORD

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 expediently. 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.<sup>1</sup>

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, set-back 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.<sup>2</sup>

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, often 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.<sup>3</sup>

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 subdividers 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.<sup>4</sup>

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 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.<sup>5</sup> 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."<sup>6</sup> 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.<sup>7</sup>

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-

tial 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 methods 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.<sup>8</sup>

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.<sup>9</sup> The commissioner was a former president of the Long Beach

Realty Board and vice-president of the California Real Estate Association. Under California law, the Real Estate Commissioner's office was required to investigate all subdividers offering lots for sale in the state, to issue a public report on each subdivision, and to stop the sale of lots if any fraudulent practices were discovered. Planning as control was combined with planning as the requiring of minimum design and engineering standards by local planning agencies to achieve the clear purpose of restricting the ability of curbstoners to participate in the marketing of urban subdivisions. In particular, these two forms of regulation joined forces to try and prevent curbstoners from flooding the market with an oversupply of cheap subdivision lots and destabilizing investor or consumer confidence in real estate through speculative overpromising and scandalous practices. Subdivision control was supported by community builders as well as by many larger realtors, lenders, insurers, and other elements of the real estate industry.

A third essay, written by Charles D. Clark, subdivision engineer of the Los Angeles County Regional Planning Commission, discusses planning as coordination.<sup>10</sup> This function of subdivision regulations was the most closely associated with the rise of the master plan in public land-use planning. It was also the least controversial of the three. Whereas the majority of subdividers bitterly opposed subdivision control and often deeply resented the intrusive regulation of the design and engineering of their subdivisions, most subdividers welcomed 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 subdividers 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.

The first state subdivision planning law was passed in Wisconsin in 1909. 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.<sup>11</sup>

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."<sup>12</sup>

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 plan elements varied from city to city, although frequently increased parklands were also proposed.<sup>13</sup>

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.<sup>14</sup>

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.<sup>15</sup> Similar relationships between realty boards and local land-use regulations were repeated in most United States cities during this period.<sup>16</sup>

Beginning in 1914 the attention of city planning began to shift dramatically away

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 plats. As metropolitan decentralization and suburbanization raised the curtain on a new scene in American urban history, 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. Just 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.<sup>17</sup>

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 planning 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.<sup>18</sup>

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.<sup>19</sup>

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: J.C.

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.<sup>20</sup>

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.<sup>21</sup>

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.<sup>22</sup>

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.<sup>23</sup>

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 greater cooperation between private subdividers and local government through the establishment of city zoning and subdivision regulations and planning. He concluded from his development experience with the USHC that large subdividers needed public assistance in planning for the provision of infrastructure and services while land was still being platted, prior to sales and development.<sup>24</sup>

### **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 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 transportation. The need for subdivisions to closely surround traction lines dictated a continuously 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.<sup>25</sup>

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 reconstruction 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 planning, to supplement their private efforts. Discussions of the possibility for public "districting", or zoning, were a vital element of the NAREB-NCCP-ACPI cooperation.<sup>26</sup>

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-

ened 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 dwellings fell substantially after 1913.<sup>27</sup>

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.<sup>28</sup>

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."<sup>29</sup> 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 restricted lots rapidly enough to stay afloat for the long haul.

Nichols then listed the various ways that good planning attracted greater amounts of longer-term and higher loan-to-value mortgage lending from banks and insurance companies, saved money in land development cost (particularly on street layout), and generally brought much higher and more enduring property values and sales prices. "But this private planning must have municipal aid," he insisted. "Now, how in the world can the private developer, without municipal assistance, expect his property to succeed, if he is to work with unregulated development all around him?"<sup>30</sup>

The solution for Nichols was quite clear — public regulation of all private development. Land-use controls would establish different classes of property development in different locations (as part of a master plan) and then ensure that a new high-grade subdivision in an undeveloped area would eventually be ringed by like-minded neighbors, what Nichols called "the cumulative effect." "The constant effort of the operator is to try to get surroundings that are entirely congenial to what he has placed upon his property, and to do that successfully we absolutely must have municipal control of the surroundings on the adjoining lot."<sup>31</sup>

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**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.**

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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.<sup>32</sup>

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-

tween 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 subdivider to correlate public and private development plans and establish rules for accepting dedications of prospective 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 city planners in implementing this new approach.<sup>33</sup>

The needs described by Nichols and the policy tools which formed the basis of the planning response — master plan, official map, zoning map and laws, setback requirements, subdivision map filing regulations and planning agency review, capital budget — defined the direction taken by both the community builders and the planners in modern United States city planning's first big decade, the 1920s. At first the focus was on establishing zoning laws. In 1921 Secretary of Commerce Herbert Hoover appointed an Advisory Committee on Zoning, which published *A Standard State Zoning Enabling Act* in 1924, and later in 1928 as the renamed Advisory Committee on City Planning and Zoning, published *A Standard City Planning Enabling Act*. Together these two documents outlined the basic principles for state and local governments to follow in implementing the comprehensive urban land-use planning agenda. Many state legislatures adopted one or both of the model enabling acts almost verbatim. NAREB President (1922) and community builder Irving B. Hiatt served on both Advisory Committees, along with nine others who were closely associated with the newly emerging city planning profession.<sup>34</sup>

In 1931 President Hoover's Conference on Home Building and Home Ownership expanded the public urban land planning agenda by detailing the means by which the federal government, in association with financial institutions, building products manufacturers, utilities, and trade associations from various branches of the real estate and construction industries, could help speed the transition from subdividing to homebuilding as a large-scale, standardized, modernized, and economically integrated sector of production. Community builders were prominent participants in the conference, and "community building" as a goal was very highly valued in the conference recommendations.<sup>35</sup>

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 ef-

fective 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.<sup>36</sup>

### **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."<sup>37</sup>

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 large parcels of urban land owned by many small private owners — deed restrictions.<sup>38</sup>

The initial step in the long march toward achieving "public control of private real estate," as the planners called 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."<sup>38</sup>

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 Alexander Bing in the 1920's. The list goes on.<sup>40</sup> 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, such as the “superblock”; planning and design of 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.<sup>41</sup>

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 encirclement 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.<sup>42</sup>

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 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.<sup>43</sup>

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 subdividers. 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."<sup>44</sup>

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."<sup>45</sup>

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.”<sup>46</sup>

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.”<sup>47</sup>

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.<sup>48</sup>

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. 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.<sup>49</sup>

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 in the current canons of American city planning history. 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 Whitten

Frank B. Williams

Source: "Subdivision Control," *Annals of Real Estate Practice, Volume III, Home Building and Subdividing* (Chicago: National Association of Real Estate Boards, 1927), pp. 332-334; and "Subdivision Control," *Planning Problems of Town, City, and Region* (Philadelphia: William F. Fell, 1927), pp. 200-201.

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<sup>1</sup> Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York: Oxford University Press, 1985); and Marc A. Weiss, *The Rise of the Community Builders: The American Real Estate Industry and Urban Land Planning* (New York: Columbia University Press, 1987).

<sup>2</sup> Federal Housing Administration, *Successful Subdivisions*, Land Planning Bulletin No. 1 (Washington, D.C.: Government Printing Office, 1940). Also see FHA, *Planning Profitable Neighborhoods*, Technical Bulletin No. 7 (Washington, D.C.: Government Printing Office, 1938); National Association of Home Builders, *Home Builders Manual for Land Development* (Washington, D.C.: National Association of Real Estate Builders, 1950); Community Builders' Council, *The Community Builders Handbook* (Washington, D.C.: Urban Land Institute, 1947); Weiss, Chapter 6, *Rise of the Community Builders*; and Jackson, Chapter 11, *Crabgrass Frontier*.

<sup>3</sup> On deed restrictions see Helen C. Monchow, *The Use of Deed Restrictions in Subdivision Development* (Chicago: Institute for Research in Land Economics and Public Utilities, 1928).

<sup>4</sup> J.C. Nichols, "Financial Effect of Good Planning in Land Subdivision," *Proceedings of the Eighth National Conference on City Planning* (New York: Douglas C. McMurtrie, 1916), p. 100.

<sup>5</sup> Ernest M. Fisher, "Speculation in Suburban Lands" and Herbert D. Simpson, "Real Estate Speculation and the Depression," *American Economic Review* 23 (March 1933); Charles D. Clark, "Penalties of Excess Subdividing," *City Planning*, 10 (April 1934); Philip H. Cornick, *Premature Subdividing and its Consequences* (New York: Institute of Public Administration, 1938).

<sup>6</sup> Herbert U. Nelson, "How Good is Zoning?," *Headlines* 14 (Chicago: NAREB, September 15, 1947), p. 1. Nelson's statement in that article is the standard interpretation of zoning. Also see Seymour I. Toll, *Zoned American* (New York: Grossman, 1969); John Delafons, *Land-Use Controls in the United States* (Cambridge: MIT Press, 1969); Richard F. Babcock, *The Zoning Game* (Madison: University of Wisconsin Press, 1966); Constance Perin, *Everything in its Place* (Princeton: Princeton University Press, 1977); and Marc A. Weiss, "Urban Land Developers and the Origins of Zoning Laws: The Case of Berkeley," *Berkeley Planning Journal* 3 (1986).

<sup>7</sup> Gordon Whitnall, "Supply and Demand in Business Zoning," *The Community Builder* 1 (February 1928); George H. Coffin, jr., *Zoning and its Relation to Property Values* (Los Angeles: California Real Estate Association, 1936); Harland Bartholomew, *Urban Land Uses* (Cambridge: Harvard University Press, 1932); W.L. Pollard, ed., "Zoning in the United States," *Annals of the American Academy of Political and Social Science* 155 (May 1931); *Proceedings of the National Zoning Conference*, Chicago, December 12-14, 1937 (Washington, D.C.: U.S. National Resources Committee, 1938); Barbara J. Flint, "Zoning and Residential Segregation: A Social and Physical History, 1910-1940," Ph.D. diss. University of Chicago, 1977); Weiss, Chapter 4, *Rise of the Community Builders*; and idem., "The Real Estate Industry and the Politics of Zoning in San Francisco," *Pacific Historical Review* (forthcoming).

<sup>8</sup> Walter H. Leimert, "Selection of Property: Improvement and Development Program," *Subdivision Principles and Practices*, ed. Harrison R. Baker (Los Angeles: California Real Estate Association, 1936), p. 30.

<sup>9</sup> J. Mortimer Clark, "Subdivision Control Under the California Real Estate Act," in *Subdivisions*, ed. Baker, p. 54. For Clark's career as a realtor see *California Real Estate* 7 (October 1926): 58; and 14 (August 1934): 12.

<sup>10</sup> Charles D. Clark, "Subdivision Plotting and Map Filing," *Subdivisions*, ed. Baker.

<sup>11</sup> 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*.

<sup>12</sup> Charles Clark, "Subdivision," p. 42. Clark later directed FHA's Land Planning Division in Southern California. See Charles D. Clark, "Federal Housing Administration Standards for Land Subdivision," *The Planners' Journal* 4 (September-October 1938); and Weiss, Chapters 5-6, *Rise of the Community Builders*.

<sup>13</sup> Charles Mulford Robinson made the classic statement of this approach in Charles M. Robinson, *Modern Civic Art, or the City Made Beautiful* (New York: G.P. Putnam's Sons, 1904) and *The Improvement of Towns and Cities* (New York: G.P. Putnam's Sons, 1907). The best summaries for this period are: George B. Ford, ed., *City Planning Progress in the United States* (Washington, D.C.: American Institute of Architects, Committee on Town Planning, 1917); and Theodora Kimball, *Municipal Accomplishments in City Planning and Published City Plan Reports in the United States* (Boston: National Conference on City Planning, 1920). For representative plans see Nolen, *Replanning Small Cities*.

<sup>14</sup> Judd Kahn, *Imperial San Francisco: Politics and Planning in an American City, 1897-1906* (Lincoln: University of Nebraska Press, 1979); and William H. Wilson, *The City Beautiful Movement in Kansas City* (Columbia: University of Missouri Press, 1964).

<sup>15</sup> Everett C. Hughes, *The Chicago Real Estate Board: The Growth of an Institution* (Chicago: The Society for Social Research of the University of Chicago, 1931), pp. 99; also see pages 83, 96-100.

<sup>16</sup> On New York see S.J. Makielski, jr., *The Politics of Zoning: The New York Experience* (New York: Columbia University Press, 1966); and "Shall We Save New York," *The City Plan* 2 (April 1916): 9. On the 1909 Chicago plan see Walter D. Moody, *What of the City?* (Chicago: A.C. McClurg and Company, 1919); and Robert A. Walker, *The Planning Function in Urban Government* (Chicago: University of Chicago Press, 1950). For Chicago zoning and the Real Estate Board see Charles M. Nichols, *Zoning in Chicago* (Chicago: Chicago Real Estate Board, 1923); and Flint, "Zoning and Residential Segregation."

<sup>17</sup> NAREB's original City Planning Committee consisted of Lee J. Ninde (Chairman), Edward H. Bouton, Paul A. Harsch, Robert Jemison, jr., Duncan McDuffie, J.C. Nichols, and King G. Thompson, all of whom were leading residential subdividers. See *Proceedings of the Seventh National Conference on City Planning* (Cambridge: Harvard University Press, 1915), pp. 71-87, 241-246.

<sup>18</sup> Weiss, *Rise of the Community Builders*.

<sup>19</sup> John Nolen, "Real Estate and City Planning," *The City Plan* 2 (April 1916): 3-4.

<sup>20</sup> Russell V. N. Black, *Planning and the Planning Profession: The Past Fifty Years, 1917-1967* (Washington, D.C.: American Institute of Planners, 1967). On Lee Ninde see Albert H. Schaaf, "A State Campaign for City Planning," *Proceedings of the Ninth National Conference on City Planning* (New York: Douglas C. McMurtrie, 1917), pp. 133-138.

<sup>21</sup> See "Best Methods of Land Subdivision," *Proceedings of the Seventh National Conference on City Planning*, pp. 42-106, 241-273; E. P. Goodrich, "Best Methods of Land Subdivision," *The City Plan* 1 (October 1915); Paul A. Harsch, "Land Subdivision: The Point of View of the Real Estate Developer," *The City Plan* 1 (October 1915); John Nolen, "The Subdivision of Land" and Edward H. Bouton, "Local and Minor Streets," in *City Planning*, ed. John Nolen (New York: Appleton, 1916).

<sup>22</sup> See *Proceedings of the Eighth National Conference on City Planning* (New York: Douglas C. McMurtrie, 1916), p. 273; *Proceedings of the Ninth National Conference on City Planning*, p. 302-303; Pearl J. Davies, *Real Estate in American History* (Washington, D.C.: Public Affairs Press, 1958), pp. 128-137, 146. On the importance of wartime cooperation for business-government relations in the 1920s and 1930s see Ellis W. Hawley, *The Great War and the Search for a Modern Order* (New York: St. Martin's, 1979); William E. Leuchtenburg, "The New Deal and the Analogue of War," in *Change and Continuity in Twentieth-Century America*, eds. John Braeman, Robert H. Bremner, and Everett Walters (Columbus: Ohio State University Press, 1964).

<sup>23</sup> Davies, *Real Estate*, pp. 128-137. On World War I housing see Edith E. Wood, *Recent Trends in American Housing* (New York: Macmillan, 1931); Miles L. Colean, *Housing for Defense* (New York: The Twentieth Century Fund, 1940).

<sup>24</sup> Frederick L. Olmsted, jr., "Planning Residential Subdivisions," *Proceedings of the Eleventh National Conference on City Planning* (Cambridge: Harvard University Press, 1919), pp. 14-15. On the planners and the war see U.S. Department of Labor, Bureau of Industrial Housing and Transportation, *Houses, Site-Planning, and Utilities*, Vol. 2, in *Report of the United States Housing Corporation* (Washington, D.C.: Government Printing Office, 1919); "War Housing," *Proceedings of the Tenth National Conference on City Planning* (Cambridge: Harvard University Press, 1918); "City Planning and the War," *The City Plan* 3 (August 1917); and "Community Planning for War-Time Industries," *The City Plan* 3 (April 1918). For Olmsted's earlier views on city planning see Flavel Shurtleff and Frederick L. Olmsted, jr., *Carrying Out the City Plan* (New York: Survey Associates, 1914); and Olmsted, "Land Subdivision from the Point of View of a Development Company," *Proceedings of the Fourth National Conference on Housing* (New York: National Housing Association, 1915).

<sup>25</sup> The earliest sophisticated statements of the coming of a new era in residential subdivision planning were J.C. Nichols, *Real Estate Subdivisions: The Best Manner of Handling Them* (Washington, D.C.: American Civic Association, 1912); and Charles M. Robinson, *The Width and Arrangement of Streets* (New York: The Engineering News Publishing Company, 1911). Also see Robinson's revised edition, *City Planning, with Special Reference to the Planning of Streets and Lots* (New York: G.P. Putnam's Sons, 1916). The best overview of the history of American suburbanization is Jackson, *Crabgrass Frontier*; also see Sam B. Warner, jr., *Streetcar Suburb: The Process of Growth in Boston, 1870-1900* (Cambridge: Harvard University Press, 1962); Joel A. Tarr, "Transportation Innovation and Changing Spatial Patterns in Pittsburgh, 1850-1934," *Essays in Public Works History* 6 (Chicago: Public Works Historical Society, April 1978); Ann D. Keating, "From City to Metropolis: Infrastructure and Residential Growth in Urban Chicago," *Essays in Public History* 14 (Chicago: Public Works Historical Society, December 1985): 3-27; and the review essay and bibliography

by Michael H. Ebner, "Re-Reading Suburban America: Urban Population Deconcentration, 1810-1980," *American Quarterly* 37 (1985).

<sup>26</sup> See Frank B. Williams, "Public Control of Private Real Estate," in *City Planning*, ed. John Nolen; Alexander S. Taylor, "Districting Through Private Effort," *Proceedings of the Eighth National Conference on City Planning*; Nolen, "Real Estate and City Planning"; "The First Meeting of the American City Planning Institute," *The City Plan* 3 (December 1917); Lawrence Veiller, "Protecting Residential Districts," *Proceedings of the Sixth National Conference on City Planning* (Cambridge: Harvard University Press, 1914); "Districting by Municipal Regulation," *Proceedings of the Eighth National Conference on City Planning*; Lawson Purdy, "Districting and Zoning of Cities," and Charles H. Cheney, "Districting Progress and Procedure in California," *Proceedings of the Ninth National Conference on City Planning*. The phrase "Building for Permanency" comes from Charles H. Cheney, "Building for Permanency," in *Planning Problems of Town, City, and Region* (Philadelphia: William M.F. Fell, 1928).

<sup>27</sup> See note 43; and Weiss, note 12, Chapter 2, *Rise of the Community Builders*.

<sup>28</sup> Nichols, "Financial;" and Nolen, "Real Estate and City Planning."

<sup>29</sup> *Ibid.*, p. 92.

<sup>30</sup> *Ibid.*, p. 100.

<sup>31</sup> *Ibid.*, p. 101.

<sup>32</sup> *Ibid.*, pp. 101-102.

<sup>33</sup> *Ibid.*, pp. 105-106. For additional views by J.C. Nichols on urban planning and development, see J.C. Nichols, "Housing and the Real Estate Problem," in *Housing and Town Planning*, ed. Carol Aronovici (Philadelphia: American Academy of Political and Social Science, 1914); *idem*, *Real City Planning Results and What They Mean to Property Owners*, Bulletin No. 3 (San Francisco: California Conference on City Planning, 1918); *idem*, "Zoning as Applied to Subdivision Development," *Annals of Real Estate Practice*, Home Builders and Subdividers (Chicago: NAREB, 1923); *idem*, "Suburban Subdivisions with Community Features," *Annals of Real Estate Practice*, Home Builders and Subdividers (Chicago: NAREB, 1924); *idem*, "Responsibilities and Opportunities of Real Estate Boards in Building Cities," *National Real Estate Journal* 25 (June 30, 1924); *idem*, "Town Planning," in *The Real Estate Handbook*, ed. Blake Snyder ((New York: McGraw-Hill, 1925); *idem*, "The Responsibilities of Realtors in City Planning," *City Planning* 1 (April 1925); and *idem*, "A Developer's View of Deed Restrictions," *The Journal of Land and Public Utility Economics* 5 (May 1929). See also Mark H. Rose, "There is Less Smoke in the District: J.C. Nichols, Urban Change, and Technological Systems," *Journal of the West* 25 (January 1986).

<sup>34</sup> Advisory Committee on Zoning, U.S. Department of Commerce, *A Standard State Zoning Enabling Act* (Washington, D.C.: Government Printing Office, 1924); and Advisory Committee on City Planning and Zoning, U.S. Department of Commerce, *A Standard City Planning Enabling Act* (Washington, D.C.: Government Printing Office, 1928). Other key works of the Advisory Committee were *A Zoning Primer* (1922); *A City Planning Primer* (1928); *The Preparation of Zoning Ordinances* (1931); and *Model Subdivision Regulations* (1932). The Division of Building and Housing of the U.S. Department of Commerce also published a great deal of mimeographed literature on zoning and city planning, including their popular, annually-updated *Zoning Progress in the United States*. In particular see *Publications Relating to Zoning and City Planning*, mimeo (June 2, 1930).

<sup>35</sup> 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*,

<sup>35</sup> 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 2-5, 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 Harland Bartholomew, NAREB's director of research in city planning. See *Annals of Real Estate Practice* (Chicago: NAREB, 1930).

<sup>36</sup> Thomas Adams, *The Design of Residential Areas* (Cambridge: Harvard University Press, 1934); on the greenbelt towns, see Joseph L. Arnold, *The New Deal in the Suburbs* (Columbus: Ohio State University Press, 1971); and Zane L. Miller, *Suburb: Neighborhood and Community in Forest Park, Ohio, 1935-1976* (Knoxville: University of Tennessee Press, 1981). On Radburn see Adams, *Design*; Eugenie L. Birch, "Radburn and the American Planning Movement: The Persistence of an Idea," *Journal of the American Planning Association* 46 (October 1980); Daniel Schaffer, *Garden Cities for America: The Radburn Experience* (Philadelphia: Temple University Press, 1982); Roy Lubove, *Community Planning in the 1920s* (Pittsburgh: University of Pittsburgh Press, 1963); Henry Wright, *Rehousing Urban America* (New York: Columbia University Press, 1935); Clarence Stein, *Toward New Towns for America* (New York: Reinhold, 1957); Clarence A. Perry, *Housing for the Machine Age* (New York: Russell Sage, 1939). A little-known primary source on Radburn is Henry Wright, "How Long Blocks Cut Down Street Costs, and other Economies of Modern Planning," and Alexander M. Bing, "community Planning for the Motor Age," in *Annals of Real Estate Practice* (Chicago: NAREB, 1929). Another important source on various examples of large-scale residential subdividing is Arthur C. Comey and Max S. Wehrly, "Planned Communities," in *Urban Planning and Land Policies*, National Resources Committee (Washington, D.C.: Government Printing Office, 1939). On FHA's Land Planning Division, see Weiss, Chapter 6, *Rise of Community Builders*. For an example of FHA codification of the basic community builder planning and design principles in creating the modern residential subdivision, see FHA, *Successful Subdivisions*. Seward Mott, as Executive Director of ULI, coedited *The Community Builders Handbook* with ULI's Assistant Director, Max Wehrly (author of the 1939 "Planned Communities" study) and Harold Lautner (author of *Subdivision Regulations*). On the history of ULI, see Garnett L. Eskew, *Of Land and Men: The Birth and Growth of an Idea* (Washington, D.C.: ULI, 1959). For an overview of the history of residential subdivision design, see Robert A.M. Stern, *The Anglo-American Suburb* (London: Architectural Design, 1981).

<sup>37</sup> George B. Ford, "City Planning and the Outlying Unbuilt Areas," *Annals of Real Estate Practice*, 3, Home Building and Subdividing (Chicago: NAREB, 1925), p. 247; and Nichols, "Financial," p. 105.

<sup>38</sup> Monchow, *Deed Restrictions*; and Nichols, "A Developer's View."

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

<sup>40</sup> The best source is Comey 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: Twayne Publishers, 1982).

<sup>41</sup> J.C. Nichols, "The Planning and Control of Outlying Shopping Centers," *The Journal of Land and Public Utility Economics* 2 (January 1926).

<sup>42</sup> 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 Bassett, *Zoning* (New York: National Municipal League, 1922), p. 317; and *Pacific Municipalities* 36 (February 1922): 55.

<sup>43</sup> Homer Vanderblue, "The Florida Land Boom," *The Journal of Land and Public Utility Economics* 3 (May 1927) and 3 (August 1927); Ernest M. Fisher, *Real Estate Subdividing Activity and Population Growth in Nine Urban Areas*, Michigan Business Studies, 1, July 1928 (Ann Arbor: University of Michigan, 1928); idem, "Speculation in Suburban Lands;" idem, and Raymond F. Smith, *Land Subdividing and the Rate of Utilization*, Michigan Business Studies, 4 (Ann Arbor: University of Michigan, 1932); Lewis A. Maverick, "Cycles in Real Estate Activity," "Cycles in Real Estate Activity: Los Angeles," and "Real Estate Activity in California," *The Journal of Land and Public Utility Economics* 8 (May 1932), 9 (February 1933), and 10 (August 1934); Homer Hoyt, *One Hundred Years of Land Values in Chicago* (Chicago: University of Chicago Press, 1933); Helen Corbin Monchow, *Seventy Years of Real Estate Subdividing in the Region of Chicago* (Chicago: Northwestern University Press, 1939); Charles H. Wray, *Real Estate Subdividing in New Jersey*, Bulletin of the Bureau of Business and Economic Research, 3 (New Brunswick: Rutgers University, 1932); Herbert D. Simpson and John E. Burton, *The Valuation of Vacant Land in Suburban Areas* (Chicago: Institute for Economic Research, 1930); Herbert D. Simpson, "Real Estate Speculation and the Depression;" Philip H. Cornick, *Premature Subdivision and Its Consequences*; Charles D. Clark, "Penalties of Excess Subdividing," and A.M. Hillhouse, *Municipal Bonds: A Century of Experience* (New York: Prentice-Hall, 1936), pp. 67-87.

<sup>44</sup> Irenaeus 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 Irenaeus Shuler, were elected to the Board of Directors of the National Conference on City Planning. J.C. Nichols was already a Director.

<sup>45</sup> *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 united 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 farsighted Realtor-subdivider will generally secure such advice, especially in the larger community developments. The subdivision should be planned as a part of a community and if this thought is kept in mind, the subdivision will be more likely to fit in a general plan and an increase in values is much more likely to occur." See Shuler, "Selecting, Planning and Developing Subdivisions," *Annals of Real Estate Practice, Home Building and Subdividing*, 3 (Chicago: NAREB, 1927), pp. 103-104; and Shuler, "Subdivisions," in *The Real Estate Handbook*, ed. Blake Snyder (New York: McGraw-Hill, 1925).

<sup>46</sup> Shuler, "Subdivision Control," pp. 239-242.

<sup>47</sup> Dodge, "Report of the Committee on Legislation," pp. 302-303.

<sup>48</sup> *Ibid.*, p. 301; and Weiss, Chapters 1 and 5, *Rise of the Community Builders*.

<sup>49</sup> 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 1928: "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 Theodora 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).

The Advisory Committee on City Planning and Zoning, using the impetus of the NAREB-APCI statement, not only published the Standard Act and the City Planning Primer in 1928 but prepared Model Subdivision Regulations in 1932. Unfortunately, the mimeographed manuscript was circulated but not printed before President Roosevelt terminated the Advisory Committee upon assuming office in March 1933. The *Model Subdivision Regulations* were rescued and later "reproduced and distributed," without alteration, by the U.S. National Resources Committee in December 1936. The story is explained by Charles W. Eliot, II, on p. i. See Advisory Committee on City Planning and Zoning, U.S. Department of Commerce, *Model Subdivision Regulations: A Guide for Local Planning Commissions in the Preparation of Local Regulations Governing the Subdivision of Land* (Washington, D.C.: National Resources Committee, 1936). Two members of the Advisory Committee also published their own version of the state and local recommendations. See Edward M. Bassett, Frank B. Williams, Alfred Bettman, and Robert Whitten, *Model Laws for Planning Cities, Counties, and States — Including Zoning, Subdivision Regulation, and Protection of Official Map* (Cambridge: Harvard University Press, 1935); Edward M. Bassett, *The Master Plan* (New York: Russell Sage Foundation, 1938); idem, *Zoning* (New York: Russell Sage Foundation, 1936); and Alfred Bettman, *City and Regional Planning Papers*, ed. by Arthur C. Comey (Cambridge: Harvard University Press, 1946. For the further evolution, see Russell V.N. Black, *Building Lines and Reservation for Future Streets* (Cambridge: Harvard University Press, 1935); idem, and Mary H. Black, *Planning for the Small American City* (Chicago: Public Administration Service, 1938); Harold S. Buttenheim, "Urban Land Policies," in *Urban Planning and Land Policies*; Ladislav Segoe, ed., *Local Planning Administration* (Chicago: Institute for Training in Municipal Administration, 1941); Harold W. Lautner, *Subdivision Regulations* (Chicago: Public Administration Service, 1941); and Robert E. Merriam, *The Subdivision of Land: A Guide for Municipal Officials in the Regulation of Land Subdivision* (Chicago: American Society of Planning Officials, 1942). Lautner was assistant director of the Urban Land Institute until March 1946, and he helped prepare *The Community Builders Handbook*. See Eskew, *Land and Men*, p. 106. For the impact of the NAREB-APCI statement and subsequent "Hoover Act" on California, see Weiss, Chapter 5, *The Rise of the Community Builders*. Also see Fred E. Reed, "Realtors and City Planning Progress," *City Planning* 4 (July 1928).