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SOCIAL SCIENCE STUDIES

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THE PLANNING FUNCTION IN URBAN GOVERNMENT

THE PLANNING FUNCTION IN URBAN GOVERNMENT

By

ROBERT AVERILL WALKER



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pp. 4 10

To
LOUISE

PREFACE

The city planning movement in the United States may be said to have been formally launched in 1893 after the Chicago World's Fair. In the ensuing twenty years, city plans—many of them the work of architects and landscape architects—were prepared for a number of communities in this country. The emphasis was on city beautification. Outstanding among the plans of the period, because of its comprehensiveness, was the *Plan of Chicago*, prepared in 1909. During these two decades almost all the planning activities were carried on by improvement associations, civic associations, and chambers of commerce.

The first official city planning commission was created in 1907, and since that time approximately two thousand official city planning agencies have been appointed in the United States. During the period of 1915–32 the emphasis gradually shifted from the "city beautiful" to the "city practical." It was only after 1932, however, that emphasis came to be given to the social and economic functions of a community in so far as city planning was concerned.

Dr. Walker's book is both a timely and an important contribution to the subject of city planning. He has undertaken the pioneer task of analyzing the composition of planning boards in this country in the attempt to determine the main lines of planning progress and the chief emerging problems. He has sought to discover what the shortcom-

ings are in the present form of planning commissions which have been created for the most part under the Model City Planning Enabling Act and how constructive progress might be made. Dr. Walker reached the conclusion that planning commissions, where they failed, were not close enough to the legislative and executive bodies of the community. This opinion had been held by a few planners for a number of years. Dr. Walker found also that an important element in the weakness of city planning commissions lay in the fact that they consisted of citizens who had no knowledge of planning and found little time to devote to their official duties. He points out that some planning agencies consider themselves watchdogs of the administration rather than advisory bodies to the mayor and council and that, consequently, hostilities develop between the mayor and council, on the one side, and the planning commission, on the other. In most instances where there has been successful planning, it came about through the development of close working relationships between the executive officer of the planning agency and the mayor, the council, the city manager, and other city departments and through the fact that the work of the planning agency was supported by a strong public sentiment.

In recent years the author has enriched his experience in the area of applied planning. He has been for four years a member of the Post War Planning Committee in the Department of Agriculture and in charge of the public works programming activity of the department under the National Resources Planning Board. He has had further experience with adult education and civic participation problems as director of the Institute of Citizenship at Kansas State College.

The new section (Part V) brings urban planning through the postwar planning phases; calls growing attention to the industrial base of planning; deals briefly with the impact of major population movements on planning; and develops the significance of urban redevelopment and redevelopment agencies. Finally, there is a reappraisal of the planning function with reference to administrative and social problems in the light of the writer's experience during the last ten years.

CHARLES E. MERRIAM

INTRODUCTION TO THE SECOND EDITION

This new edition of a book originally published some nine years ago calls for a word of explanation. Two new chapters have been added, but the earlier portions have been left substantially as first published. The extensive study of thirty-seven cities on which it was first based has not been repeated. It is fair to ask, then, why it should be reissued.

One reason is that the original printing is exhausted but that some demand for the book persists. The second and better reason is that the subject of governmental planning, including city planning, is of growing importance in an era of expanding public services and marked shifts in population. All administrative agencies are faced with the necessity for some planning of future programs; our cities are additionally faced with present and future population pressures destined to affect vitally almost every phase of municipal activity. But the bridge between planning and administration remains a shaky and unsafe affair, as likely to drop those who venture upon it through the flooring as to see them safely across.

This book is concerned with the reasons why this is the case. For the most part, it examines the problem in the setting of city planning, for it was in the cities that the movement for better planning first took organized form. The study on which it is based was limited to the larger cities. That study has been supplemented, however, by my experience in administration, planning, and civic education during the intervening years. This experience has

enabled me to see more clearly than before that the problem of relating planning to other phases of administration is not just an urban problem. To be sure, this was suggested in the original report, but I was then largely dependent upon secondary sources in drawing my conclusions. That dependence is now removed. It has seemed to me important, therefore, to reappraise the problems of urban planning in the light of similar problems encountered in other jurisdictions. This has been attempted in the final chapter of this edition. I am convinced that a clearer perception of the basic difficulties and unresolved conflicts in governmental planning is more important to students of planning than would be another detailed study of what city planning agencies are now doing, valuable though this might be. The principal requirements in this direction are, I believe, met by the discussion of war and postwar developments in chapter xi.

City planning is still young in the United States. The first official city planning commission dates only from 1907. But the movement spread rapidly. Within thirty years, over one thousand city planning commissions had been created and some thirteen hundred cities had adopted official zoning ordinances. While this growth has stabilized during the past decade, it remains impressive. It reflects the first widespread acceptance in this country of the idea of governmental planning. The fact that most city planning commissions are inactive and without funds also indicates that something is wrong.

Certainly, the need for local planning has not lessened. Depression, war, and postwar problems have put local officials through a series of rough years, in which the necessity for more careful planning of municipal services has been constantly demonstrated. Current population trends

from farm to city, from region to region, simply underline again that planning is a continuous process. It is not done today and filed for future reference. In the cities the city planning commission is the agency officially charged with carrying on the function of planning. How well, then, is it executing this responsibility?

Students of administration have tended to neglect the city planning commission as a factor in the local governmental process. Most of the existing literature on planning is either technical or promotional in character. The questions of what city planning agencies, in fact, do and how their work is related to that of other governmental agencies had not been studied seriously from the standpoint of administration up to the time this book first appeared. Thus this is a study of the role which city planning agencies play in local governmental administration. It is particularly concerned with the problem of bridging the gap between the planning agency, on the one hand, and officials charged with responsibility for supplying public services and protection, on the other. No attempt has been made to deal with the technical aspects of planning, except in so far as professional practices have affected the governmental status of the planning agency.

The original book was based largely upon a field study of planning in some thirty-seven cities throughout the United States. The field work was done in the year between September 1, 1937, and September 1, 1938. The cities included were drawn almost entirely from the larger urban centers, for two reasons: first, because the separately staffed and more active planning agencies are largely confined to the major cities and, second, because the planning problem in a small city is not wholly comparable to that in the metropolitan center. The conclu-

sions drawn, therefore, are predicated upon the complex structure of large governmental organizations. It is the parallel complexity and similarity of the administrative problems involved which make the experience of other large governmental agencies applicable to urban planning. These similarities, and the conclusions which they suggest, have been explored further in the last chapter of this edition.

My primary indebtedness for this study remains with the Social Science Research Council, which made the study possible through the grant of a Pre-Doctoral Field Fellowship for 1937–38. The National Resources Planning Board greatly expedited the completion of the report by giving me time and facilities for working on it while I was a member of its staff. Publication of the study was originally made possible by the Social Science Research Committee of the University of Chicago.

My indebtedness to persons is extensive and has greatly multiplied in the past decade. Among those to whom I owe a special word of thanks is Dr. Charles E. Merriam, of the University of Chicago, who has drawn freely upon his rich experience in both planning and administration to give me invaluable guidance and tempering counsel on many parts of the study. I wish to thank Dr. Leonard D. White, of the University of Chicago; Mr. Charles S. Ascher, now of Brooklyn College; Dr. Louis Wirth, of the University of Chicago; Mr. Lawrence Orton, of the New York City Planning Commission; and Mr. Philip M. Glick, now chief counsel for the Institute of Inter-American Affairs, for their valuable assistance at various stages of preparing the book. A number of persons read portions of the original manuscript and gave the benefit of their comment, and to them again I wish to express my appreciation.

In the past decade the dominant figure in my education was Mr. William A. Jump, long-time budget officer and master of the art of administration in the United States Department of Agriculture. To him I owe much of whatever insight I may possess into the nature and environment of administrative action. It has also been my good fortune to come to know better Dr. John M. Gaus, of Harvard. His encouragement has been extremely valuable in a number of ways, including his comments on the new material in the present book. Mr. Walter H. Blucher has again given me the benefit of his advice and assistance. He has played a major part in the development of this book from the beginning, as he has in shaping the American planning movement during recent years. His monthly editorials in the *News Letter* of the American Society of Planning Officials are, without doubt, the most important continuing source of new ideas and provocative suggestions now available to the city planning profession.

A different kind of contribution has been made, from the beginning, by Dr. Jerome G. Kerwin, whose exemplary qualities as friend and teacher have long been a source of encouragement. My wife has assisted me patiently and ably in many phases of the study.

All these are, of course, relieved of any responsibility for errors or matters of interpretation.

ROBERT A. WALKER

STANFORD, CALIFORNIA
February, 1950

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PART I

DEVELOPMENT OF THE PLANNING FUNCTION

CHAPTER I

THE ORIGINS OF MODERN CITY PLANNING

PLANNED CITIES OF THE PAST

The planned city is not a new phenomenon. Man has built cities according to a predesigned pattern from time immemorial. There are clear records of Egyptian and Mesopotamian cities whose streets were laid out on the familiar rectangular pattern over five thousand years ago. Similarly, the cities of the ancient civilizations of China and Central America show unmistakable evidence of having been planned in advance. During the Middle Ages the need for protection gave rise to the European walled city, with a predominantly radial street pattern focused upon the centrally located cathedral. In some instances the street pattern of such cities was geometrically regular; frequently it irregularly followed the contours of the land with a general tendency toward a spoke-and-wheel design. It is not the purpose of this study, however, to delve into this phase of the subject; the evolution of the planned city from these early beginnings to modern times has been exhaustively treated by Thomas Adams and others.[1]

A word should be said, though, about the planning of early American cities, for the planned city is not unprece-

[1] Thomas Adams, *Outline of Town and City Planning* (New York: Russell Sage Foundation, 1935), chap. i. For other references see Theodora Kimball Hubbard and Katherine McNamera, *Manual of Planning Information* (Cambridge: Harvard University Press, 1928), and Katherine McNamera, *Bibliography of Planning, 1928–35* ("Harvard City Planning Series," No. 10 [Cambridge: Harvard University Press, 1936]).

dented in this country. In 1682 William Penn laid out the checkerboard street system for Philadelphia that has been followed by most American cities. Another important plan was that made for Manhattan Island in 1811, when three commissioners mapped out a rigidly rectangular street pattern with special concern for the then predominant river-to-river traffic. A number of southern cities had been laid out in the intervening period, including Williamsburg, Savannah, and New Orleans, and in 1807 a plan was made for the fire-swept city of Detroit. The Detroit Plan is of particular interest, for it was a departure from the common rectangular pattern, proposing instead a complicated radial arrangement of streets which has been only partially adhered to in the development of the city.

By far the most important instance of early city planning in the United States is, of course, L'Enfant's plan for Washington. The plan was made in 1791 and combined the influence of rectangular planning used in the United States with the tendency toward radial forms found in many European cities.[2] The diagonals were developed as approaches to important buildings and were superimposed upon the rectangular system in such a way as to subordinate the latter. In addition to the street plan, regulations governing the height of buildings were imposed in the central area. Thus the capital city was skilfully planned from the outset, combining the foresight of Washington and Jefferson with the technical ability of L'Enfant. But its importance as an example of city planning arises less from the fact that it was initially planned than from the fact that it stands today as the realization of that plan. For despite intervening departures from the plan much of

[2] Adams, *op. cit.*, pp. 125–28.

the lost ground has been recovered since the renovation of L'Enfant's plan by the McMillan Commission in 1902.[3]

The rebirth of the Plan of Washington in the year 1902 has considerable symbolic value in the annals of American city planning, because it marks the beginning of a new phase of planning. It is this recent phase to which the pages that follow are confined. This is a study of the modern city planning movement in the United States viewed as a product of nineteenth-century urbanization and its attendant problems. It is recognized, of course, that cities have long been built by prior design and that urbanization is a world-wide phenomenon.[4] The problem of modern city planning, however, is one of planning new cities only to a minor degree. It is primarily a problem of replanning cities already built; also, the planning movement in the United States has followed lines which set it apart rather sharply from recent European experience. This is particularly true with respect to administrative organization for planning. The origins of modern city planning in this coun-

[3] See below, p. 13.

[4] Lewis Mumford's stimulating discussion of the evolution of the urban complex in Western civilization puts the American city in proper historical perspective (see esp. the first six chapters of *The Culture of Cities* [New York: Harcourt, Brace & Co., 1938]). Mumford builds on the work of Patrick Geddes, whose *Cities in Evolution* (London: Williams & Norgate, 1915) remains one of the more valuable contributions to the literature of planning. The report of the Urbanism Committee of the National Resources Committee (*Our Cities: Their Role in the National Economy* [Washington: Government Printing Office, 1937]) is the first thoroughgoing study of American urban problems today. For the economic background of modern industrialization see J. L. Hammond and B. Hammond, *The Rise of Modern Industry* (New York: Harcourt, Brace & Co., 1926); A. F. Weber, *The Growth of Cities in the Nineteenth Century* ("Columbia University Studies in History, Economics, and Public Law," No. 29 [New York, 1899]); J. H. Clapham, *Economic Development of France and Germany, 1815–1914* (3d ed.; Cambridge, England, 1928).

try must be sought in the economic, social, and political upheavals of the last century.

NINETEENTH-CENTURY BACKGROUND

The roots of the modern planning movement are found in the changed mode of living which accompanied the rapid urbanization of the latter half of the nineteenth century. In both Europe and America mechanized industry was bringing thousands of people to the cities, creating a congestion which was accentuated in the United States by repeated waves of immigration. In 1840 there were but twelve cities of over twenty-five thousand and only three with more than one hundred thousand inhabitants. By 1880 there were seventy-seven cities with a population greater than twenty-five thousand and twenty urban centers of over one hundred thousand.[5] In that year New York had already reached one million. By mid-century the consequences of haphazardly concentrating large numbers of people on a small area of land were already making themselves felt in intolerable living conditions and repeated epidemics.

As early as 1834 a sanitary report for New York City called attention to bad housing as a cause of disease. A second report, submitted in 1842, was even more detailed and insistent in pointing out the interrelation between the two. The first tangible result of these studies and of agitation for improvement was the creation of a city health department in 1866 and the passage of the first tenement law in 1867.[6] Buildings with no sanitary facilities beyond the

[5] National Resources Committee, *op. cit.*, p. 1.

[6] The provisions of this first tenement law are a classic statement of the living standards of a large section of the urban population in this period. These were: (1) cellar dwellings were required to have the ceiling one foot above the ground; (2) a water closet or privy was required for every twenty persons; (3) every

privy and the gutter were being crowded together in such a way as to leave many dwellings virtually without light and air. Not until 1879 was a law passed prohibiting the building of rooms without windows. Nor were these conditions confined to New York City. None of the large cities made adequate public provision for disposal of sewage until late in the nineteenth century, and even in 1900 Philadelphia and St. Louis had twice as much street mileage as sewer mileage. In that same year Baltimore, New Orleans, and other cities were still relying on open gutters for drainage.[7] Frequently, cities were prompted to construct sewer systems only by social catastrophe; Memphis, for example, did not take this step until after the city had been practically depopulated by a yellow-fever epidemic in 1879.

While one group of reformers was concentrating its effort upon relieving the immediate consequences of congestion, including the provision of adequate sanitation facilities, health services, housing, building regulations, fire protection, etc., another group was attacking the problem indirectly by encouraging the development of public parks in which the urban dweller could find the light and air which neither his place of work nor his home provided. Under the direction of Frederick Law Olmsted the city of New York laid out Central Park in 1857, and before 1900 park plans had been prepared for many of the larger cities of the country. Many of the early parks were landscape

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building was required to have city water accessible either inside or in the yard; (4) the health department was authorized to enforce repairs; and (5) new buildings were required to provide a rear yard of at least ten feet (see Edith Elmer Wood, "Housing," *Encyclopaedia of the Social Sciences*, Vol. VII (1932).

[7] Thomas H. Reed, "Sanitation," *Encyclopaedia of the Social Sciences*, Vol. XIII.

developments designed primarily to preserve natural scenery and provide passive relaxation for the urbanite; but the need for more active recreation was soon recognized, and a demand arose for a comprehensive park system which would supplement large parks with readily accessible neighborhood recreation areas. In 1893 a study of Boston's park requirements stressed the need for such a program and led to legislation creating the Metropolitan Park Commission. This and the similar park program being carried to completion by Kansas City about the same time set a new pattern of comprehensive park planning.

The problems associated with the circulation of persons and goods were another serious aspect of urban congestion. Even before the advent of the automobile, cities were searching for a way of adapting outmoded street systems to the traffic demands of a large population. Olmsted and Vaux, landscape architects who were first retained by New York City and Brooklyn to advise on a park system, were later asked to extend their consultation to streets and transportation.[8] Likewise, Boston appointed a board of survey in 1891 to recommend a comprehensive system of streets. At the same time cities were faced with the problem of transporting people rapidly from the outlying residential sections to the central business area. Rapid-transit lines were established in New York as early as 1875, and Chicago inaugurated elevated service in 1893. While main thoroughfares and rapid-transit lines aided in relieving immediate pressures, they also had an important effect on the distribution of population and central congestion, thus creating a host of new problems. Finally, railroad lines and terminals dictated the distribution of industry, made

[8] Theodora Kimball Hubbard and Henry Vincent Hubbard, *Our Cities Today and Tomorrow* (Cambridge: Harvard University Press, 1929), p. 5.

sections of the city inaccessible, and had an important bearing on the local traffic situation. Thus, the cities were faced with an ever growing necessity for dealing with traffic, transit, and transportation as public responsibilities.

As the demand for correction of the least tolerable conditions attendant upon urbanization assumed organized form, increasing pressure was brought upon local governments to restrain the socially harmful activities of individuals, to provide new services, and to take steps toward controlling the physical pattern of the city. Municipalities were forced to do all these on an ever expanding scale, but their initial steps in this direction were piecemeal and halting. Reform leaders soon realized, however, that government activity would have to extend beyond a mere administering of salve to a rash of separate problems to seeking a cure over a longer period of time. Particularly in the field of housing, leaders began advocating a positive program for ameliorating the evils of existing urban congestion and preventing its recurrence in the future. The agitation for reform legislation, led in New York by Jacob Riis, culminated in the publication of an important report in 1903.[9] This report, prepared by Robert W. de Forest and Lawrence Veiller, not only disclosed the deplorable existent housing conditions, but it also advanced a program for improvement. Closely related to this work, but more far reaching in the range of subjects studied, was the Pittsburgh Survey of 1907. The survey was financed by the Russell Sage Foundation and included information on working conditions, housing conditions, health and sanitation, civic improvement possibilities, hospital and institutional needs of the city, aspects of the crime situation,

[9] *Tenement House Problem, Including the Report of the New York Tenement House Commission* (New York: Macmillan Co., 1903).

playgrounds and recreation, and a number of related questions.[10] The Pittsburgh Survey attracted much attention in other cities when the findings were published in a series of articles in *Charities and the Commons;* and as the first systematic city survey it played an important part in arousing interest in urban housing and living conditions.

Meanwhile, the efforts being made to deal with problems of sanitation, street facilities, and rapid transit were forcing an awareness of the necessity of mapping long-time programs and of anticipating future developments. There was also a growing realization among those interested in all these matters that they were interrelated; and it is in this recognition of relationship and of the importance of positive programs for the future, as contrasted with piecemeal corrective measures, that we find the mainspring of modern planning.

THE FIRST CITY PLANNING CONFERENCE

The idea of over-all planning as a means to better urban living conditions attracted nation-wide attention through the publicity given the first national conference on city planning, held in Washington in 1909. Initiative for this important meeting came from those interested primarily in housing. It was called by the New York Committee on Congestion of Population, and the theme of the conference was definitely one of utilizing planning as an instrumentality for dealing with social problems.[11] Thomas Adams summarizes the tenor of the conference proceedings thus:

[10] Allen Eaton and Shelby M. Harrison, *A Bibliography of Social Surveys* (New York: Russell Sage Foundation, 1930), pp. xix f.

[11] Proceedings of the First National Conference on City Planning, Washington, D.C., May 21 and 22, 1909, in *City Planning* (hearing before Senate Committee on District of Columbia; 61st Cong., 2d sess.; Senate Doc. 422), p. 60; see esp. the first three papers presented by Mr. Henry Morganthau, a member,

The papers presented stressed the *economic* rather than the aesthetic elements of city planning, and called attention to the necessity for preceding the preparation of plans by a broad technical survey. Strong emphasis was laid on the need of *comprehensiveness and co-ordinated treatment* of related problems.[12]

The point of view of those who instigated the first conference is reflected in the program for planning outlined by Mr. Benjamin C. Marsh, executive secretary of the New York Committee, and particularly in his statement of the kind of "technical survey" needed as a basis for planning.

First. A study of the conditions of each city. This means that we shall make a survey, if we may adopt this term, of the economic and industrial conditions in the city, and pre-eminently of housing conditions and the ownership and control of land, since the land question is fundamental to a proper solution of the housing questions.[13]

Here is a statement of the social and economic basis of city planning as far reaching in its implications as any to be found in the current literature of the field.

This conference was in many ways a confluence of the several urban reform movements discussed above. It was, however, more the precursor than the true beginning of the organized planning movement. The National Planning Conference—focal point of the organized movement—was not actually formed until the following year when the second planning conference was held in Rochester, New York. It is important for the later course of city planning that this meeting was sponsored by the American Insti-

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and Mr. Benjamin C. Marsh, executive secretary of the Committee on Congestion of Population in New York, and by General George M. Sternberg, president of the President's Homes Commission (pp. 59–63).

[12] *Op. cit.*, pp. 208 f. (italics mine).

[13] Proceedings of the First National Conference on City Planning, *op. cit.*, p. 61. It should perhaps be noted that Mr. Marsh, as one of the leading advocates of the single tax, was particularly interested in the land question.

tute of Architects, the American Society of Landscape Architects, the American Civic Association, and the National Conference of Charities and Corrections, while the New York Committee on Congestion of Population organized independently the National Housing Association and, beginning in 1911, held its own conferences. Thus the promise of uniting all aspects of the problem of urban planning into one movement was vitiated at the outset, for the organized movement fell under the guidance of but one element of the participants in the first Washington conference. This group, like other contemporary reform groups, was directing its efforts toward improving urban living conditions but with special emphasis upon city beautification. A brief review of the background of this movement will help clarify later trends.

THE CITY-BEAUTIFUL MOVEMENT

In the nineties and the early part of the twentieth century certain civic improvement organizations became interested in improving the appearance of their communities. This movement, like those discussed above, originated in the ugliness of unrestrained industrialization and unguided urbanization, but its interest was more in aesthetics and in improving surface appearances than in the more deep-seated social problems which rapid urbanization entailed. Much of the inspiration for this movement was drawn from the Chicago World's Fair of 1893. Returning Fair visitors, imbued with a sense of architectural splendor, helped crystallize popular sentiment for improving urban appearances, while the Fair itself provided the activating symbol of the "City Beautiful," in the name of which early citizen interest in planning expressed itself. This slogan effectively epitomizes the spirit of the movement.

The leading publicist of the new outlook was Charles Mulford Robinson, a landscape architect who published two highly influential books between 1901 and 1903—*The Improvement of Towns and Cities: Or the Practical Basis of Civic Esthetics* and *Modern Civic Art.*[14] Edward Bok likewise played an important part in instigating civic improvement campaigns through a series of illustrated articles published in the *Ladies' Home Journal* about this same time under the title "Dirty Cities."[15] One of the first major results of the movement was the appointment in 1900 of a committee consisting of three architects and a sculptor,[16] all of whom had been associated with the Chicago Fair, to restudy the plan of Washington. Their report was published in 1902, reviving and amplifying the original L'Enfant plan.[17] This may be said to be the first of a long series of plan reports and city plans, each prepared as a unit by professional consultants drawn from the professions of architecture and landscape architecture and from the earlier field of park planning. These reports became the *sine qua non* of city planning.

A number of city plans were made between 1900 and 1909, when the first conference on city planning was called, but most of them have been characterized as little more than broad outlines of future possibilities designed to

[14] New York: G. P. Putnam's Sons, 1901 and 1903.

[15] *The Americanization of Edward Bok* (New York: Charles Scribner's Sons, 1921), pp. 255 ff.

[16] Daniel H. Burnham, Frederick Law Olmsted, Jr., Charles F. McKim, and Augustus Saint-Gaudens.

[17] Senate Committee on District of Columbia, James McMillan, chairman, *The Improvement of the Park System of the District of Columbia*, ed. Charles Moore (57th Cong., 1st sess.; Senate Rept. 166 [Washington: Government Printing Office, 1902]).

arouse public enthusiasm.[18] The *Report on a Plan for San Francisco*, prepared in 1905 by Daniel H. Burnham for the Association for the Improvement and Adornment of San Francisco, was one of the first of these. An examination of the report reveals that emphasis is almost wholly upon a civic center, parks, and streets and thoroughfares—all of which are dealt with as architectural problems. The report is replete with diagrams and sketches showing existing conditions and possible architectural treatment. The year 1907 saw the publication of two other plan reports prepared, like the San Francisco Plan, under the aegis of civic improvement organizations. These were *Los Angeles, the City Beautiful* by Charles M. Robinson and *Remodeling Roanoke* by John Nolen. Mr. Robinson's title is self-explanatory; Mr. Nolen's plan, like Burnham's, was divided into three sections dealing with a civic center, parks, and thoroughfares.[19] These are typical of the early city plans, and from this division it is clear that they represented a continuation of earlier park planning and street studies, with elaborate civic centers added as a result of the active interest in beautification.

[18] Cf. Hubbard and Hubbard, *op. cit.*, p. 8.

[19] The nature of the plan is well portrayed in Mr. Nolen's letter of transmittal to Mrs. Lucien H. Cocke, president of the Civic Betterment Club, Roanoke, Virginia, dated August 28, 1907: "My dear Madam:—I have pleasure in sending you today by Adams Express my Report on the Remodeling of Roanoke; two General Plans to the scale of 800′ to the inch; two diagrams illustrating proposed Groupings of Public Buildings; a plan of Public Reservations and Thoroughfares to the scale of one mile to the inch, and a sheet of sections illustrating my recommendations as to the character of Main Thoroughfares. Together these form a complete presentation of my views and suggestions for the consideration of your Club. The Report, you will find, is fully illustrated with photographs of Roanoke and other places. In order to present clearly the respective advantages of the two plans for the grouping of public buildings, it appeared desirable to show the influence upon the City Plan: hence the *two* General Plans."

Thus, the movement for city beautification had gathered substantial public support and had adopted the name "city planning" before the New York Committee on Congestion of Population called the first conference on city planning. Likewise, enough plans had been made by architects and landscape architects both to stereotype partially the content of the term "city planning" and to give these professions a strong initial hold on work done under that name. The fact that popular support and consultant fees were drawn from women's clubs, commerce clubs, and civic improvement groups combined with the architectural training of the consultants who were doing the work to produce an inevitable emphasis upon aesthetics and grand perspectives. Many of the early plans which evolved from this union were patently impracticable and have been subjected to repeated criticism in recent years, for their elaborate civic centers and idealistic drawings of the future city were directed less toward immediate application than to "inspire men's minds" in ultimate possibilities. On the other hand, the civic interest reflected in the preparation of these plans played an indispensable part in promoting the general idea of planning. The sponsoring groups are to be commended for their recognition of the need for change and for their active financial backing.

But it is evident that there was relatively little in common between the participants in this movement and the group which called the first planning conference. It might be argued that the difference was one of emphasis rather than of exclusion, but the important point to be observed here is that the difference was sufficiently great to cause a split in the broader movement for city planning. The contrast may be sharpened by saying that one group tended to concentrate its attention on the "physical" aspects

of urban development while the other focused on the "social" problems, with each vaguely and uncertainly recognizing the essential unity of the two. In focusing attention on the former, the National Conference on City Planning initially became the promotional organization for a partial concept of city planning. The process of expanding that concept began almost at once, however, and it is with that expansion that we are hereafter concerned.

CHAPTER II

THE EXPANDING SCOPE OF URBAN PLANNING

DEVELOPMENTS FROM 1909 TO 1920

For a decade following the establishment of the National Planning Conference planning was carried on almost entirely through consultants who prepared a city plan on a contract basis either for civic improvement organizations or, with increasing frequency, for official city planning commissions.[1] The early restriction of these plans to the threefold division of civic centers, parks, and thoroughfares was, however, short lived, for in 1909 the Commercial Club of Chicago published the now famous *Plan of Chicago* which went far beyond contemporary efforts in its breadth and forecast the scope of planning for many years following.[2] The plan was prepared by Daniel H. Burnham, but it represents a marked advance over his San Francisco Plan of four years earlier. This was undoubtedly due in part to the exceptional vision of the men who promoted it, notably Frederic A. Delano,[3] Charles D. Norton, and Charles H. Wacker. In it one finds an appreciation of the broad objectives of planning found in few of the many plans which

[1] The organization for planning will be discussed in Part II. Here we are interested only in the scope and nature of these plans.

[2] The circumstances attendant upon the preparation of the *Plan of Chicago* are discussed at length in chap. viii.

[3] The plan incorporated the studies of the local railroad situation prepared several years previously by Mr. Delano. This attention to transportation problems was one of the major improvements over the San Francisco Plan.

preceded or immediately followed it. In setting forth the purpose of the plan, the opening paragraph of the text asserts that

men are becoming convinced that the formless growth of the city is neither economical nor satisfactory; and that overcrowding and congestion of traffic paralyze the vital functions of the city. The complicated problems which the great city develops are now seen not to be beyond the control of aroused public sentiment; and practical men of affairs are turning their attention to working out the means whereby the city may be made an efficient instrument for providing all its people with the best possible conditions of living.[4]

Analyzed from the point of view of subject matter, the essential chapters of the plan deal with rapid transit and suburban growth, a comprehensive park system, transportation and terminals, streets and subdivision control, and problems of the central city. The last includes recommendations on a variety of subjects, but aside from the civic center the principal theme is congestion. In this connection notable reference is made to the slum as "a menace to the moral and physical health of the community." Perhaps undue significance is attached to the value of "broad thoroughfares" and sanitary regulations as an effective cure for slum conditions, but the following language is unusual in the city plans of this period:

The slum exists to-day only because of the failure of the city to protect itself against gross evils and known perils, all of which should be corrected by the enforcement of simple principles of sanitation that are recognized to be just, equitable, and necessary. It is no attack on private property to argue that society has the inherent right to protect itself against abuses. . . . . Chicago has not yet reached the point where it will be necessary for the municipality to provide at its own expense, as does the city of London, for the rehousing of persons forced out of congested quarters; but unless the matter shall be taken in hand at

[4] Daniel H. Burnham and Edward H. Bennett, *Plan of Chicago*, ed. Charles Moore (Chicago: Commercial Club of Chicago, 1909), p. 1.

once, such a course will be required in common justice to men and women so degraded by long life in the slums that they have lost all power of caring for themselves.[5]

In general we may say that, despite a predominant architectural emphasis, the Chicago Plan expressed an appreciation of the objectives of planning which put it well in the vanguard of the trend toward comprehensiveness. The treatment anticipates the plans of many years following, and the suggestion presents itself that the Chicago Plan, like the first planning conference held the year it was published, proposed a synthesis of physical and social planning too far in advance of current social and political attitudes to find immediate acceptance.

During the following decade planning of land and its appurtenances became firmly intrenched as the guiding precept of the organized planning movement, although important additions to the scope of planning were made in this period. It has been pointed out that the initial limitation of plans to public lands and public buildings quickly collapsed. The Chicago Plan was but one manifestation of this change. George Kessler's *City Plan for Dallas*,[6] published two years after the Chicago Plan, was divided into sections on "Levees," "Belt Railroad," "Union Station," "Freight Terminals," "Civic Center," "Grade Crossings," "Street Openings," "Parks," "Parkways and Boulevards," and "Playgrounds." Similarly, the contemporary *City Plan for Rochester*,[7] prepared by Olmsted and Brunner, dealt not only with the street system, parks, and civic center but also included recommendations with regard to the railroad station, the river and canal, street transportation,

[5] *Ibid.*, pp. 108 f. [6] Report of the Park Board (Dallas, Texas, 1911).

[7] A Report Prepared for the Rochester Civic Improvement Committee (Rochester, New York, 1911).

railroad consolidation, and bridges. On the other hand, plans prepared in 1910 and 1911 for Fort Wayne, Indiana, and Madison, Wisconsin, by Robinson and Nolen, respectively, remain close to the beautification movement. Nonetheless, Mr. Nolen's plan—*Madison: A Model City*[8]—shows the influence of developments which had taken place in the four years between this and his Roanoke Plan of 1907.

In these and contemporary plans there is evident an extension in two directions—to include a widening range of public improvements and to include transit and transportion as major considerations. The significance of the latter is that here city planning was being expanded to the field of private enterprise, well beyond the limitation to public lands and public buildings which characterized the first city plans. The regulation of common carriers had, of course, been recognized as being a matter of public concern some years before. With respect to another kind of public regulation of the use of private property, however, the planning movement played an important pioneering role during this period. This was in the field of zoning.

THE ADVENT OF ZONING

Zoning is to a certain extent an outgrowth of the ancient common law of nuisances, which rests upon the principle that no person should be permitted so to use his property as to cause injury to others. The first zoning done in this country was specifically aimed at the abatement of occupations which were regarded as public nuisances in certain neighborhoods.[9] This kind of zoning is generally recognized to have originated in Germany toward the close of the nineteenth century, when a number of German

[8] Report presented to the directors of the Madison Park and Pleasure Drive Association and the Citizens' Committee, August, 1910.

[9] See below, pp. 54 f.

cities enacted legislation to keep undesirable industries away from residences. In the United States, however, those interested in planning saw in zoning a tool for the achievement of a much broader purpose than nuisance control—namely, the implementation of a rational land-use pattern for the community. Thus, with the precedent of early court decisions upholding zoning ordinances restricting nuisances and limiting the height of buildings, planners developed the concept of "comprehensive zoning."[10]

Comprehensive zoning is the districting of land as to use, concentration of population, and the height and bulk of buildings employed for the purpose of carrying out a land-use plan. In 1913 the New York Heights of Buildings Commission, of which Mr. Edward M. Bassett was chairman and Mr. George B. Ford was secretary, published the report upon the basis of which the first comprehensive zoning ordinance was adopted by New York City.[11] The New York ordinance was adopted in 1916. In 1917 the Chicago City Council, acting on a report prepared by Alderman Charles E. Merriam, recommended to the Illinois State Legislature an amendment to the Cities and Villages Act which would permit the creation of building districts.[12] From this time forward zoning had a phenomenal growth in the United States until there are today approximately thirteen hundred and twenty-two communities zoned, either comprehensively or as to use.[13]

[10] See below, pp. 57–60.

[11] *Report of the Heights of Buildings Commission* (New York, December 13, 1913).

[12] *Building Districts and Restrictions: A Bill and Statement by Alderman Charles E. Merriam* (Chicago City Council, February, 1917). Alderman Merriam began to study the problem as early as 1914.

[13] National Resources Committee, *Status of City and County Planning in the United States*, Circular X (May 15, 1937), Appen. B, p. 11. The American Society of Planning Officials reports approximately seventeen hundred zoned

The relation between planning and zoning was recognized at the first planning conference in 1909 where Mr. Henry Morgenthau of the New York Committee on Congestion of Population, in presenting the first paper to the conference, pointed out the possibilities of zoning as a tool for combating evils of congestion. Outlining a constructive national program for city planning, he said:

> Fortunately it has been decided by the Supreme Court of the United States that it is within the police powers of a community to restrict the height of buildings and confine the use of certain parts of a city to residences and of other parts to business purposes. We suggest then, first, that the present tenement-house laws of our cities be more strictly enforced. . . . .
>
> Second. We can make city plans establishing factory zones and residence zones, and have every building used for residential purposes so arranged that sunlight can reach some part of the building at some time of the day.[14]

His third and fourth points, also directed at the alleviation of congestion, were to provide transit facilities for getting away from the central areas and to provide parks and playgrounds. A paper on zoning was also presented to the conferences in 1910, 1911, 1912, and 1914. In 1916 there were two papers on the subject, and in 1917 there were five.

Despite the interest shown at the national conferences, many of the groups which had sponsored planning locally, including some of the official planning commissions, did not

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communities in 1940. It is doubtful whether this is actual increase over the number reported in 1937. The difference is probably a matter of definition and of means used to obtain the figures. Those published by the National Resources Committee are used here inasmuch as the results of its survey are available in detailed form.

[14] "A National Constructive Programme for City Planning," proceedings of the First National Conference on City Planning in *City Planning* (hearing before Senate Committee on District of Columbia; 61st Cong., 2d sess.; Senate Doc. 422), p. 60.

at first see zoning as any part of planning. This was true, for example, in Chicago, where the stimulus for zoning emanated from Alderman Merriam when the Chicago Plan Commission evidenced little interest in the subject. This is not surprising if we recall that much of the support for planning in this period came from commerce clubs and civic improvement associations from which strong support for new controls over the use of private property could scarcely be expected. After a few years of hesitancy and uncertainty, however, zoning was enthusiastically espoused by planning groups in general. The explanation is perhaps found in a shift of emphasis as to the purpose of zoning, from one of effectuating the planned development of a community to one of attempting to protect property values by preventing harmful intrusions into residential neighborhoods and of seeking to lend an aura of special value to areas zoned for commercial and industrial use.[15] Thus the arguments that were advanced in support of zoning stressed the damage done middle-class residential areas by intruding stores, garages, apartments, and other undesirable structures, and it is here that the popular appeal and political support for zoning lay. At the same time, opposition from real estate interests was allayed by conceding much more area for business and industrial use than could conceivably be absorbed. The result has been that the potentialities of zoning as a tool for controlling urban growth have been realized in very few instances. Nevertheless, the planning profession played a leading part in promoting a form of public control under the police power which was, even in modified form, a marked departure from accepted concepts of private property.

[15] Cf. William B. Munro, "A Danger Spot in the Zoning Movement," in *Zoning in the United States* ("Annals of the American Academy of Political and Social Science," Vol. CLV, Part II), p. 203.

SUBDIVISION CONTROL AND SUBURBAN TOWNS

Another type of control which planners began to promote actively during the decade following the publication of the Chicago Plan was the control of subdivisions. It is obvious that a basic method for directing the future growth of the city is to exercise control over private subdivision promotions at the periphery. This was recognized during the latter nineteenth century in connection with un-co-ordinated street systems, which had characteristically been dependent upon the whims of speculative developers. Thus, as planning assumed organized form and an increasing number of official planning commissions were established, they were made the platting agency of the municipality with a greater or lesser power to approve and regulate subdivision plats before they were filed. It should be observed that here was another form of public restriction on individual activity pressed by those interested in planning. The discussions of subdivisions found in the earlier plan reports reflect, however, the influence of the "Garden City Movement" which became active in England at the turn of the century. Thus, subdivisions are typically discussed under such headings as "Housing and the Garden Suburb,"[16] and it is only in later reports that the emphasis was shifted to the actual rules to be enforced by municipalities with regard to street layout, utility installation, and lot size. The planning of subdivisions became increasingly important as the automobile and suburban rapid transit hastened the exodus from the congested central city to promised light and air at the urban fringe.

In many respects the attention devoted to the planning

[16] Cf. Edward H. Bennett, *Plan of Minneapolis* (Civic Commission, 1917), chap. xi.

of outlying communities and of the traffic arteries for getting the urban population to them has short-circuited the basic problem of replanning the cities themselves. From another point of view, however, the planning of self-sustained communities and the decentralization of urban populations is one of the most important aspects of urban planning.[17] This phase of the problem is beyond the scope of this study, but it should be pointed out that the Garden City Movement took form in England at about the time the city planning movement was getting under way in this country. Ebenezer Howard's *Tomorrow*,[18] published in 1898, coincided with the work of Charles Mulford Robinson; and the founding of Letchworth Garden City near London followed closely upon the replanning of Washington here. A number of new towns had been established in the United States prior to this time, including examples both of model communities founded by social reformers and of industrial towns built by partially philanthropic manufacturers. Generally, these did not have enduring value as examples of planned communities.[19]

After the United States entered the first World War a number of new developments were planned for the United States Housing Corporation.[20] The first marked influence of the garden city in the United States, however, was in the laying-out of better-class subdivisions for relatively wealthy people—developments which missed the spirit of

[17] For a forceful presentation of this view see Lewis Mumford, *The Culture of Cities* (New York: Harcourt, Brace & Co., 1938).

[18] London: Swan Sonnenschein & Co., 1898. A third edition was published in 1902 under the title *Garden Cities of Tomorrow.*

[19] Thomas Adams, *Outline of Town and City Planning* (New York: Russell Sage Foundation, 1935), pp. 176–79.

[20] *Report of the United States Housing Corporation* (Washington: Government Printing Office, 1919).

the movement entirely.[21] It is in this connection that one finds reference to "subdivisions and the garden suburb" in some of the early city plans. Not until the city of Radburn, New Jersey, was built during the twenties did the garden city really appear in this country.[22]

CHANGES IN PROCEDURE

By 1920, then, the scope of planning had been greatly widened, notably by the addition of a wider range of public improvements, local transit and transportation problems, zoning, and subdivision control. Meanwhile, certain changes were taking place in planning organization and in the field of technical services which should be noted for their influence on the scope of planning. With regard to the first, the preparation of plans by voluntary civic organizations was rapidly giving way to planning by semi-independent official planning commissions,[23] for the supporters of the movement were realizing that since plans had to be made effective by governmental authority it was advisable to bring the planning function closer to the responsible officials. At the same time, they did not trust the activity to the care of unsympathetic and uninformed administrators, so the "official" status of the planning com-

[21] Adams, *op. cit.*, p. 232.

[22] Planned to recapture the benefits of an integrated community life, Radburn was an attempt to adapt the best features of the English garden city to American conditions. Thus it was designed to be a partly self-contained, partly commuting town. The use of the automobile and the hazards of traffic were the points of departure in laying out the design, resulting in the creation of superblocks and the abandonment of the corridor avenue. The "Greenbelt" towns built by the Resettlement Administration near Washington, Milwaukee, and Cincinnati within the past few years are the most recent step in the direction of decentralized city building.

[23] In 1922 there were one hundred and eighty-five official city planning commissions (National Resources Committee, Circular X, p. 4).

mission was carefully hedged with precautions to guarantee its independence of politics. Nevertheless, the acquisition of such status meant financial support from public funds in many cases, and it imparted a considerable stimulus to the movement.

Planning consultants had become sufficiently numerous by this time to cause them to organize a professional society separate from the promotional National Conference on City Planning. In 1917 the American City Planning Institute was created, and city planning became generally recognized as a distinct profession.[24] The newer aspects of planning were also leading to considerable subspecialization within the field, and the early twenties witnessed the affiliation of specialists into firms of planning consultants. The typical procedure continued to be the preparation of a complete "master-plan" by a consultant or firm on a one- to three-year contract basis, but it became increasingly common for commissions to retain a consultant only for some one aspect of planning. This has been particularly true in preparing zoning ordinances, although many separate reports have also been made on street systems, parks, and transportation problems. In many cases these have been prepared under the auspices of the interested city departments rather than the planning commission.

URBAN PLANNING AFTER 1920

What significant changes took place in the scope of planning during the twenties? In reality, there were few. By

[24] The original members of the Institute were Harland Bartholomew, Edward M. Bassett, Alfred Bettman, Charles H. Cheney, Arthur C. Comey, Ernest P. Goodrich, Antrim B. Haldeman, Henry V. Hubbard, John Ihlder, Charles Moore, Frederick L. Olmsted, T. Glenn Phillips, Lawson Purdy, Arthur A. Shurcliff, Flavel Shurtleff, Frank Williams (*American Institute of Planners Handbook* [Cambridge, March, 1940]).

1920 the orbit of planning had grown to include most of the subjects which were considered part of planning during the following decade. The tendency of developments after 1920 was to stereotype headings under which plans were prepared. Writing in 1929, following an extended survey of city planning, the Hubbards indicated the range and limitations of planning as follows:

> A commonly used classification divides a comprehensive city plan into six main elements: zoning, streets, transit, transportation (rail, water, and air), public recreation, and civic art or civic appearance. Taken together, street planning, land subdivision regulations, and zoning are counted on to motive the types of land development and housing which the city plan aims to secure, so that in many plans housing does not appear as a separated element.[25]

An examination of typical city plans of the period confirms both the prevalence of this classification and the absence of housing as a major division, although the latter is frequently discussed in conjunction with subdivisions. The plans prepared by Harland Bartholomew and Associates for Wichita (1923), Memphis (1924), and Knoxville (1930) all adhere strictly to this classification with a notable exception as regards the Wichita Plan. This contains a chapter on "Housing and Sanitation" which is unusual in its clear statement of the consequences of overcrowding and bad sanitation in terms of infant mortality, tuberculosis, communicable diseases, etc. After pointing out the contribution which planning may be expected to make in improving slum conditions, the report charges that slums are basically due to a failure of the municipality to maintain adequate standards, particularly the failure to provide water and sewage facilities for some areas of the city, the absence of any building code, and lack of a housing code. This sec-

[25] Theodora Kimball Hubbard and Henry Vincent Hubbard, *Our Cities Today and Tomorrow* (Cambridge: Harvard University Press, 1929), p. 109.

tion of the report is perhaps most significant because of its absence from the later plans.[26]

The work of other contemporary consultants adhered closely to these same topics. It is interesting to compare, for example, the *Comprehensive City Plan for Roanoke*,[27] prepared by Mr. Nolen in 1928, with his first plan for that city in 1907. The latter, it will be recalled, was confined almost entirely to the civic center, streets, and parks. The Table of Contents for the 1928 plan contains the following topical headings: "Thoroughfares," "Parks and Parkways," "Recreation," "Schools," "Public Buildings and Public Areas," "Business Districts," "Development of Waterfront," "Transportation," "Industry," "Areas for Colored Population," "Safeguarding City Development (Subdivision Control)," "Zoning," and "Regional Plan." The treatment of these subjects is, likewise, more complete than was attempted in the first plan, although not as detailed as in some other plans of this period. One of these more comprehensive reports was the *Official Plan of the City of Cincinnati* prepared by George B. Ford and E. P. Goodrich (Technical Advisory Corporation) and published in 1925.[28] The subjects included are those outlined above but with the addition of sections on "Subdivisions and Housing," "Schools and Play-Yards," and "Garbage and Refuse

[26] Opposition to public statements portraying bad housing conditions was undoubtedly the true deterrent to discussions of housing in city plans. The Boston City Planning Commission attempted as early as 1915 to publish a report setting forth a factual statement of housing conditions in certain parts of Boston, but the protestations of owners that their property values would be adversely affected caused the report to be censored and the objectionable sections blacked out.

[27] Prepared under the direction of the City Planning and Zoning Commissions (Roanoke, Virginia, 1928).

[28] Cincinnati: City Planning Commission, 1925.

Disposal." This is one of the first efforts at the long-time programming of school buildings in a city plan. The section on disposal facilities is brief and confined to recommended plant locations. Here, as in many plans, housing is dealt with as an aspect of subdivision control, but the Cincinnati Plan goes somewhat further in pointing out the existence of a serious slum problem. The evidence is borrowed, however, from a report of the "Better Housing League" of Cincinnati and does not represent original study of housing conditions. Also the conclusion is hastily reached that

> it is not feasible now to give any consideration as a part of the City Plan to providing housing for low-wage earners, that attention should be concentrated now on the amelioration of living conditions in the older parts of the town by zoning protection and by the provision of parks, playgrounds, community centers and open spaces.[29]

Probably the most comprehensive plan of the twenties was the monumental *Regional Plan of New York and Its Environs*, prepared under the direction of a committee headed successively by Charles D. Norton and Frederic A. Delano, both of whom had played leading roles in sponsoring the Chicago Plan. The committee was organized in 1922 and, with funds from the Russell Sage Foundation, work was begun under the technical direction of Thomas Adams. The plan, as completed in 1929, comprised eight survey volumes on "Major Economic Factors in Metropolitan Growth and Arrangement"; "Population, Land Values, and Government"; "Highway Traffic"; "Transit

[29] *Plan of Cincinnati*, p. 51. There is some evidence that the presentation of zoning as a relief for bad housing may have had a deleterious effect on the housing movement as a whole, for Edith Elmer Wood has pointed out that the phenomenal growth of zoning took place largely at the expense of further development of restrictive housing regulation (see Edith Elmer Wood, "Housing," *Encyclopaedia of the Social Sciences*, Vol. VII).

and Transportation"; "Public Recreation"; "Buildings—Their Uses and the Spaces about Them"; "Neighborhood and Community Planning"; "Physical Conditions and Public Services." There were, in addition, two summary volumes describing and illustrating the plan. This work was a marked departure from current standards both in its thorough treatment and in its emphasis on industrial and population problems. The material on these topics in the first two survey volumes is unparalleled in local planning.[30]

The Regional Plan of New York and Its Environs is representative of an outward geographical expansion of planning to include the urban county and region. Boston had put its park planning on a metropolitan basis as early as 1893,[31] but county and regional planning did not assume an important place in the planning movement until after 1920. In the smaller municipalities city and county planning are inextricable, while in the larger urban centers it has become increasingly clear that planning must take into account the future of the entire metropolitan area. Today planners are becoming aware of the even broader regional, state, and national factors in local planning.[32] Thus far, however, the emphasis on county and regional planning has not contributed importantly to the subject matter of urban planning. Focusing of attention on areas to be

[30] For a critical commentary on the Regional Plan see Lewis Mumford, "The Plan of New York," *New Republic*, LXXI (June 15 and 22, 1932), 121–26, 146–54. See also the communication in defense of the plan by Thomas Adams in the July 6, 1932, issue of the same magazine. R. L. Duffus, *Mastering a Metropolis* (New York: Harper & Bros., 1930), is a sympathetic explanation of the plan in popular form. A report on progress under the plan was made by the Regional Plan Association in *From Plan to Reality* (New York: The Association, 1933) and in *From Plan to Reality: Two* (1937).

[31] See above, p. 8.

[32] See below, pp. 122–28.

planned rather than on what aspects of their development to plan may even have detracted from critical thought about the latter during the post-war period.

DISTRIBUTION OF PLANNING ACTIVITY

The plans discussed above have been examples of "comprehensive" plans. Plans of this kind varied greatly in

TABLE 1*

TYPE OF PLANNING ACTIVITY

Type of Activity	No. of Cities
Zoning ordinance	1,322
Control of plats (mandatory)	275
Comprehensive plan	217
Thoroughfare plan	205
Park and parkway plan	168
Playground plan	150
Public-building plan	99
Drainage and sewerage plan	97
School and library plan	97
Transit plan	86
Water-supply plan	61
Transportation plan	29
Long-range financial plan	8

* Compiled from National Resources Committee, Circular X, Appen. B, p. 11.

their completeness and skill of execution, but they represented an effort to deal with each of the several aspects of physical planning as parts of a single scheme. In practice, however, much of the work carried on by planning agencies has been limited to parts of a comprehensive plan—most often zoning. Thus a survey made by the National Resources Committee in 1936 revealed that cities had divided their planning efforts to date as shown in Table 1. In view of the fact that 933 official planning commissions were reported at the time this survey was made, it is clear that

most of them were not beginning to exploit even the range of physical planning. Comparing the returns with what was observed in the cities visited, the writer is of the opinion that the above figures include some studies, particularly sewerage, water-supply, and school and library plans, which were prepared under the direction of city departments other than the planning commission.

Planning commissions actually have devoted an overwhelming proportion of their time to zoning, streets, and parks, whether or not they have had comprehensive plans prepared involving other elements. Also the evidence is compelling that parts of plans other than these have had relatively little influence on government programs. In several cities high officials admitted never having looked at comparatively recent and readily available plans prepared supposedly for their guidance, and in general they expressed an uncomplimentary opinion of the comprehensive plan prepared by an outside consultant. On the other hand, departmental plans have often been prepared independently, or even concurrently, by these officials. Departmental planning is, of course, eminently desirable, and the co-ordination of such plans is one of the basic functions of a planning agency. But in many cases the commissions appear to have duplicated or ignored, rather than co-ordinated, the planning efforts of the various departments. The ramifications of these observations will be explored further in the chapters on commission organization and governmental relationships.

FORMATIVE INFLUENCES OF THE PERIOD

To summarize the characteristics of planning after 1920, we may say that the movement was, in general, guided by a concept of planning which focused attention upon the

physical layout of the community, although in practice the elements of this concept were not being widely developed by planning agencies. Preoccupation with physical planning is not surprising, though, if we relate it to the total context of social attitudes and political activity in the prosperous era. The fate of the lowest-income groups was generally viewed as an inevitable consequence of the way the economic system worked, and to those in controlling positions it appeared to be working satisfactorily. Hence, although its sphere had been constantly expanding, the principal functions of municipal government were still to keep vice and crime from becoming conspicuous, to put out fires, educate the young, safeguard the public from the more obvious sources of disease, and meet the demands upon the physical plant of the city with a program of public improvements. The problems of housing, clothing, and feeding the destitute loomed large neither in the public consciousness nor in local government. In other words, the public works department far overshadowed the welfare department, and planning in confining itself to the former was completely in step with the times.

Perhaps the most important contribution of the planning movement to local government during this period was zoning. But here again the kind of zoning done reflected the speculative temper of the twenties. Without attempting to draw sharply a line of demarcation, it is possible to discern a gradual change in planning from the outlook epitomized in the "city beautiful" to an attitude best described as the "city practical." This change took place in the decade following the publication of the *Plan of Chicago* and flowered in 1928 and 1929. The distinguishing feature of most of the planning done in accordance with the second orientation, whether public works planning or zoning, was the necessity for justifying it on an "economic" basis. In

the extensive street-widening programs of this period, for example, the argument was inevitably advanced that such improvements would increase property values. Likewise, the avowed purpose of most of the zoning done was to preserve and increase property values. Planning was first of all business like—it was required to show a profit.

The leaders of the planning movement made an invaluable contribution to good government and to the acceptance of the planning idea between 1920 and 1930. Consultants, members of planning commissions, and civic leaders in private organizations argued the need for planning in city government on countless occasions, gradually arousing public interest and bringing about the creation of official planning agencies in practically all the important cities of the country. On the other hand, the sources of the strongest support for planning were not those from which one would anticipate serious agitation for a frontal attack upon slums, poverty, disease, and other municipal problems then being glossed over by urban governments. It seems likely that there was more than a coincidental relation between the role of commerce clubs, civic improvement associations, and well-to-do citizens as custodians of the planning function and the failure of planning agencies to perceive that

> there can be 10-year plans for the reduction of infant mortality as well as 6-year public works programs; 15-year plans for the elimination of illiteracy as well as 10-year programs of forest-land [or park] acquisition; 20-year plans for the reduction of juvenile delinquency as well as 10-year highway programs; 15-year programs for the reduction of industrial accidents as well as 10-year plans for water conservation [or waterfront improvements].[33]

[33] National Resources Committee, *The Future of State Planning* (report to the Advisory Committee by the State Planning Review Group, March, 1938; Washington: Government Printing Office, 1938), p. 13.

The planning consultants, who played a determining part in urban planning before 1932, were without doubt often ahead of their time in appreciating the social implications of public works and land-use planning. Such men as Frederick Law Olmsted, Jr., John Nolen, Robert H. Whitten, George B. Ford, and Thomas Adams—to mention only a few—were looking to a city of the future which would afford its inhabitants an infinitely better environment than the dirty, closely packed conglomerates which they sought to remake. But it was inevitable that the consultants' predominant training in the architectural and engineering professions should cause them to seek improvement through redesign of the physical pattern of the city rather than to attack directly problems of urban sociology and economics. Thus, both in its sponsorship and in its technical application, planning was guided more or less rigidly along lines of physical reconstruction until brought to a shaking halt by the impact of economic depression.

INFLUENCE OF THE DEPRESSION

The depression which began in 1930 greatly altered both social attitudes and the fields of major activity at all levels of government. It accentuated the social problems which have always existed in the city, with the result that federal, state, and local governments have been forced to assume a primary responsibility for the welfare activities which were formerly left to individuals and private charities. Consequently, the public improvements which played a large part in municipal government during the twenties are no longer its first concern, and the identification of planners and planning agencies with public improvement programs has been the weakness which caused them to suffer in the scurry for financial retrenchment.

Mayors and city officials repeatedly told the writer that they saw no reason for spending badly needed money for a planning commission to plan public improvements, inasmuch as their pressing problem was finding ways to finance their relief load.

Despite severe budget reductions, the planning commissions of most of the larger cities have managed to survive and maintain at least a skeleton staff.[34] The hasty retrenchment of municipalities all but eliminated consultant budgets, however, and the civic organizations which pushed planning during the "bigger and better" period have practically all declined into a state of somnolence. The net result has been that local planning agencies have had to turn away from their reliance upon the consultant and the citizen support which played such a prominent part in an earlier day and to pay more attention to working co-operatively with city officials. This change was recognized in the formation of the American Society of Planning Officials, in 1935, which adopted as its slogan "To Promote Efficiency of Public Administration in Land and Community Planning." Withdrawal of the consultant and of active civic support meant knocking out the two main props of the kind of planning which had been done in the past, and only those agencies which had secured a relatively firm hold on the third support—the administrative structure—have survived in active form, i.e., have retained some kind of permanent staff. What have those which have survived done since 1930?

The character of city planning activity since 1930 has been governed principally by two considerations: (1) an

[34] In 1936 some thirty-nine cities had budgets of over five thousand dollars, as compared with approximately forty-four in 1929 (see National Resources Committee, Circular X, p. 5).

awakened interest in the problems of the "lower third" and (2) the availability of staff assistance on an unprecedented scale from federal, state, and local relief rolls. The first has stimulated an increased interest in housing and urban blight, while the second has provided the workers with which to gather and analyze data formerly beyond the capacity of even the larger planning staffs. Together they have carried city planning well beyond traditional concepts of physical planning, for, although relief staffs have been widely utilized in making traffic surveys, rezoning studies, and a variety of other studies related to the accepted elements of city planning, they have permitted a number of local planning agencies to branch into the collection of basic sociological and economic data. Even before the federal government had begun the active stimulation of interest in real property inventories,[35] the planning commissions of a number of cities, including Cincinnati, Detroit, Boston, Milwaukee, Toledo, Nashville, and Louisville, had begun housing studies preliminary to submitting applications for P.W.A. housing projects.[36] The thoroughness of the housing studies directed by the Cincinnati Plan

[35] Real property inventories, covering the physical condition of residential structures, were conducted in sixty-four cities between 1934 and 1936 by the Bureau of Foreign and Domestic Commerce of the Department of Commerce, using workers from the C.W.A. rolls. This was supplanted by inventories sponsored and directed locally with W.P.A. labor. These surveys have now been conducted in two hundred and three urban areas, and about thirteen have been sponsored by city planning commissions (see *Urban Housing: A Summary of Real Property Inventories Conducted as Work Projects, 1934–1936* [Works Progress Administration, 1938]).

[36] The information so acquired was instrumental in causing the Housing Division of Public Works Administration to locate housing projects in each of these cities. The data on hand in the offices of the Cincinnati and Milwaukee Planning Commissions was an important factor in the selection of near-by sites for Resettlement Administration's "Greenbelt" towns.

Commission led to the construction of one of the larger P.W.A. slum-clearance and housing projects in the United States (Laurel Homes: 1,039 units). In his 1934–35 report to the Better Housing League of Cincinnati, Bleecker Marquette, executive secretary, said: "The City Planning Commission made an invaluable contribution in its careful studies leading to a well-organized redevelopment plan for the West End and some other parts of downtown Cincinnati. This has been the ground work on which has been built the definite proposal for the West End project." The Detroit Plan Commission made studies of the social and economic conditions in the worst blighted sections of the city, on the basis of which it prepared a detailed redevelopment plan and submitted the first application approved for a federal housing project.

A series of twenty-four maps reproduced in a report of the Nashville City Planning and Zoning Commission, entitled *Low Standard Housing in Nashville, Tennessee,* illustrates the ramifications of studies of this kind. They cover "Family Distribution," "White Population, 1920 and 1930"; "Negro Population, 1920 and 1930"; "Houses in Poor Structural Condition"; "Single Family Residences"; "Multi-Family Residences"; "Commercial Property"; "Industrial and Railroad Property"; "Paved Streets"; "Transportation"; "Water Supply and Sewerage"; "Parks, Schools, and Churches"; "Territorial Growth, 1784–1935"; "Juvenile Delinquency, 1934–35"; "Truancy, School Years, 1934–35 and 1935–36"; "Rental Map"; "Dependent Families." In 1934 and 1935 the Louisville Planning Commission made separate studies of proposed housing sites, entitled respectively *Study of the Present Economic and Social Status of Residents of Area To Be Occupied by the Federal Low Cost Housing Project, together with a Study of Available*

Living Quarters in the Neighborhood and *Racial Population Trend in Area Adjacent to Proposed Negro Housing Development.*

Another example of the extent to which ideas of planning are changing is found in the following statement of objectives of a social and economic survey of the city of Toledo, sponsored by the Toledo City Plan Commission in co-operation with the Lucus County Council of Social Agencies and the Works Progress Administration.

1. To develop a fund of basic data for use in community planning, zoning, allocation of major streets, extension of recreational facilities, adequate provision for transit and traffic
   a) By collection and suitable tabulation of census material including population distribution and characteristics, employment, building conditions, use and occupancy
2. To ascertain the extent and interrelationship of certain physical, social and economic conditions in the community
   a) By collection of data for use in defining factors tending to produce certain "pathological" conditions in the community
   b) By collection of data for use in evaluating the social and economic status of various sections of the city
   c) By presentation of data for use in connection with case studies of particular conditions in the community and to ascertain probable fields for further research
3. To ascertain the extent of treatment services provided by the community
   a) By tabulation of data from existing welfare agencies
4. To ascertain the social costs involved in rendering welfare services in the community
5. To stimulate public interest in community planning for social problems, by suitable presentation of the work of public and private welfare agencies[37]

As a result of research of this kind, directed toward locating the areas most in need of rehabilitation, many planning offices now have on hand a variety of information on

[37] Mimeographed (1937), p. 1.

important social problems never before brought within the orbit of city planning. In thus extending its boundaries, planning has paralleled the expansion of governmental activity, and both have reflected general recognition of the fact that blighted areas, slums, and bad housing are matters of public concern. In the words of Miss Mabel Walker:

> Out of the depression has come an awareness of some of our underlying social and economic maladjustments. In the days of prosperity when things appeared to be quite all right to the more dominant groups and when too little attention was paid to the economic threat of the submerged, it was patriotic to be a ballyhoo artist and Jeremiahs who pointed out defects were decidedly outside the spirit of the times. . . . . Now, for the first time, we are becoming blight-conscious as a people. We are becoming concerned with how these substandard areas came to be, what makes them that way, and what can be done about it.[38]

In many cases the planning commissions, in making housing studies, were responding to a stimulus from the federal government and were pioneering a new field of municipal action. But it is interesting that in at least two instances the request for a study of housing conditions came from the city's chief executive.[39] An even more active interest has been shown by public officials in the related field of taxation, and here planning agencies have responded with two types of pertinent studies—(1) those of tax delinquency and (2) those of comparative income and cost of public services. The planning boards of Minneapolis, Portland, and St. Louis have each made studies of tax-delinquent property, while the Milwaukee board has prepared a report on comparative financial statistics for the twenty-

[38] Mabel Walker, *Urban Blight and Slums* ("Harvard City Planning Studies," No. 12 [Cambridge: Harvard University Press, 1938]), p. vii.

[39] It is equally significant that in one of these cases the planning commission refused thus to "advertise the poorer side" of its fair city.

six largest cities in the United States. Dealing with the same general problem, the Monroe County (Rochester, New York) Division of Regional Planning has made an extensive study of the consequences of premature subdivision.[40] The *Report on the Income and Cost Survey of the City of Boston* (1935) is one of the most comprehensive of the second type,[41] and similar analyses of selected districts have been made in St. Louis and Toledo.[42]

TOWARD A REDEFINITION OF PLANNING

Additional burdens placed on the shoulders of public administrators in the last ten years, plus the decline in revenues, have urged upon them the necessity of "planning" in the full sense of that term. The free and easy meeting of problems as they arise will no longer suffice, and more than ever officials are looking for a solution of current problems in terms of the predictable future. Many municipal officials do not think of the planning agencies as serviceable in this connection, but some are calling upon them for aid and demanding a reformulation of planning to include the social and financial problems which beset them. On the other hand, there is developing from within the planning movement pressure for extending the scope of planning to meet these demands. The most important impetus to a new outlook on urban planning has come from the Urbanism Committee of the National Resources Committee.

As the most thorough study of the problems facing

[40] The results of this study were incorporated into the report on excess subdivision in New York prepared by Mr. Philip H. Cornick (see his *Premature Subdivision and Its Consequences* [New York: Institute of Public Administration, Columbia University, 1938], pp. 44–57).

[41] Boston City Planning Board, 1935.

[42] The income and cost survey for Cleveland was not done under the direction of the Plan Commission.

urban communities which has yet been made, the report of the Urbanism Committee has far-reaching implications for local planning. The statement of "Emerging Problems," summarizing the committee's findings, is an authoritative guide to the perplexing questions to which urban planners must address their efforts in the immediate future. In summary form these are as follows:

1. Basic inequalities of income and wealth within the urban community
2. Lack of articulation among various industries within the community
3. Rapid obsolescence of physical plan and plant
4. Disruption of the national urban pattern brought about by competing forms of transportation
5. Uncontrolled subdivision and real estate speculation
6. Burdensome proportion of substandard housing
7. Endangered public health, particularly in blighted areas and among low-income groups
8. Disorganizing effects of ethnic, religious, and cultural heterogeneity
9. Inadequacy of adult, vocational, and higher educational programs
10. Prevalence of juvenile delinquency, organized crime, and commercial rackets
11. Inadequacy and irrationality of existing systems of urban public finance
12. Adjustment of the legal position and powers of the city
13. Difficulties arising from the overlapping of independent governmental units
14. Persistence in some cities of graft and corruption[43]

The recommendations of the committee, which essentially set forth a program designed to solve these problems, are also of great importance to local planning agencies in that they call for positive local action in most instances. The recommendations are too lengthy to be given here, but they are reproduced in full in Appendix I and should be read in their entirety to appreciate fully their ramifications.

[43] The complete statements can be found in National Resources Committee, *Our Cities*, pp. viii–x.

The program of the committee is based firmly upon the broad social objectives which are the essence of planning at any level of government. The "Possible Accomplishments," and hence the objectives, of this program were stated by the National Resources Committee to be as follows:

1. Improvement of the standards of urban life and raising of the level of living conditions. It cannot be forgotten, however, that an essential part of a sound national program is the improvement of living conditions in the rural areas from which so large a proportion of the urban population springs.

2. Elimination of urban blight and erosion; and, above all, abolition of the slum; revising our bill of rights to include the right to light, air, and recreation; making the formal phrases of the police-power doctrine "health, safety, comfort, and convenience" richer in meaning as measured by standards of daily life; restating conservation in urban terms of human values.

3. Better knowledge about the conditions of the cities in which over half our people now live would be achieved by means of a nationally organized system of urban reporting and research—most lacking now when it is most needed.

4. Better planned urban industrial location and development, made possible by a more intimate study of land use, industrial organization, fiscal policy, transportation policy, power policy. Planning or other like agencies, national, State and local, public and private, may help in the establishment of a sounder local industrial pattern and a better national economic balance.

5. National-urban preparedness to meet insecurity and unemployment. A policy of urban national preparedness would place city and Nation in better position to deal swiftly with industrial emergencies, and prevent the serious delays lately caused by new and sticky problems of public works projects, tardy relief measures, and irritating legal and financial conflicts about systems of taxation and finance.[44]

In view of what has been said, it is certain that the Urbanism Committee speaks both with thorough knowledge of

[44] *Ibid.*, pp. xii f.

urban needs and with whole-hearted belief in the efficacy of planning when it demands a redefinition of urban planning in these words:

> In fact, the entire scope and conception of local urban planning need broadening. While the influence of the physical environment upon the economic and social structure of the community is everywhere in evidence, planning agencies and planners have been slow to recognize and give proper emphasis to the social and economic objectives and aspects of planning and zoning. Studies of the economic base of the community, its soundness, deficiencies, and its prospects, and the need for a selective program of industrial development, have been almost completely overlooked. The pressing problem of housing has not received the attention from planning agencies that it deserves.[45]

In the same tenor, another committee of the National Resources Committee—the State Planning Review Group—in its significant report on *The Future of State Planning* (1938) said:

> These welfare plans [for the reduction of infant mortality, juvenile delinquency, etc.] directed toward the conservation of human resources require more ingenuity and involve as many governmental agencies as the more prevalent plans for physical development.
>
> Physical planning must avoid certain dangers, however. Physical planning must operate in a matrix of social and economic factors. The criteria of planning are social and economic as well as engineering physical plans must be based upon an understanding of the social and economic needs of the State.[46]

The point of view found in these reports is not, however confined to the National Resources Committee. It is reflected as well in discussions at the recent national conferences and in the recent literature of planning. The activities of certain federal agencies, especially the United States Housing Authority (and its predecessor the Housing Division of P.W.A), Federal Housing Administration, and

[45] *Ibid.*, p. 68.

Works Progress Administration, have undoubtedly exercised a considerable influence in reshaping ideas about local planning, and one finds frequent reference to their work in current planning publications. The editors of the "Harvard City Planning Studies," after publishing eleven volumes between 1930 and 1938 upon various aspects of physical planning, brought forth as Volume XII a definitive study on *Urban Blight and Slums.* Finally, one finds an increasing amount of space devoted to social and economic factors in planning in the periodicals issued by the American Society of Planning Officials (*News Letter*); the American Institute of Planners (the *Planners' Journal*); the National Economic and Social Planning Association (*Plan Age*); and the American Planning and Civic Association (*Planning and Civic Comment*); as well as in magazines devoted to municipal government in general.[47] In brief, there is ample evidence that the scope of city planning is in a period of transition.

CONCLUSION

It cannot be denied that urban planning suffered severe setbacks in some sectors during the depression, while many planning commissions have been slow to seize upon the opportunities afforded by the work-relief program of the federal government. Again, the progress which has been made has been confined to a discouragingly small percentage of the one thousand or so official city planning agencies nominally in existence. But, if we compare the depression period with the preceding decade, the gains are in many ways more impressive than the losses. Most planning commissions never got beyond the stage of drawing up

[47] This is notably true of the *American City* but it is not confined to its pages (see, e.g., Hugh R. Pomeroy, "The Broadening Scope of City Planning," *Public Management,* November, 1938, pp. 323 f.).

a zoning ordinance in any case, as was shown in the figures on distribution of effort assembled by the National Resources Committee.[48] Hence, the limitation of active planning to a small fraction of the existing boards is not a depression phenomenon. It seems that the important fact about urban planning since 1930 is that the leading planning agencies have broken through the mold which had begun to solidify during the twenties and have expanded their efforts to encompass a much wider field than public works and zoning. These boards, responding to the stimulus of available federal funds, have entered energetically into planning for slum rehabilitation and housing. Incidental to the preparation of applications for housing projects, they have collected data on such important phases of city life and government as crime, delinquency, disease, income, the cost of rendering municipal services, and tax delinquency. By so doing they have tended to keep in step with the vital problems of municipal government and thus preserve their usefulness to local officials. The direction of such studies by planning agencies has also precipitated a re-examination of the planning function which is today one of the most encouraging signs that the movement has not lost its virility.

[48] See Table 1, p. 32.

CHAPTER III

DEVELOPMENT OF THE LAW RELATING TO PLANNING

Paralleling the expansion in the field of planning, there has been a clarification of certain legal problems which has an important bearing upon the broader question of the relation between planning and administration. Discussion of "planning administration" in the literature of city planning is most often couched in terms of the tools for making planning effective. These tools are primarily legal, including zoning, subdivision control, building lines, eminent domain, and excess condemnation (so called). What is not always explicitly recognized is that these are powers not of the planning agency but of the municipality, and to jump from a discussion of the scope of planning to a consideration of the tools for making planning effective is to omit the fundamental question of the relation between the planning agency and the local governing officials. This relationship is the general problem considered in Part II of this book. However, since legal problems have played an important part in the development of planning and since the ever broadening attitude of the courts toward planning has an important bearing on the problem of organization, we shall examine briefly the growth of the law relating to planning.

It has become customary in discussions of planning to speak of the "law of city planning and zoning." This phrase is somewhat misleading and will be avoided here, for it tends to obscure the fact that there is no planning law

per se and to perpetuate an unfortunate dichotomy between planning and zoning. With reference to the first objection, it should be borne in mind that the law of city planning, including zoning law, is but that part of the law of municipal corporations which has become associated with the activities of planning agencies. Since, as we have seen,[1] the province of the planning agency has not been clearly defined and is today in a state of flux, the "law of city planning" is necessarily an ambiguous phrase. This ambiguity is not lessened if zoning law is set apart from the broader term, for zoning is by far the most important element in the body of law closely related to planning.

Bearing these reservations in mind, we recognize that the planning movement has had an important influence upon certain branches of the law and has aided importantly in bringing about the modifications in legal thinking required by the conditions of modern urban living. Planning is a means to better and more economical municipal government, but before local governments can adequately carry out a planned program of municipal services they must have the legal powers which will enable them to guide effectively the activities of private individuals and to acquire needed property with a minimum of delay and expense. Government controls private action primarily under the police power; it acquires property under the power of eminent domain. It is with reference to the first of these that the planning movement has made its most important contribution to the law, for zoning is an application of the police power which gives local governing authorities a wide latitude for controlling the use of private property in the public interest.

POLICE POWER

The controls over private property of special concern to planning have been fourfold: zoning, subdivision control, establishment of building lines, and aesthetic controls. They will be considered in turn, but of these zoning has been without doubt the most far reaching in its implications and is most advanced in its development.

ZONING

LEGAL BACKGROUND FOR ZONING

The roots of modern zoning extend well back into law antedating the term "zoning." To be fully understood, zoning should be viewed as a contemporary phase of the evolutionary process whereby the law is molded to fit the conditions to which it must be applied. While legal principles, logic, and *stare decisis* serve to give legal development an essential stability and continuity, the courts themselves have on occasion candidly recognized that "the law of each age is ultimately what that age thinks should be the law."[2] Thus during the last one hundred years—a period in which the United States has undergone a profound change from a predominantly rural to a predominantly urban mode of living—American courts have expanded the concept of the police power to meet the new legal problems which have emerged. Zoning is one of the most recent applications of the police power, and its development is an excellent example of law in evolution.

The police power is one of the sovereign powers inhering in the states without reservation in their constitutions.[3]

[2] *People* ex rel. *Furham Realty Corporation* v. *La Fetra*, 230 N.Y. 429, 130 N.E. 601, 608, 16 A.L.R. 152 (1921).

[3] Eugene McQuillan, *The Law of Municipal Corporations* (2d ed.; Chicago: Callahan & Co., 1928), sec. 935 and cases there cited.

The concept is, as a matter of fact, woven closely into the fabric of the federal system. Chief Justice Marshall is credited with originating the term in the early case of *Brown* v. *Maryland*,[4] in which he laid down the rule that breaking the original package used in an interstate shipment marked the line between the federal commerce power and the police power of the states. The term did not come into general usage, however, until after the middle of the nineteenth century. In 1853 the Massachusetts Supreme Court handed down a decision which has become a classic citation in this field. In *Commonwealth* v. *Algee* the court defined the police power as the authority vested in the legislature to "establish all manner of wholesome and reasonable laws . . . . for the good and welfare of the commonwealth."[5] This opinion was widely influential, and the police power became the defense of the courts in upholding state action against charges that constitutional rights of liberty and property were being invaded.[6]

The connotation of the term has, consequently, been shaped in a long line of cases setting it in opposition to the taking of property without "due process of law."[7] No exact definition of the police power can be given, for, as Ernest Freund has said, it is "the most comprehensive and therefore necessarily, the vaguest" of legal concepts.[8] Public benefit is perhaps the key to the understanding of the police power, for the period of its development has coincided with the rise of the "welfare state," utilizing govern-

[4] 25 U.S. 419 (1827). [5] 61 Mass. 53, 85 (1853).

[6] Walton H. Hamilton and Carlton C. Rodee, "Police Power," *Encyclopaedia of the Social Sciences*, Vol. XII.

[7] See Rodney L. Mott, *Due Process of Law* (Indianapolis: Bobbs-Merrill Co., 1926).

[8] *Police Power* (Chicago: Callaghan & Co., 1904), p. 2, sec. 1.

ment as a positive force for bettering the existence of the people, as contrasted with the "police state" which affords protection from the grossest crimes but does not intervene to improve the general welfare of its inhabitants. The police power "aims directly to secure and promote the public welfare, and it does so by restraint and compulsion."[9]

The extension of government regulation in the United States, however, has proceeded in the face of a prevailing belief that law and government are basically opposed, that a "government of law" is the individual's protection against despotic government by men. As John Dickinson has persuasively shown, this belief is a heritage of the day when the rule of law was being built up in the English courts as the defense against an absolute monarch.[10] There the idea of a fundamental law above king and parliament was developed, particularly in the reaction against the Stuarts, and carried over into the American idea of a "government of laws and not of men." But the idea of a law separate from government loses much of its meaning when representative democracy replaces absolute monarchy; and despite a general suspicion of government carried over from earlier days this distinction has been tacitly recognized by the courts in the growth of the police power. The police power, perhaps more than any other legal device, has been the expression of the "welfare state" in overcoming this legal heritage.[11] It follows that the term is necessarily vague and ill defined, for, as Freund said in

[9] *Ibid.*, p. 3, sec. 3.

[10] *Administrative Justice and the Supremacy of the Law* (Cambridge: Harvard University Press, 1927), chap. iv.

[11] Due process of law has equally been the expression of individual rights against government regulation. In concluding his study of due process, Mott said: "In a broader sense, therefore, it is not erroneous to look to 1215 [the signing of the Great Charter] as the year in which the foundation of due process was

connection with his exhaustive study of a generation ago, "the police power is not a fixed quantity, but the expression of social, economic, and political conditions. As long as these conditions vary, the police power must continue to be elastic."[12] The extensions which have taken place since he wrote in 1904 more than confirm his observation.

The manner in which the police power has grown to meet the exigencies of changing social and economic conditions is very well illustrated in the development of zoning. It is one of several applications of the police power which have been invoked by municipalities to protect the public from the irresponsible use of private property. Building codes, prescribing structural requirements for new buildings, antedated zoning by a number of years; and many of these codes contained fire-district limits which were essentially a form of zoning. Court opinions regarding such districts are applicable to zoning regulations today.[13] Thus, when a few cities ventured to restrict certain obnoxious uses of property under the police power the courts were not wholly unprepared.

Before entering upon a discussion of early zoning ordinances and the leading cases, it will be useful to distinguish between two concepts of zoning which have appeared consistently both in zoning practice and in litigation growing out of such practice. For purposes of convenience they

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laid. The birthmark which the concept received at that time, it has never lost, and if due process of law has any meaning, it is that there is no sovereign unless he conform to the principles of legality" (*op. cit.*, p. 589).

[12] *Op. cit.*, p. 3, sec. 3. See also McQuillan, *op. cit.*, sec. 936 and cases there cited, particularly *Adair* v. *United States*, 208 U.S. 161, 173, 28 Sup. Ct. 277 (1908) and *State Public Utilities Com.* v. *Quincy*, 290 Ill. 360, 125 N.E. 374 (1919).

[13] Edward M. Bassett, *Zoning* (New York: Russell Sage Foundation, 1936), p. 45.

may be labeled as (1) the nuisance theory of zoning and (2) the planning theory of zoning. These two ideas are readily distinguishable in the development of zoning law, and trends in the leading cases will be more intelligible if we make a preliminary distinction between them.

NUISANCE THEORY OF ZONING

Nuisance control far antedates zoning, but zoning actually began in this country as a method of controlling alleged nuisances. The common law of nuisances grants injunctive relief to an individual who can show to the satisfaction of a court that another person is so using his property as to damage the plaintiff or to infringe upon his property rights. However, the mere abatement of a nuisance on complaint of the person or persons affected does not suffice to protect the inhabitants of cities. The exigencies of modern living had found legal recognition in the concept of public nuisance, as distinguished from private nuisance, many years before systematic zoning came upon the scene. Thus Kent in his *Commentaries on American Law*, first published in 1826, writes:

> The government may, by general regulations, interdict such uses of property as would create nuisances, and become dangerous to the lives, or health, or peace, or comfort of the citizens. Unwholesome trades, slaughter houses, operations offensive to the senses, the deposit of powder, the application of steam-power to propel cars, the building with combustible materials, and the burial of the dead, may all be interdicted by law, in the midst of dense masses of population, on the general and rational principle, that every person ought to use his property as not to injure his neighbors, and that private interests must be made subservient to the general interests of the community.[14]

Editing the edition of 1873, Oliver Wendell Holmes noted that "this power of the government is now called the police

[14] II, 340.

power," but he cautioned against too broad an interpretation of this power in these terms:

> But acts which can only be justified on the ground that they are police regulations, must be so clearly necessary to the safety, comfort, or well-being of society, or so imperatively required by the public necessity, that they must be taken to be impliedly excepted from the words of the constitutional prohibition.[15]

With the passage of time, however, the idea of public nuisance has been progressively modified in the public interest. It became possible relatively early to obtain relief from the operation of businesses which were not in themselves nuisances but which became so to all intents and purposes because of their proximity to homes, churches, schools, and other places where people congregated. At first it was necessary to show actual damage, but the courts became increasingly lenient as it became clearer that the friction of space in the large cities modified older concepts of nuisance.[16]

Consequently, when zoning first came before the courts in the form of an ordinance excluding laundries from residential areas, the courts were prepared to uphold it as a kind of preventive nuisance control for the public health, safety, and welfare under the police power. One of the first such ordinances was passed by San Francisco in the later nineteenth century. There was in the ordinance no recognition of the broad idea of planning. On the contrary, it was based explicitly upon the elimination of a nuisance created by the water turned into the streets, the fire haz-

[15] *Ibid.*, ed. O. W. Holmes, Jr. (12th ed.; Boston: Little, Brown & Co., 1873), p. 340, n. 2.

[16] W. L. Pollard, "Outline of the Law of Zoning in the United States," in *Zoning in the United States* ("Annals of the American Academy of Political and Social Science," Vol. CLV, Part II), p. 16.

ard, and the moral hazard resulting from the frequenting of these laundries by groups of Chinese. This kind of zoning withstood tests in the Supreme Court of California and of the United States.[17] With the decisions in these cases as precedent, other California cities, as well as cities in other states, proceeded to enact ordinances restricting other objectionable businesses. Within a few years it had become generally recognized that it was within the police power of municipalities to protect residential areas from invasion by such disagreeable businesses as the manufacture of bricks;[18] maintenance of a livery stable;[19] operation of a dairy;[20] operation of a stone-crusher, machine shop, or carpet-beating establishment;[21] slaughter of animals;[22] billboards;[23] and a number of other such uses.

The kind of zoning represented by the mere segregation of nuisances or near-nuisances is not, properly speaking, an aspect of planning. It is at best piecemeal public control over the uses of private property. It does not guide urban development in any positive sense, nor does it effect any administrative economies. Nevertheless, the favorable decisions rendered by the state and federal courts in the cases cited above greatly encouraged those interested in planning, as did the favorable verdict upholding

[17] *In the matter of Yick Wo*, 68 Cal. 294 (1885); *Soon Hing* v. *Crowley*, 113 U.S. 703 (1885); *Barbier* v. *Connelly*, 113 U.S. 27 (1885).

[18] *Hadacheck* v. *City of Los Angeles*, 239 U.S. 394, 36 Sup. Ct. 143, 60 L. Ed. 348 (1915).

[19] *Reinman* v. *City of Little Rock*, 237 U.S. 171, 35 Sup. Ct. 511, 59 L. Ed. 900 (1915).

[20] *Fischer* v. *St. Louis*, 194 U.S. 361, 24 Sup. Ct. 673, 48 L. Ed. 1018 (1904).

[21] *Matter of Montgomery*, 163 Cal. 457, 125 Pac. 1070 (1912).

[22] *Cronin* v. *People*, 82 N.Y. 318, 37 Am. Rep. 564 (1880).

[23] *Cusack Co.* v. *Chicago*, 242 U.S. 526, 37 Sup. Ct. 190 (1917); *City of Rochester* v. *West*, 164 N.Y. 510, 58 N.E. 673 (1900).

limitation of the height of buildings in Boston in 1909.[24] With these as moral support, New York City took an important forward step in 1916 by enacting the first comprehensive zoning ordinance. The advent of comprehensive zoning is the real beginning of the employment of zoning as a tool for planning and a departure from its use solely as a form of nuisance control. The important difference here was that, in setting up single-family residence districts and other highly restricted areas, municipalities were prohibiting owners from using their property for purposes which were not in themselves nuisances or even particularly disagreeable. Thus the courts were unable to fall back solely on the direct menace of such nuisances to health and safety, and there was presented the ticklish problem of whether they would take the broader view of the public welfare implied in over-all planning or whether they would reject zoning regulations which lacked support from the older and more familiar prop of nuisance considerations. The important difference involved will be clearer if we examine for a moment the planning theory of zoning.

PLANNING THEORY OF ZONING

From the point of view of planning, zoning is a means of promoting the welfare of a community by guiding its growth along orderly lines. In more precise terms, zoning is a legal tool for effectuating a rational land-use pattern for a community. The preparation of such a rational pattern is part of the planning function, necessitating careful study of the social, economic, and physical characteristics of the city or other area for which the planning is being done. But the creation of a land-use plan is not zoning. Correctly speaking, a zoning ordinance is not a plan or a

[24] *Welch* v. *Swasey*, 193 Mass. 364, 79 N.E. 745, 214 U.S. 91 (1909).

part of a plan; it is a legal tool for carrying out a plan once it has been determined.

Legally, zoning is defined as "the regulation by districts under the police power of the height, bulk, and use of buildings, the use of land, and the density of population."[25] An ordinance governing the three factors of use, height, and area is termed "comprehensive," and by far the largest proportion of the 1,322 zoning ordinances in the United States are of this character. Approximately one-quarter of them regulate use only, and a few govern use and area or use and height, omitting the third factor.[26] The ordinances which directly control density of population generally do so by specifying a minimum number of square feet per family unit; but provisions of this type are less common than are those governing use, height, and area. Municipalities are allowed a wide latitude in determining the kinds of districts to be created, although state enabling acts ordinarily provide that the regulations must be uniform for each type of district.[27] Clearly, regulations of this type are a powerful tool in the hands of local authorities for guiding the future development of the city or county.[28] This is particularly true in view of the fact that the courts have held that these districts may be of prac-

[25] Bassett, *op. cit.*, p. 45.

[26] National Resources Committee, *Status of City and County Planning in the United States*, Circular X (May 15, 1937), p. 11. Of the ordinances reported, 954 were comprehensive; 235 covered use only; 8 use and height; 96 use and area; 18 were interim ordinances; 11 did not specify kind. There were 89 ordinances in preparation which are not included in the total.

[27] Bassett, *op. cit.*, p. 45. A commonly used district classification provides for the following: single-family dwellings; two-family dwellings; multifamily dwellings; commercial areas; light industry; heavy industry; railroad property; parks and playgrounds; public and semipublic property. See Harland Bartholomew, *Urban Land Uses* ("Harvard City Planning Studies," No. 4 [Cambridge: Harvard University Press, 1932]), Appen. B, p. 158.

[28] Within the last ten years great progress has been made in rural planning

tically any size and in any relationship at the discretion of the local legislative body.

The importance of zoning to local governmental administration was emphasized when the idea was being advanced at the first planning conferences. One of the most important arguments for zoning was that it would simplify some of the difficult problems of public administration. It was pointed out that the haphazard mixture of residences, business houses, and factories greatly complicated the task of the public authorities in making assessments, building schools, providing police protection, preventing and fighting fires, giving adequate postal service, etc.[29] Thus, it was clearly recognized at the outset of the planning movement that zoning, as an aspect of systematic governmental planning, was a means for insuring the better and more economical provision of municipal services, as well as a way of preserving residential neighborhoods and guaranteeing adequate light and air in such neighborhoods.[30] In the years immediately following these first conferences, however, zoning became popular and in the course of its very rapid spread was almost dissociated from planning. Real estate interests became highly influential in the movement, as will be shown later,[31] and the original purpose of utilizing zoning as a means for providing better municipal administration was all but forgotten. Thus, despite general adoption of the forms of comprehensive zoning, zoning became primarily a static process of attempting to set and preserve the character of certain neighborhoods, in order to preserve property values in those areas, while imposing

[29] Cf. William B. Munro, "A Danger Spot in the Zoning Movement," in *Zoning in the United States* ("Annals of the American Academy of Political and Social Science," Vol. CLV, Part II), pp. 202 f.

[30] Cf. the paper read to the first planning conference by Mr. Henry Morgenthau, cited above, p. 22.

[31] See chap. v.

only nominal restrictions on those areas holding a promise of speculative profit.[32] Even this kind of zoning, however, necessitated limiting certain land uses which were not in themselves nuisances. Consequently, the courts could no longer rely on nuisance considerations alone in upholding zoning ordinances.

The process by which the courts have digested the newer idea of zoning as an aspect of planning and have decreasingly relied upon nuisance considerations as the justification for zoning is the most significant modern trend in the law relating to planning. This development is particularly important for this study in that the courts concomitantly have built up a body of planning theory which is well in advance of current practice. The trend is of sufficient importance to merit examining it in some detail.

DEVELOPMENT OF THE PLANNING IDEA IN ZONING CASE LAW

Early California cases.—One of the first decisions which should be noted in this connection was that of the California Supreme Court in *Ex parte Quong Wo*,[33] decided in 1911. This case put in question the validity of a series of

[32] The kind of zoning which has been done in the past is illustrated by available figures for several cities. New York City's zoning ordinance is so liberal that areas within the city now zoned residential could be built up to house about 77,000,000 people, while the areas zoned for business and industry could provide working space for some 340,000,000 people—more than the entire population of North and South America. Similarly, Chicago's zoning ordinance provided in 1923 for almost 50 square miles of manufacturing area. There were at that time approximately 26 square miles actually used for this purpose. In the following thirteen years less than 1 square mile additional was utilized by industry (see Walter H. Blucher, "Fundamentals of Town Planning and the Administration of Plans, Including Zoning and Public Land Ownership Policies" [a paper presented to the First Pan American Congress of Municipalities, Havana, Cuba, November 14 to 19, 1938], Supplementary Report No. 27 [mimeographed]). Similar overzoning for multiple-dwelling, commercial, and industrial uses has been found to prevail in other cities.

[33] 161 Cal. 220 (1911).

ordinances enacted by the city of Los Angeles beginning in 1909. These ordinances were little more than an extension of the antinuisance type of zoning to include an entire city. The city as a whole was designated one large residential district, and heavy industry was segregated into twenty-seven industrial districts. There were also about one hundred "residence exception" districts scattered throughout the city in which all but the heaviest industry was permitted.[34] The primary purpose of the ordinance was quite clearly the exclusion of obnoxious occupations from residential districts, but it made one significant advance over preceding efforts in that undeveloped sections of the city were included in the residential district.

The opinion of the California court in the Quong Wo case, upholding the validity of the ordinance, has been widely cited in zoning cases, and an examination of the language used is most revealing of the manner in which the law develops. The court laid down important broad principles to the effect that

> the power to regulate the carrying on of certain lawful occupations in a city includes the power to confine the carrying on of the same to certain limits, whenever such restrictions may reasonably be found necessary to subserve the ends for which the police power exists, viz.: to protect the public health, morals, safety, and comfort.[35]

Out of context it would appear that the court was here laying down a principle broad enough to support all zoning. This or similar language is found in practically all zoning decisions, but the important factor is the changing interpretation of "reasonable restrictions." In this case, the determination rested squarely upon nuisance control. It pointed out that the design of the ordinance

> undoubtedly was to protect such portions of the city of Los Angeles as are devoted principally to residence purposes from the dangers and dis-

[34] Pollard, *op. cit.*, p. 22. [35] 161 Cal. 230.

comfort attendent upon the operation of certain kinds of business which, while not necessarily nuisances *per se*, have always been recognized as proper subjects of police regulation.[37]

As to what these subjects are, the court quoted, as it had in an earlier case,[38] from Kent's *Commentaries* on the subject of public nuisances.[39] Borrowing from *Ex parte Lacey*,[40] it was determined that laundries were properly classed with livery stables and soap or glue factories as nuisances within this concept of police regulation. The court's approval of zoning undeveloped areas as residential, to which some importance has since been attached,[41] was quite incidental to its consideration of the nuisance factor. It dismissed the matter with little discussion, merely holding that the inclusion of such areas did not indicate improper design on the part of the city council since they would probably be built up soon and need protection.

The Hadacheck case.—There was in the Quong Wo case, then, a slight element of future planning, but it was entirely subordinate to nuisance considerations. The Los Angeles zoning ordinance came before the United States Supreme Court a few years later in *Hadacheck* v. *Los Angeles*,[42] where it was upheld in a decision of far-reaching importance. The case grew out of action taken by the city to force Hadacheck to remove a brick kiln from a district in which it constituted a nonconforming use. The property had been purchased some years before the zoning ordinance went into effect because of the suitable brick clay to be found in that area. It was argued that to enforce the

[37] 161 Cal. 232.

[38] *Matter of Yick Wo*, 68 Cal. 294, 9 Pac. 141 (1885).

[39] See above, p. 54.

[40] 108 Cal. 326, 41 Pac. 411 (1895).

[41] Cf. Pollard, *op. cit.*, p. 23.

[42] 239 U.S. 394 (1915).

ordinance retroactively would be to deprive Hadacheck of his property without due process of law, since he could not economically haul the clay elsewhere to be made into brick and then again to the place of use.[43] The court, however, sustained the zoning as a legitimate exercise of the police power in terms which make this one of the basic cases in zoning law and which embody a clear-cut recognition of the importance of planning. In answering the plea that the ordinance was an arbitrary exercise of the police power, the court said:

> It is to be remembered that we are dealing with one of the most essential powers of government, one that is the least limitable. It may, indeed, seem harsh in its exercise, usually is on some individual, but the imperative necessity for its existence precludes any limitation upon it when not exerted arbitrarily. A vested interest cannot be asserted against it because of conditions once obtaining. *Chicago and Alton R.R.* v. *Tranbarger*, 238 U.S. 67, 78. To so hold would preclude development and fix a city forever in its primitive conditions. There must be progress, and if in its march private interests are in the way they must yield to the good of the community. The logical result of petitioner's contention would seem to be that a city could not be formed or enlarged against the resistance of the occupant of the ground and that if it grows at all it can only grow as the environment of the occupations that are usually banished to the purlieus.[44]

Both in its reasoning here cited and in the effect of the decision, the court evidently gave its full approval to a kind of city planning which would make use of retroactive zoning. This decision was handed down while the city of New York had the first comprehensive zoning ordinance under consideration,[45] but the powerful weapon for effec-

[43] The case was also distinguished from the earlier ones in that there was here no element of racial discrimination involved. There is reason to believe that racial antagonism may have been an important factor in the early use and approval of zoning in California.

[44] 239 U.S. 409–10.

[45] See below, pp. 65 f.

tive planning which the Supreme Court here proffered the cities was ignored both in New York and in the hundreds of cities that adopted zoning ordinances in the years following. One reason for this avoidance may have been the fact that the Hadacheck case retained an important element of nuisance control as a basis for the decision, sufficient perhaps to make its application to comprehensive zoning questionable. The decision is closely linked with the previous ruling in *Reinman* v. *Little Rock*,[46] wherein it was said that even though a business was not a nuisance per se it was clearly within the police power of the state to regulate it and "to that end to declare that in particular circumstances and particular localities a livery stable shall be deemed a nuisance in fact and in law."[47] This comes rather near to saying that zoning is but one way of defining public nuisances, i.e., a zoning ordinance is a declaration of the "particular circumstances" and "particular localities" in which a given use shall be deemed a nuisance. Nevertheless, the language quoted above is broad enough to lead one to believe that retroactive zoning, used as a tool for planning, would have been regarded favorably by the court.

In any case, the Hadacheck decision was not recognized as controlling precedent for zoning which went beyond the regulation of nuisances. The following year (1916) the Minnesota Supreme Court handed down an important decision in which it held that it was an arbitrary deprivation of property without due process of law for a city to zone retail stores out of residential areas, even when there was a special state enabling act granting municipalities this exer-

[46] 237 U.S. 171 (1915). The case concerned the regulation of livery stables.

[47] Quoted by the court in the Hadacheck case (239 U.S. 411).

cise of the police power.[48] The Illinois Supreme Court had three years before rejected Chicago's attempt to do the same thing, observing that it was matter of common knowledge that all retail stores were not nuisances per se.[49] Adhering to the same line of thought, the Minnesota court considered and rejected as precedent the several cases previously decided which had involved saloons, slaughter-houses, and other nuisance uses. It held the right to build a store to be "universally recognized" and concluded:

> Only such use of property as may produce injurious consequences, or infringe the lawful rights of others, can be prohibited without violating the constitutional provisions that the owner shall not be deprived of his property without due process of law nor without compensation therefor first paid or secured.[50]

State zoning enabling acts.—In the light of these decisions and the clear dependence of earlier zoning decisions upon nuisance considerations, it is easily understood that there was some uncertainty among those who did the preparatory work for the New York ordinance as to the legality of comprehensive zoning under the police power. Bassett, who participated in this work, reports that many eminent lawyers declared the proposed zoning was a taking of property rather than mere regulation. They argued that, since property could not be taken for a public use without payment, zoning would have to be done under the power of eminent domain. Comprehensive zoning under the police power, it was said, would be declared unconstitutional.[51] As will be clear from the later discussion of emi-

[48] *State* ex rel. *Lachtman* v. *Houghton*, 134 Minn. 266, 158 N.W. 1017 (1916).

[49] *People* ex rel. *Friend* v. *Chicago*, 261 Ill. 16, 103 N.E. 609 (1913).

[50] 158 N.W. 1021–22.

[51] Bassett, *op. cit.*, pp. 26 f.

nent domain proceedings,[52] zoning under this authority would be impossibly laborious and expensive. Every reduction in the value of property due to zoning would have to be paid for by the city, and since the restrictions would consist of public easements of a permanent nature they could be altered only by further condemnation.[53] Some attempts have been made to zone in this manner, and in *State* ex rel. *Twin City Building and Investment Co.* v. *Houghton*[54] the Minnesota Supreme Court sustained condemnation of property against apartment use. Nonetheless, to zone under eminent domain would be impracticable, and it was decided in New York to proceed under the police power.

Some of the early California zoning had been done under the general police power inherent in municipalities; fire districts—a true form of zoning under which different districts are governed by different regulations—had been established in many cities without state authority other than the implied legislative powers of municipalities.[55] Comprehensive zoning, however, was too unprecedented an exercise of the police power to be generally sustained without special authorization from the state legislature as the repository of the police power. New York obtained such authorization by securing an amendment to the city charter. In the years immediately following 1916 a number of states adopted state zoning enabling acts, granting municipalities the power to zone and setting forth procedures to be followed in adopting a zoning ordinance. Some cities attempted to zone under general home-rule powers, but their lack of success before the courts led to a general acceptance

[52] See below, pp. 99 ff. [53] Bassett, *op. cit.*, p. 27.

[54] 144 Minn. 1, 174 N.W. 885, 176 N.W. 159, 8 A.L.R. 585 (1920).

[55] Bassett, *op. cit.*, p. 22.

of the necessity for a state enabling act. Hence in 1921 Secretary of Commerce Hoover appointed the Advisory Committee on Zoning to prepare a standard zoning enabling act. The standard act prepared by this committee has been widely influential in the drafting of state enabling acts.[56] Today thirty-seven states have state zoning enabling acts applicable to all cities, eight have such acts applicable to specified classes of cities, and the remaining three permit specified cities to zone.[57]

Comprehensive zoning in the state courts.—Thus the year 1916 and the adoption of the New York comprehensive zoning ordinance, after several years of preparatory work, definitely marked the advent of a new concept of zoning. When this type of legislation was challenged as an invasion of property rights without due process of law, the courts were clearly faced with a new extension of the police power which far exceeded in its implications the previous attempts to restrict disagreeable, dangerous, or unhealthful land uses through zoning. As we have seen, the Minnesota court rejected in 1916 one of the first efforts to restrict nonnuisance uses in accordance with a state enabling act. Comprehensive zoning did not get before the high state courts, however, until 1920, but in that year two decisions of the greatest importance to the planning concept of zoning were handed down.

First in order of time is *In re Opinion of the Justices*,[58] an advisory opinion by the Supreme Court of Massachu-

[56] In 1939 it was reported that thirty-seven states had followed the standard act in whole or in part in the preparation of zoning laws. National Resources Planning Board, *State Legislation on Planning, Zoning and Platting*, Circular XII (rev.; September 10, 1939), chart following p. iii. The last revision of the standard act was issued in 1926. It is generally believed that a new revision in keeping with advances in zoning practice would be desirable.

[57] *Ibid.* [58] 234 Mass. 597, 127 N.E. 525 (1920).

setts upon a proposed zoning enabling act. The act embodied a clear-cut statement of the proper relation between planning and zoning in these words:

> Section 2.—The provisions of this act shall be carried out in such manner as will best promote the health, safety, convenience and welfare of the inhabitants, will lessen the danger from fire, will tend to improve or beautify the city or town, will harmonize with its natural development, and will assist the carrying out of any schemes for municipal improvement put forth by any municipal planning board or board of survey or other like authority.[59]

The court declared the proposed act to be constitutional in an opinion which is an excellent illustration of how the earlier nuisance decisions were carried over to support zoning with a much broader purpose than that embodied in the earlier ordinances. The opinion cites with approval the numerous cases dealing with nuisance and near-nuisance uses, and the principal part of the summary statement deals with the nuisance value of business uses in residential areas. In concluding, the court touched briefly upon the consequences of this act for creating orderly and well-planned communities, blending this into nuisance considerations as follows:

> Conversely, the actual health and safety of the community may be aided by excluding from areas devoted to residence the confusion and danger of fire, contagion and disorder which in greater or less degree attach to the location of stores, shops and factories. Regular and efficient transportation of the breadwinner to and from places of labor may be expedited. Construction and repair of streets may be rendered easier and less expensive if heavy traffic is confined to specified streets by the business there carried on.[60]

This case is one of the first in which the improvement of municipal services is mentioned as a factor to be weighed and

[59] 234 Mass. 599, 127 N.E. 526. The act is given in full in the decision.

[60] 127 N.E. 531–32. Cf. p. 59 above.

is without question a marked advance over previous judicial thinking in this field. It should be observed, however, that in arriving at its decision the court based its reasoning very heavily upon the desirability of avoiding disagreeable uses of property in residential districts.

The second 1920 case is important to planning much less for the reasoning employed than because it upheld the New York City zoning ordinance. The opinion in *Lincoln Trust Co.* v. *Williams Building Corp.*[61] is quite short and is revealing more for what it does not say than for what it contains. Litigation arose over the effect of the zoning ordinance on contract obligations, and it was with this question that the court was primarily concerned. In dealing with the challenge to the validity of the zoning ordinance the court mentioned neither nuisances nor planning, and it did not enter into any description of the effect of zoning which demonstrated awareness of planning. It contented itself with the general statement that "in the exercise of the police power the uses in a municipality to which property may be put have been limited and also prohibited," supported by a long line of cases involving nuisance or near-nuisance uses (brick kiln, livery stable, dairy, laundry, billboards, garages, etc.), most of which have been referred to above. It is upon these precedents that the court rests its opinion, and there is no discussion of the manner in which this ordinance differed from these. Needless to say, this decision has been widely cited in support of zoning, but there is nothing in the opinion to indicate that the court saw beyond the nuisance-control feature of the ordinance.

Before taking up the next in the series of cases which have shaped zoning law, we may take note of two contem-

[61] 229 N.Y. 313, 128 N.E. 209 (1920).

porary decisions which rejected zoning as a legitimate exercise of the police power—*Clements* v. *McCabe* (Michigan) and *Spann* v. *Dallas* (Texas).[62] The importance of both is lessened by the fact that the ordinances were not based on state enabling acts, but they do indicate quite clearly that the courts were by no means universally convinced that zoning was a proper exercise of the police power. They were cited by the courts later in nullifying zoning ordinances adopted in accordance with enabling acts. *Spann* v. *Dallas*, for example, is directly in the tradition of *State* ex rel. *Lachtman* v. *Houghton*,[63] the Texas court throwing the ordinance out on the grounds that retail stores are not nuisances, and therefore to regulate them is a deprivation of the "natural right" to own and use property after one's own desire.

A group of decisions in 1923 broadened the concept of the police power perceptibly. Planning was for the first time given judicial recognition as a means of promoting the public welfare and thus as sufficient legal basis for zoning. Nuisance control was invoked in all these cases, but in two of them at least there is an unprecedented discussion of planning. Outstanding in this respect is *State* ex rel. *Carter* v. *Harper*,[64] which set forth the planning idea so clearly as to merit quoting at some length:

> The purpose of the law is to bring about an orderly development of our cities. . . . . This is no new idea, although it has but recently taken the form of legislation. Everyone who has observed the haphazard development of cities, the deterioration in the desirability of certain residential sections by the encroachment of business and industrial establishments upon and into such sections, resulting in the consequent destruction of property values and in the ultimate abandonment of such sections for residential purposes, has appreciated the desirability

[62] 210 Mich. 207, 177 N.W. 722 (1920); 111 Tex. 350, 235 S.W. 513 (1921).

[63] See above, pp. 64 f.

[64] 182 Wis. 148, 196 N.W. 451 (1923).

of regulating the growth and development of our urban communities. . . . . It cannot be denied that a city systematically developed offers greater attractiveness to the home seeker than a city that is developed in a haphazard way. The one compares to the other about as a well-ordered department store compares to a junkshop. If such regulations stabilize the value of property, promote the permanency of desirable home surroundings, and if they add to the happiness and comfort of the citizens, they thereby promote the general welfare.[65]

The Wisconsin Supreme Court did not, to be sure, neglect to bolster its decision with some discussion of the desirability of "an effort to preserve various sections of a city from intrusion on the part of institutions that are offensive to and out of harmony with the use to which such sections are devoted. . . . ." But the opinion was well ahead of its time in resting zoning upon planning considerations, for it was explicitly stated that advancement of the "orderly development of our cities" is itself a promotion of the general welfare which "affords a legitimate field for the exercise of the police power."

Scarcely less important for its advancement of the planning idea was the Louisiana case of *State* ex rel. *Civello* v. *City of New Orleans*,[66] decided also in 1923. Previous decisions of the Louisiana court had held zoning beyond the charter powers of the city.[67] In these cases zoning had been held to be a matter of aesthetics not reasonably related to public health, safety, and welfare. In the Civello case the court explicitly overruled these dicta and held constitutional a zoning ordinance prepared in accordance with the state enabling act. The reasoning in the opinion rested almost equally on the planning concept and on the nuisance concept of zoning. Its contribution to the former is

[65] 196 N.W. 454–55. [66] 154 La. 283, 97 So. 440 (1923).

[67] *Calvo* v. *New Orleans*, 136 La. 480, 67 So. 338 (1915) and *State* ex rel. *Blaise* v. *New Orleans*, 142 La. 73, 76 So. 244 (1917).

notable for its enlightened treatment of the value of zoning to municipal officials. The effect upon police and fire administration and upon street maintenance is dealt with at some length. Having thus accepted the thesis that the provision of better governmental services through orderly planning was important to the public welfare, the court here again brought up the tried and true theme of nuisance control. In so doing, it dilated upon the relation between this kind of zoning and property values with more than usual candor.

> Places of business are noisy; they are apt to be disturbing at night; some of them are malodorous; some are unsightly; some are apt to breed rats, mice, roaches, flies, ants, etc. Property brings a better price in a residence neighborhood where business establishments are excluded than in a residence neighborhood where an objectionable business is apt to be established at any time.[68]

In *Ware* v. *Wichita*,[69] the Kansas Supreme Court upheld zoning in another often quoted opinion that same year. But the decision contributed little except precedent to judicial thought in this field. It is notable mainly for quoting at length from the *Opinion of the Justices* in the earlier Massachusetts decision in which, it will be recalled, nuisance considerations predominated over planning, though with some treatment of the latter.[70]

Notwithstanding the favorable trend of decisions, zoning received a setback in the New Jersey case of *Ignaciunas* v. *Risley*,[71] in which the court refused to sustain use zoning despite the existence of an enabling act. The opinion is, like other adverse decisions, based almost wholly upon the question of whether stores in residential areas are nui-

[68] 97 So. 444.

[69] 113 Kan. 153, 214 Pac. 99 (1923).

[70] See above, pp 67 ff.

[71] 98 N.J.L. 712, 121 Atl. 783 (1923).

sances, the court exhibiting no interest in, or appreciation of, planning. As far as one can determine from the opinion itself, there is some evidence that the attorneys, in presenting the case for zoning, may have argued primarily in terms of nuisance. Of the several arguments advanced in favor of zoning which the court discusses, the one most closely approaching considerations of planning from the point of view of the entire community is that misplaced stores frequently start blighted areas. This the court disposes of in a masterpiece of ill-logic, reasoning that blight may also be started by the influx of other nationality and racial groups; to legislate against such groups (not proposed by the zoning ordinance) is discriminatory and unconstitutional. The line of reasoning stops there but with the obviously implied conclusion that zoning is likewise unconstitutional. In any case, *Spann* v. *Dallas*[72] is quoted with approval, and it is held that the ordinance infringed upon the "natural right" to own and use property. The New Jersey Court of Errors and Appeals affirmed the decision of the lower court in *Ignaciunas* v. *Nutley*,[73] but, instead of declaring the enabling act unconstitutional, it held that the ordinance did not fall within this act since the statute limited zoning to regulations "designed to promote the public health, safety and general welfare." The obvious fact that the mere presence of a store building in a residential area was not a "menace" to the health and safety of the public was held to prove that the ordinace did not come within the terms of the statute.

The decision in the Risley case was not a serious deterrent to the advance of zoning, however, and within the next few years zoning was upheld in a number of other

[72] 111 Tex. 350, 235 S.W. 513 (1921). See above, p. 70.

[73] 99 N.J.L. 389, 125 Atl. 121 (1924).

states. *State* ex rel. *Beery* v. *Houghton*,[74] decided in 1925, is important in that it expressly reversed the previously ruling opinion in Minnesota which held zoning to be not within the police power.[75] This case is of special interest to the discussion here. In citing cases having value as precedents, the court made a valuable classification of the legislation involved, distinguishing three kinds: (1) the exclusion of objectionable callings without the creation of residential districts; (2) legislative regulations—including the frequently cited cases dealing with brick kilns, livery stables, billboards, etc., and even with the height of buildings;[76] and (3) zoning ordinances. While the court's description of zoning ordinances does not distinguish them from "legislative regulations" with satisfactory clarity, the classification is nonetheless an important step forward in separating the two theories of zoning with which we have been dealing. It is one of the first clear indications of judicial awareness of the important difference involved, and it represents an advance in thinking as to the nature of the police power.

In 1925 the California Supreme Court established another landmark in the progress of zoning. In *Miller* v. *Board of Public Works* an interim zoning ordinance was upheld in an opinion replete with dicta approving the broad idea of planning and comprehensive zoning.[77] Zoning had spread with such rapidity after 1916 that the court could say in February of 1925 that some thirty-five states and

[74] 165 Minn. 146, 204 N.W. 569 (1925).

[75] *State* ex rel. *Lachtman* v. *Houghton*, 134 Minn. 266, 158 N.W. 1017 (1916).

[76] Citing *Welch* v. *Swasey*, 193 Mass. 364, 79 N.E. 745, 214 U.S. 91 (1909).

[77] 195 Cal 477, 234 Pac. 381 (1925); see also *Zahn* v. *Board of Public Works*, 195 Cal. 497, 234 Pac. 388 (1925), decided the same day and resting upon the principles enunciated in the Miller case.

the District of Columbia had made provision for it, while there were two hundred and twenty-one zoned municipalities in the United States. "So thoroughly has the value of zoning been demonstrated," said the court, "that no longer is the constitutionality of the principle open to question."[78] The decision quotes with approval the broad statement of the Wisconsin court in *Carter* v. *Harper*[79] on the subordination of individual rights to the rights of society and lays considerable stress on the necessity for the development of the police power to meet changed conditions. Having thus laid down its postulates, the court pursued its argument with some caution, working through the established background of nuisance elimination to an approval of a kind of zoning "with a much wider scope than the mere suppression of the offensive uses of property." The logical development here was significant, for by interpreting and reinterpreting the language of the Quong Wo case the court arrived at a statement of the scope of zoning under the police power well beyond anything actually to be found in the earlier case. Having thus established its precedents, the court found no difficulty in stepping forth boldly to hold comprehensive zoning, by reason of the planning considerations inherent in it and quite aside from any nuisance considerations, to be so important to the public welfare as to be a legitimate exercise of the police power.[80]

[78] 195 Cal. 486. [79] 182 Wis. 148, 196 N.W. 451 (see above, pp. 70 f.).

[80] "Obviously, the purpose of comprehensive zoning is the attainment of unity in the construction and development of a city, along lines of reasonable regulations which tend to promote the health, safety, morals, and general welfare of the community, and it is equally obvious that to accomplish this purpose there must be definitely in the minds of the makers of comprehensive zoning a plan, in outline at least, sufficiently extensive so that when embodied in an enacted ordinance a reviewer thereof may say with confidence that it will redound to the welfare of the city as a whole and that any part of that plan is reasonably re-

This is definitely one of the transition cases in the history of zoning, standing with *Carter* v. *Harper* in marking an appreciable change in judicial thinking from the nuisance to the planning theory of zoning.

In the same month that the California court was handing down its decision in the Miller case, the Maryland Supreme Court on the more cautious Atlantic coast was administering another setback to the zoning idea.[81] The opinion in *Goldman* v. *Crowther* voiced the indignant protest of outraged conservatism caught in a flow of liberal decisions it could do little to stem. The court deprecated the "loose and indefinite expressions" of the police power to be found in contemporary opinions, and it took judicial notice of the fact that "within the last few years a veritable flood of so-called 'zoning' legislation" had swept over the country. The opinion does not merit particular discussion. Previous unfavorable decisions were quoted with approval, and the court effectively summarized its entire argument with the statement: "These restrictions are wholly arbitrary and have no logical relation to public welfare, but rest solely upon aesthetic grounds." Nevertheless, this decision was outside the trend of judicial thought, as was shown when the Illinois Supreme Court upheld comprehensive zoning later the same year in a well-worded opinion which recognized zoning as "part of the general plan by which the city's territory is allotted to different uses in order to prevent, or at least to reduce, the congestion, dis-

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lated thereto. Of course, a comprehensive zoning plan should contemplate and provide for the planning from time to time of the execution of further details, extensions, and such modifications of existing features as unforeseen changes, occurring in the civic conditions, make necessary to the perfection and perpetuation of the plan" (234 Pac. 388, 195 Cal. 495–96).

[81] *Goldman* v. *Crowther*, 147 Md. 282, 128 Atl. 50 (1925).

order and dangers which often inhere in unregulated municipal development."[82]

The Euclid Village case.—By 1926, then, the idea of zoning as an element in systematic community planning had been widely recognized in the state courts, and a number had held planning to be of sufficient importance to the general welfare amply to justify zoning as an exercise of the police power. In all these cases the courts relied in greater or lesser degree upon nuisance considerations to lend weight to their arguments, but one can easily detect decreasing reliance upon precedent of this kind and greater dependence upon a broader interpretation of the police power which would encompass planning and therefore zoning. Comprehensive zoning had not yet been before the Supreme Court of the United States, however, and there was some doubt as to how it would be received there. Perhaps the influence of the planning movement upon the development of zoning case law is nowhere more dramatically demonstrated than in the presentation of the first case involving comprehensive zoning, *Village of Euclid* v. *Ambler Realty Co.*,[83] to the Supreme Court. Leaders of the National Conference on City Planning debated the advisability of submitting a brief *amicus curiae* on behalf of the conference. It was felt by some that the facts in the Euclid case were such as to make an adverse decision almost inevitable, and, therefore, that the conference should not attempt to uphold it. Others, including Alfred Bettman of Cincinnati, took the position that this would be a vital decision and that every effort should be made to secure a favorable verdict. Hence it was arranged that Mr. Bettman would submit a brief on behalf of the conference.

[82] *City of Aurora* v. *Burns*, 319 Ill. 84, 93; 149 N.E. 784, 788 (1925).

[83] 272 U.S. 365 (1926).

The rules of the Supreme Court require that a brief *amicus curiae* must be presented at the oral argument of a case, but by an oversight Mr. Bettman neglected to notify the clerk of the court of his intention to submit a brief. Consequently, he was not advised of the time of the hearing and did not appear. Dismayed upon discovering that the hearing had been held, he wrote to Chief Justice Taft explaining the situation and pointing out the importance of the case to the future of city planning.[84] On the basis of his representation of the case, the chief justice brought the matter to the attention of the court conference and shortly thereafter invited Mr. Bettman to submit his brief.[85] The rehearing—a rare occurrence before the Supreme Court—was held October 12, 1926.[86] It is understood that a divided court had decided against the validity of comprehensive zoning by one vote following the first hearing. After the second hearing and the presentation of Mr. Bettman's brief for the National Conference, one justice changed his vote and the United States Supreme Court held zoning to be a constitutional exercise of the police power.

The opinion in the case, written by Mr. Justice Sutherland, synthesizes to a remarkable degree the two theories of zoning which were being developed in the state courts. A substantial portion of the opinion is devoted to a discussion of the relevancy of the law of nuisances.[87] But after

[84] Letter of February 13, 1926. [85] Letters of February 22 and 26, 1926.

[86] The case was originally argued January 27, 1926. It cannot be asserted dogmatically that the rehearing was solely for the purpose of letting Mr. Bettman's brief in, but the correspondence was about the brief, and the latter seems to have been the only new element introduced.

[87] "And the law of nuisances, likewise, may be consulted, not for the purpose of controlling, but the helpful aid of its analogies in the process of ascertaining the scope of, the power. Thus the question whether the power exists to forbid the erection of a building of a particular kind or for a particular use, like the

discussing the desirability of directing the flow of industrial expansion within defined limits in order to avoid injury to the "residential public," the opinion takes up the more important question of regulating nonnuisance uses.

> We find no difficulty in sustaining restrictions of the kind thus far reviewed. The serious question in the case arises over the provisions of the ordinances excluding from residential districts, apartment houses, business houses, retail stores and shops, and other like establishments. This question involves the validity of what is really the crux of the more recent zoning legislation, namely, the creation and maintenance of residential districts, from which business and trade of every sort, including hotels and apartment houses, are excluded. Upon that question this Court has not thus far spoken. The decisions by the state courts are numerous and conflicting; but those which broadly sustain the power greatly outnumber those which deny altogether or narrowly limit it; and it is very apparent that there is a constantly increasing tendency in the direction of the broader view.[88]

From this language it would appear that the delay in getting comprehensive zoning before the court, thus permitting the accumulation of favorable state court decisions, was of considerable importance. This is further indicated by the reliance of the opinion upon lengthy quotations from the forward-looking opinions in *Aurora* v. *Burns*[89] and *Civello* v. *New Orleans*.[90] But in that part of the opinion which treats of planning considerations there is not quite as clear differentiation between nuisance control and planning as had appeared in these preceding decisions.

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question whether a particular thing is a nuisance, is to be determined, not by an abstract consideration of the building or of the thing considered apart, but by considering it in connection with the circumstances and the locality. . . . . A nuisance may be merely a right thing in the wrong place,—like a pig in the parlor instead of the barnyard" (272 U.S. 387–88).

[88] 272 U.S. 390.

[89] 319 Ill. 84, 149 N.E. 784 (1925) (see above, pp. 76 f.).

[90] 154 La. 283, 97 So. 440 (1923) (see above, p. 71).

> The matter of zoning has received much attention at the hands of commissions and experts, and the results of their investigations have been set forth in comprehensive reports. These reports, which bear every evidence of painstaking consideration, concur in the view that the segregation of residential, business, and industrial buildings will make it easier to provide fire apparatus suitable for the character and intensity of the development in each section; that it will increase the safety and security of home life; greatly tend to prevent street accidents, especially to children, by reducing the traffic and resulting confusion in residential sections; decrease noise and other conditions which produce or intensify nervous disorders; preserve a more favorable environment in which to rear children, etc. With particular reference to apartment houses, it is pointed out that the development of detached house sections is greatly retarded by the coming of apartment houses, which has sometimes resulted in destroying the entire section for private house purposes; that in such sections very often the apartment house is a mere parasite, constructed in order to take advantage of the open spaces and attractive surroundings created by the residential character of the district.[91]

There is more concerning the effect of the invasion of residential areas by apartments, and the tenor of the discussion leads one to believe that the court was still thinking largely in terms of nuisance control. The foregoing is as close as the opinion gets to the importance of over-all planning to the general welfare of the community, and one would seem to be justified in saying that the opinion represents a point somewhere between the more liberal and the more reserved state decisions upholding zoning.

Planning as a factor in recent zoning cases.—The favorable view which the Supreme Court took of zoning in the Euclid case had the effect of resolving the remaining uncertainty of the state courts, and to all intents and purposes it established the validity of comprehensive zoning under the police power. Since 1926 the courts have been,

[91] 272 U. S. 394–95.

on the whole, increasingly liberal in their attitude toward zoning. The general principles of law with respect to zoning regulations are that they must be reasonable and not arbitrary or discriminatory and that they must have a substantial relation to the health, safety, morals, comfort, convenience, and welfare of the community.[92] The rule that if the legislative classification is fairly debatable the legislative judgment must be allowed to control antedates the Euclid Village case.[93] Obviously, the application of rules and principles of this degree of generality leaves a great deal to the discretion of the court; but the courts appear to have been generally lenient in allowing the legislative body a wide discretion. In *Beveridge* v. *Harper and Turner Oil Trust*,[94] for example, the Oklahoma Supreme Court held the prohibition of the exploration for oil in residential districts a reasonable exercise of the zoning power, even though drilling was permitted in a near-by area of similar characteristics and notwithstanding that the dividing line could be shown to be somewhat arbitrary.

An examination of some of the more recent zoning decisions reveals that the nuisance concept of zoning is fading ever further into the background and there is an increasing recognition of planning as the legal basis of modern zoning. A 1931 case—*Marblehead Land Co.* v. *Los Angeles*[95]—shows the progress made in the five years following the Euclid Village case. Here a federal circuit court of appeals drew a careful distinction between the power of the city to protect its inhabitants under the public safety branch of the police power and the "more recently developed phase of police power involved in zoning ordinances

[92] Bassett, *op. cit.*, pp. 27 f. and the cases there cited.

[93] *Radice* v. *New York*, 264 U.S. 292, 294 (1924).

[94] 168 Okla. 609, 35 Pac. (2d) 435 (1934).

[95] 47 F. (2d) 528 (1931).

which undertake in a measure to direct the future growth of the city. . . . ."[96] In elaborating the distinction, zoning is presented almost exclusively as an aspect of planning.

Within the last three years two decisions have been handed down by state courts which are of far-reaching importance to the future of city planning. One of them deals directly with zoning; the other arose out of subdivision control. The courts' discussion of the relation between planning and zoning and of planning under the police power puts them in an advanced position in judicial understanding of the principles of city planning.

The first of these is the opinion of the Supreme Court of Appeals of Virginia in *West Bros. Brick Co.* v. *City of Alexandria.*[97] The case arose out of a provision in the zoning ordinance which prohibited the brick company from mining clay in a residential district. The property was in an undeveloped area and had been purchased by the company to meet future need several years before the zoning ordinance was adopted.[98] The decision, upholding the ordinance, is notable for its broad interpretation of the police power. Whereas the early zoning cases spoke of the police power almost entirely in terms of public health, safety, and morals, we find here much broader terminology. Quoting from its own previous opinion in *Gorieb* v. *Fox*,[99] the court said:

> The power is not limited to regulations designed to promote public health, public morals, or public safety, or to the suppression of what is offensive, disorderly, or unsanitary, but extends to so dealing with conditions which exist as to bring out of them the greatest welfare of the

[96] 47 F. (2d) 531. [97] 192 S.E. 881 (1937).

[98] For a statement of the facts and a discussion of the case, see the American Society of Planning Officials, *News Letter*, IV, No. 3 (March, 1938), 27.

[99] 145 Va. 554, 134 S.E. 914, 274 U.S. 603, 47 S. Ct. 675, 71 L. Ed. 1228 (1926).

people by promoting public convenience or general prosperity. . . . . Indeed, the inalienable rights of the individual are not what they used to be.[100]

Here, set forth in the most frank terms, is judicial recognition of the arrival of the "welfare state" and of the fading of the "police state" with property rights ensconced on unassailable heights. It was asserted that zoning ordinances can no longer be successfully challenged under the police power, but in even so broad an opinion as this the court borrowed a slight prop from the law of nuisances by quoting the familiar phrase from the Euclid Village case, "A nuisance may be merely a right thing in the wrong place." This element, however, is exceedingly small, and it may be said that this case indicates the approaching completion of the transition. By refusing to review the decision for "want of a substantial federal question" the United States Supreme Court in effect approved the decision.[101]

The New Jersey case of *Mansfield and Swett* v. *Town of West Orange*[102] is particularly interesting, for with its decision in this case the supreme court of that state did a complete about-face from its position in the early period of comprehensive zoning.[103] The decision does not expressly overrule *Ignaciunas* v. *Risley*, but in its broad and liberal definitions of the police power it is at the opposite pole from the reasoning in the earlier case. The statute under attack provided for a master-plan and official map and for the regulation of subdivisions in accordance therewith. Passing over for the moment the handling of this particular controversy,[104] it will suffice for our immediate purpose

[100] 192 S.E. 885.

[101] *News Letter*, IV, No. 3 (March, 1938), 27.

[102] 198 Atl. 225 (1938).

[103] See *Ignaciunas* v. *Risley* above, pp. 72 f.

[104] See below, p. 90.

to observe the court's broad statement *re* planning under the police power: "Planning . . . . is a term of broader significance [than zoning]. It connotes a systematic development contrived to promote the common interest in matters that have from the earliest times been considered as embraced within the police power."[105] The following statement of the objectives of planning is unparalleled in court decisions of any jurisdiction:

To particularize, the public health, safety, order and prosperity are dependent upon the proper regulation of municipal life. The free flow of traffic with a minimum of hazard of necessity depends upon the number, location and width of streets, and their relation to one another, and the location of building lines; and these considerations likewise enter into the growth of trade, commerce and industry. Housing, always a problem in congested areas affecting the moral and material life of the people, is necessarily involved in both municipal planning and zoning. And it is essential to adequate planning that there be provision for future community needs reasonably to be anticipated. We are surrounded with the problems of planless growth. The baneful consequences of haphazard development are everywhere apparent. There are evils affecting the health, safety and prosperity of our citizens that are well-nigh insurmountable because of the prohibitive corrective cost. To challenge the power to give proper direction to community growth and development in the particulars mentioned is to deny the vitality of a principle that has brought men together in organized

[105] 198 Atl. 228. Elaborating on the relation between planning and the police power the court, speaking through Judge Heher, employed the following very broad and significant language: "The state possesses the inherent authority—it antedates the Constitution—to resort, in the building and expansion of its community life, to such measures as may be necessary to secure the essential common material and moral needs. The public welfare is of prime importance; and the correlative restrictions upon individual rights—either of person or of property—are incidents of the social order, considered a negligible loss compared with the resultant advantages to the community as a whole. Planning confined to the common need is inherent in the authority to create the municipality itself. It is as old as government itself; it is of the very essence of civilized society. A comprehensive scheme of physical development is requisite to community efficiency and progress" (198 Atl. 229).

society for their mutual advantage. A sound economy to advance the collective interest in local affairs is the primary aim of municipal government.[106]

Racial segregation.—Before leaving the subject of zoning, a word should be said concerning a kind of zoning which has not received the sanction of the courts—racial and religious segregation. Cities in a number of states have attempted to exclude Negroes from white residential districts under the guise of zoning. Race segregation, however, is not an appropriate exercise of the police power, as was held by the United States Supreme Court in the leading case of *Buchanan* v. *Warley*.[107] In this case, decided in 1917, the court declared that an ordinance forbidding the occupancy of houses by Negroes in white areas, and vice versa, in effect prevented the sale of lots and was thus an unjustified infringement upon property rights. The opinion explicitly said that to base such an interdiction upon color passed the bounds of the police power. It proceeded to distinguish another leading case, *Plessy* v. *Ferguson*,[108] wherein the court had previously sustained a state law requiring separate railroad accommodations for white and colored, by pointing out that the latter case had raised no question of denying anyone the right to use, control, and dispose of his property. In making this distinction the court relied, interestingly enough, upon a decision of the Georgia Supreme Court in which a similar ordinance had been declared unconstitutional.[109] Later efforts to circumvent the ruling in the Buchanan case by hairline distinctions have not been successful. The Louisiana Supreme Court, for example, held in 1925 that an ordinance forbidding the establishment of residences by Negroes in

[106] 198 Atl. 229.

[107] 245 U.S. 60 (1917).

[108] 163 U.S. 537 (1896).

[109] *Carey* v. *City of Atlanta*, 143 Ga. 192 (1915).

"white communities," and vice versa, without the written consent of a majority of the residents, was "merely a zoning ordinance" within the police power.[110] But the United States Supreme Court thought otherwise and reversed the decision on the authority of *Buchanan* v. *Warley*.[111] Later that year the Louisiana court declared another segregation ordinance unconstitutional in accordance with this ruling.[112] Likewise a federal circuit court refused to countenance an ordinance of the city of Richmond, Virginia, which based the segregation on a state law prohibiting intermarriage between the races. The decision in *City of Richmond* v. *Dean* is of particular interest since the city invoked the support of leading zoning cases.[113] Dismissing the argument that these cases altered the rule of *Buchanan* v. *Warley*, the court said:

> We have carefully considered the cases of Euclid v. Ambler Realty Co., ... and Zahn v. Board of Public Works . . . . upon which defendant relies; but we do not think they are in point. They deal with the right of a city to forbid the erection of buildings of a particular kind or for a particular use within certain sections of the city, which manifestly is a very different question from that involved here. That the Supreme Court did not consider that the doctrine of Buchanan v. Warley was in any way overruled or limited by Euclid v. Ambler is shown by the fact that Harmon v. Tyler was decided five months after the latter case, and its decision was expressly based on the former.[114]

Racial and religious segregation thus remains outside the bounds of the police power, and zoning decisions are not applicable. The courts have, however, upheld the

[110] *Tyler* v. *Harmon*, 104 So. 200 (1925).

[111] *Harmon v. Tyler*, 273 U.S. 668, 47 S.Ct. 471, 71 L. Ed. 381 (1927).

[112] *Land Development Co. of Louisiana* v. *City of New Orleans*, 113 So. 768 (1927).

[113] 37 F. (2d) 712 (1930). [114] 37 F. (2d) 713.

right of property owners to exclude Negroes from certai districts by private agreement. A 1931 case in Californi *Littlejohns* v. *Henderson*,[115] forbade a Negro who had pur chased property with the knowledge of such an agreemen to occupy the premises.[116] Even more interesting is th 1939 case of *Lee* v. *Hansberry*,[117] wherein the Illinois Su preme Court sustained a similar ruling by the Cook Coun ty Circuit Court. The case hinged upon an alleged agree ment among certain property owners on Chicago's Soutl Side, by which the signatories had agreed not to sell, lease or otherwise permit their property to be occupied by Ne groes before a certain date. When the chancellor of th county court took evidence, however, he found that in fac the owners of only about 54 per cent of the frontage ha actually signed the agreement, although on its face th latter stated that unless 95 per cent of the frontage signed i would not be binding. Despite this discrepancy, the Illi nois Supreme Court had previously recognized the agree ment as valid,[118] and in *Lee* v. *Hansberry* it held this errone ous finding binding under the rule of *res judicata*. It fur ther held that this was a "representative case," whic meant that the ruling was binding upon all those who wer supposedly bound by the original agreement. The net re sult of the decision was, as the dissenting justices pointe out in strong terms, that the court held some five hundre property-owners bound by an agreement which was voi

[115] 111 Cal. App. 115, 295 Pac. 95 (1931).

[116] Citing the earlier California cases of *Wayt* v. *Patee*, 205 Cal. 46, 269 Pa 660 (1928), and *Los Angeles Investment Co.* v. *Gary*, 181 Cal. 680, 186 Pac. 59 (1920).

[117] 372 Ill. 369, 24 N.E. (2d) 37 (1939).

[118] *Burke* v. *Kleiman*, 277 Ill. App. 519 (1934). The court apparently based it decision upon testimony which the finding of fact in the later case showed to b untrue.

on its face and did so by accepting as binding a case which was tainted with fraud and collusion.[119] This decision is unusual, but it indicates clearly the lengths to which the courts may go in sustaining restrictive covenants of this kind. On the other hand, the Texas court has held that a city may not by ordinance require the observance of such an agreement by imposing penalties for its violation, since the party to a contract may terminate it subject only to civil liability for breach thereof.[120]

Summary.—To summarize this section on the development of zoning law, it is evident that a great change has been wrought in judicial thinking since the term "zoning" was first presented to the courts in *Ex parte Quong Wo* and *Hadacheck* v. *Los Angeles.* Planning has now received substantial judicial recognition as a legitimate basis for exercise of the police power. And, whereas planning appeared in confused form, or not at all, in the early zoning cases, it has now become the chief reliance of the courts in upholding zoning regulations. Meanwhile, the control of disagreeable and near-nuisance uses of property, once the mainstay of zoning, has faded further and further into the background. There it remains, called forth to play a minor role in practically every court scene involving zoning and in some instances still relied upon for a leading part by reason of its now unquestioned dependability.

[119] The trial judge openly asserted the existence of fraud and handed down his decision reluctantly solely on the principle of *res judicata*, i.e., on the grounds that the matter had been previously determined and was not open to re-examination. The case has been appealed to the Supereme Court of the United States.

[120] *City of Dallas* v. *Liberty Annex Corporation*, 19 S.W. (2d) 845 (1929). In this connection it is interesting to note that the zoning ordinance of Miami, Florida, has since 1934 contained a provision for the enforcement of subdivision restrictions. These, like agreements against racial groups, are private restrictive covenants. The Miami ordinance has not yet been challenged in the courts.

The trend in judicial thinking which has been analyzed here for the purpose of showing how the law of zoning has developed might profitably be discussed in other terms. It is a study in the sociology of the law and the logic of the law; of the manner in which a concept such as the police power is molded to meet the changing conditions with which the law is forced to deal; and of the manner in which postulates are laid down in the form of citations from earlier cases as the basis for the reasoning employed in each particular case. By a process of selected citation, ignoring or dismissing conflicting decisions and differences between cases, the courts are enabled to meet the changing climate of public opinion while adhering to the principle of *stare decisis* and maintaining the logical consistency of particular opinions.[121] These aspects of the development of the law relating to planning can be only suggested here. For our purposes it will suffice to regard this development as a highly important extension of the police power of municipalities over the use of private property, and particularly as an extension in which the planning profession and the planning movement generally have played a decisive part.

SUPPLEMENTARY CONTROLS

It was said at the beginning of the discussion of controls over private property that the planning movement has been interested in several forms of control, although zoning has been by far the most important of these. The others will be considered very briefly here in their relation to the general expansion of the law.

[121] See Jerome Frank, *Law and the Modern Mind* (New York: Brentano's, 1930), *passim* and esp. pp. 65 f. for one point of view on logic and the law. For the contrary view see Mortimer Adler, "Law and the Modern Mind: A Symposium—Legal Certainty," *Columbia Law Review*, XXXI (1931), 91.

SUBDIVISION CONTROL

Subdivision regulations are not new. It has been said, as a matter of fact, that subdivisions were better controlled early in American history than they have been since. Such controls as existed broke down, however, in the era of unrestrained land speculation, and regulation has been revived only within the last two or three decades. One of the most effective forms of control has been through thoroughfare planning and the requirement that new subdivisions adhere to a predetermined street pattern.[122] This kind of control received one of its strongest judicial sanctions in *Mansfield and Swett* v. *Town of West Orange*, in which the New Jersey court upheld the master-planning and official map provisions of the New Jersey Planning Act.[123] The broad statement of planning under the police power embodied in this decision has already been discussed and the power of the municipality to require approval of proposed subdivisions as an essential part of planning was sustained to the fullest. The court did, however, rather severely reprimand the planning commission involved for taking as its standard, in accepting or rejecting subdivision plats, not the "effect upon the entire community as a social, economic, and political unit," but "the advantage or detriment to particular neighboring landowners." One cannot escape the conviction, after reading the reasons advanced by the planning commission for not approving this plat and the reasoning of the court, that the latter had a much clearer view of the purposes of planning than did the commission.

[122] The city of Detroit was upheld in its refusal to approve a plat unless it conformed to the master street plan in *Ridgefield Land Co.* v. *City of Detroit* (241 Mich. 468, 217 N.W. 58 [1928]).

[123] 198 Atl. 225 (1938).

The courts have held that it is a proper and constitutional requirement that rural land adjacent to the city be subdivided only in conformance with the city's master-plan as approved by the planning commission.[124] The New York statutes provide that in approving plats the planning board may require not only proper streets but also new parks for recreational purposes; that the land shown may be safely used for building purposes; that all streets shall be suitably graded and paved; and that all street-lighting standards, water mains, sanitary sewers, and storm sewers shall be installed. The sanction imposed is the requirement that the appropriate municipal officer shall not file the plat unless it has been approved by the planning board.[125] Ohio law similarly provides that utilities must be installed or a guaranty bond posted. In some states the statute fixes a definite percentage of the land which must be set aside for public use.

The sanction behind platting regulations is in almost all cases that the plat may not be filed without the planning commission's approval. Legally, this means that the municipality may withhold a privilege it grants. The refusal to file an unapproved plat is not, however, an absolute control, for the subdivider can in many cases circumvent the law by metes and bounds lot demarcations. Subdivision control is also deficient in that there is as yet no effective method for actually preventing the subdivision of areas which good planning would dedicate to other uses. With the progress which has been made, though, one may anticipate the eventual extention of the public's right to

[124] Julius Isaacs, "The Place of Municipal Attorneys in City Planning," paper presented to the National Institute of Municipal Law Officers at the annual meeting, November 27, 1939, Washington, D.C. (mimeographed), p. 16.

[125] *Ibid.*, p. 17.

plan for the community's welfare to the withholding of building permits entirely in areas which, for the good of the municipality, should not be built upon.

BUILDING LINES

The matter of providing for future streets or future street-widenings has long concerned planners, and until a few years ago the consensus of opinion held that land for such purposes had to be acquired by eminent domain proceedings with appropriate compensation.[126] A number of cities, however, have established building setback lines under state laws, it being provided that the owner is not entitled to compensation for buildings erected between the time the building line is established and such time as the municipality desires actually to construct or widen the street. Building lines have been created both by special ordinance, establishing such lines on streets to be widened, and by zoning ordinances, establishing them as front-yard lines. The Ohio Court of Appeals has held the last-named method legal in that state,[127] and the New York court has held legal the building lines for future streets established by Rochester.[128] Similarly, the Connecticut court has held that property-owners are not entitled to damages for buildings constructed in the bed of mapped streets.[129] Nevertheless, the law applicable to building lines is still quite indefinite; and, while Bassett's statement that "courts insist that the compulsory creation of a street shall

[126] Walter H. Blucher and Ambrose Fuller, "Expropriation of Private Property in the United States of America," *Local Government Administration*, V, No. 2 (June, 1939), 129. I have relied on this article in dealing with building lines.

[127] *State* ex rel. *Lucus Building Co.* v. *Toledo*, Court of Appeals, 1936.

[128] *Headley* v. *Rochester*, 247 App. Div. 542, 288 N.Y. Suppl. 277 (1936).

[129] *Town of Winsor* v. *Whitney*, 95 Conn. 357, 111 Atl. 354 (1920).

be by eminent domain" has been modified by later court decisions, it remains a precarious field of legal action.

AESTHETIC CONTROLS

It is a universally recognized rule of American constitutional law that regulations of property having only aesthetic improvement or beautification for their objective will not be upheld. But as far back as 1909 the Massachusetts court introduced a modification of this rule to the effect that aesthetic factors might be considered as "incidents" of regulation.[130] In *Carter* v. *Harper* the Wisconsin Supreme Court went much further and indulged a line of reasoning which prophesied the ultimate breakdown of the prevailing rule.

> It seems to us that aesthetic considerations are relative in their nature. With the passing of time, social standards conform to new ideals. As a race our sensibilities are becoming more refined, and that which formerly did not offend cannot now be endured. . . . . The rights of property should not be sacrificed to the pleasure of an ultra-aesthetic taste. But whether they should be permitted to plague the average or dominant human sensibilities well may be pondered.[131]

The Virginia court took another step in the direction of modifying the old rule against regulating for aesthetic purposes in *West Bros. Brick Co.* v. *Alexandria*.[132] The mining of clay which was under litigation here would, if permitted, have taken place within a short distance of the Mt. Vernon Memorial Drive between the city of Washington and Mt. Vernon. The court cited *Carter* v. *Harper* to the effect that although aesthetic considerations are not enough they may be taken into consideration and observed that "evidence is

[130] *Welch* v. *Swasey*, 193 Mass. 364, 79 N.E. 745, 214 U.S. 91 (1909) (see Bassett, *op. cit.*, pp. 97–100 and cases there cited).

[131] 182 Wis. 148, 196 N.W. 451, 455 (1923).

[132] 192 S.E. 881 (1938) (see above, p. 82).

not needed to tell us that an eighteen-acre clay pit within a city's limits and near a great national boulevard would be an eyesore and a nuisance." Another case in which aesthetic considerations were recognized to be important is a recent decision of the Massachusetts Supreme Court declaring legal an ordinance regulating billboards around the state capitol building.[133]

Of particular interest in connection with aesthetic controls is the decision of a California lower court upholding zoning for the protection of scenic beauties along California's highways.[134] The language employed by the judge in this case is pertinent to the foregoing general discussion of expanding police power.

> The expansion of the constitutionally recognized field of the zoning power in recent years leads me to believe that the higher courts may now be ready to recognize the validity of the next step in that field as represented by the ordinance here under attack, viz., the protection of natural scenic beauty along our highway by reasonable regulation of the character and appearance of the structures upon the borders of such highways, in recognition of the fact that they do react upon the value of the property along such highways and the general economic welfare.[135]

In other words, there is every indication that aesthetic considerations will be given greater weight by the courts in the future than they have in the past. If the high courts do not sustain the view advanced by Judge Dooling in the opinion just quoted, he is probably correct when he says, "I am still confident that time will ultimately justify my judgment."

[133] *General Outdoor Advertising Company* v. *Department of Public Works* 289 Mass. 149 (1935).

[134] *County of Monterey* v. *Bassett*, No. 16869, memorandum overruling demurrer (1938).

[135] Quoted in full in *News Letter*, IV, No. 12 (December, 1938), 97.

EMINENT DOMAIN

The planning movement has not added materially to the law affecting the acquisition of public lands, as it has to public controls over private property. Nevertheless, the public ownership of land plays an important part in the planning and replanning of our cities, and it will be worth while to note the essentials of this important body of law. The acquisition of land for public purposes falls under the law of eminent domain—a sovereign power of government which enables it to take private property for a public purpose upon making proper payment to the owner.[136] Like other sovereign powers in the United States, eminent domain is one of the inherent powers of the several states.[137] Thus, in American jurisprudence the federal government may acquire property by eminent domain only in the exercise of the functions delegated to it by the federal Constitution; and municipalities, as creatures of the states containing them, are restricted in their exercise of the power to such authority as is granted them under state laws and home-rule charters. The principal questions which arise in cases involving eminent domain are: (*a*) Is there a proper grant of authority? (*b*) Is the taking for a public purpose? (*c*) What is the proper compensation for the property taken? (*d*) What is the extent of the property required? It is impossible to discuss the problems and the large body of

[136] Philip Nichols, *Eminent Domain* (2d ed.; Albany, N.Y.: Matthew Bender & Co., 1917), p. 1, sec. 1.

[137] *Ibid.*, pp. 27 f., sec. 7. Exercise of the power of eminent domain, as an attribute of sovereignty, does not require a constitutional grant. It is, however, limited for the protection of the private owner by both the federal and most state constitutions. The Fifth Amendment to the federal Constitution limits the federal government, and the Fourteenth Amendment the state governments, in the taking of property without "due process of law" (*ibid.*, pp. 58 f., sec. 17); see also Blucher and Fuller, *op. cit.*, p. 121.

law revolving around these questions with any thoroughness here, and there will be no pretense of doing so.[138] The changes of greatest importance to urban planning have taken place in the concept of "public purpose," and the discussion here will be largely confined to that phase of the subject.

THE IDEA OF PUBLIC PURPOSE

The general principle of law is that the taking of property under eminent domain proceedings must be for a public and not a private use.[139] The vital term "public use," however, shares with many legal concepts a vagueness commensurate with its importance. One authority in this field has pointed out that the term is incapable of precise definition,[140] while another writer distinguishes a gradual shift in meaning from "use by the public" to "useful to the public."[141] Under the older interpretation it was held necessary that the proposed improvement be open to actual use by the citizenry. This connotation has undergone considerable modification, and condemnation has now been upheld in many instances in which there was no intention of general public access to the improvement.[142] Public

[138] For a full discussion of the many aspects of this subject the reader is referred to Nichols, *op. cit.*, or John Lewis, *Eminent Domain* (Chicago: Callaghan & Co., 1909).

[139] Nichols, *op. cit.*, p. 217.

[140] *Ibid.*, p. 128, sec. 40. The suggestion that prevailing attitudes rather than logic are likely to be the controlling factor in a dubious case is found in his statement that "in a given case of a use clearly enuring to the welfare of the community as such, the courts are governed, if the case is a close one, more by the settled practices and the vital necessities of the people of the state in which the question arises than by philological considerations."

[141] H. E. Willis, *Constitutional Law of the United States* (Bloomington, Ind.: Principia Press, 1936), pp. 815–19.

[142] E.g., land has been taken for a railroad right-of-way to a stone quarry (*Westport Stone Co.* v. *Thomas*, 175 Ind. 319, 94 N.E. 406 [1911]); for spur tracks

benefit rather than public use in the narrower sense has tended to become the criterion in condemnation cases.

The change which is taking place has recently impinged upon the field of urban planning in connection with the federal housing program. When the federal government and local housing authorities attempted to condemn property for the construction of low-cost housing projects, the courts were presented with the question of whether or not the building of homes for low-income groups was a public use for which the power of eminent domain could be exercised. When the housing and slum-clearance program was first instituted, the federal government handled it directly through the Housing Division of the Public Works Administration. Thus, when the question of legality first arose, it concerned only the authority of the federal government to condemn for this purpose, and in *United States* v. *Certain Lands in the City of Louisville* a United States circuit court of appeals sustained a lower court's finding that public housing was not a purpose for which the federal government was authorized to exercise the power of eminent domain.[143] While the decision was based upon the technical point of want of constitutional authority,[144] it is quite clear

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for private individuals (*Union Lime Co.* v. *Chicago and Northwestern Ry.*, 233 U.S. 211 [1914]); for private schools (*Connecticut College for Women* v. *Calvert*, 87 Conn. 421, 88 Atl. 633 [1913]).

[143] 78 F. (2d) 684 (1935).

[144] The decision hinged on the often debated question of whether Article 1, Sec. 8, Cl. 1 of the federal Constitution, which grants Congress the power to tax for the "common Defence and general Welfare" of the United States, constitutes a grant of substantive power to the federal government to legislate for the general welfare. The majority held that it did not. For a discussion of the background for the case see Bennett D. Brown, "The Power of Eminent Domain in Slum-Clearance and Low-Cost Housing Projects," *St. Johns Law Review*, X, 284, and sources there cited.

from the opinion that the majority of the court saw in public housing the advancing shadow of state socialism. Consequently, the reasoning in the case threw considerable doubt on the question of whether housing was a public use for which eminent domain could be exercised under any circumstances, particularly since the court went out of its way to describe public housing as "the taking of one citizen's property for the purpose of improving it and selling or leasing it to another."[145]

Happily for the future of planning and housing, the New York Court of Appeals, when passing upon the first case involving the exercise of the power of eminent domain by a local housing authority, took a different view and held low-cost housing and slum clearance to be clearly a public use for which property could be condemned.[146] In this decision Justice Crouch, writing for the majority, followed substantially the line of reasoning advanced by Judge Florence Allen in her dissent in the Louisville Lands case. After setting forth the evils and public costs arising from slum conditions, the court said:

> To eliminate the inherent evil and to provide housing facilities at low cost—the two things necessarily go together—require large scale operations which can be carried out only where there is power to deal in invitum with the occasional greedy owner seeking excessive profit by holding out. The cure is to be wrought, not through the regulated ownership of the individual, but through the ownership and operation by or under the direct control of the public itself.[147]

In this decision it was explicitly recognized that the elimination of the social and economic evils prevalent in slum areas, as well as the reduction of a tax burden swelled by

[145] 78 F. (2d) 688.

[146] *New York City Housing Authority* v. *Mueller*, 270 N.Y. 333, 1 N.E. (2d) 153, 105 A.L.R. 905 (1936).

[147] 1 N.E. (2d) 155.

attendant high health and police costs, was a benefit not only to the whole city but to the whole state as well.

This case was not entirely without precedent, for as early as 1920 the Supreme Court of the United States had held that states could enter into low-cost housing and slum-clearance projects within their borders.[148] However, the neglect of this precedent by the majority in the Louisville Lands case left the situation uncertain, and the New York case was regarded as of the greatest importance to the future of the public housing program. This was particularly true inasmuch as the federal program had been altered under the Wagner-Steagall Act to provide for loans to local housing authorities.[149] thus leaving the acquisition of property subject to the state power of eminent domain as delegated to these authorities. Since the decision in the Mueller case, a number of other state courts have held housing and slum clearance to be a public use within the scope of the power of eminent domain.[150]

PROCEDURE

The subject of condemnation procedure, which varies widely among the several states, is much too extensive and

[148] *Green* v. *Frazier, Governor*, 253 U.S. 233, 40 S. Ct. 499, 64 L. Ed. 878 (1920).

[149] The Louisville Lands case was appealed to the Supreme Court of the United States but later dismissed on motion of the government's counsel. The housing program, however, was carried on under the Housing Division of P.W.A. despite this decision, the government relying on outright purchase of needed land rather than condemnation. In Cincinnati, for example, the assistant city attorney in charge of land purchases was lent to P.W.A. for this purpose and proved so successful that he was sent to other cities to explain his technique. On the whole, there were surprisingly few owners who held out for excessive prices, and when they did their land was not purchased.

[150] Including Florida, Georgia, Kentucky, Louisiana, North Carolina, Pennsylvania, South Carolina, and several others (cf. Blucher and Fuller, *op. cit.*, p. 124).

complex to be dealt with here.[151] It should be noted, however, that planners and public officials have long chafed under the delay, cost, and inefficiency of existing procedures for acquiring land by condemnation. It was recognized early in the planning movement that planning operations were often severely handicapped by unwieldly procedures, and shortly after the National Conference on City Planning was organized the secretary, Mr. Flavell Shurtleff, conducted a survey of condemnation procedure then employed in the United States as a first step to improvement.[152] Commenting on the importance of this matter to planning, Frank B. Williams said in 1922:

> The study of procedure, for which we are so much indebted to the Russell Sage Foundation, indicates that we are beginning to realize that complicated and cumbrous machinery in eminent domain is an evil which must and can be remedied. Few reforms would more aid the cause of city planning and efficient city government generally than a reform in the procedure in eminent domain, in which studies such as this are a necessary first step.[153]

Participants in the planning movement have continued to exert their influence in securing improved procedures; and in recent years the American Bar Association, through its

[151] A general study of condemnation procedure in the United States will be found in the *First Report of the Judicial Council of Michigan, January, 1931* (see esp. "Methods of Condemnation," pp. 50–55). The history of New York State's experience with condemnation procedure will be found in Vol. VI of the report of the New York State Constitutional Convention Committee, *Problems Relating to Bill of Rights and General Welfare* (1938), pp. 122–35. This report cites one authority to the effect that acquisition of the land to open one street, involving forty parcels, took seven years. The commission met 379 times, spent $36,367.79 on the proceedings alone, and received $20,185 in compensation for its services (p. 129).

[152] See Flavel Shurtleff, *Carrying Out the City Plan* (New York: Survey Associates, Inc., 1914).

[153] *The Law of City Planning and Zoning* (New York: Macmillan Co., 1922), p. 55.

Committee on Uniform Laws, has been working on a suggested procedure.[154] Despite this interest, it cannot be said that substantial change has as yet taken place.

EXCESS CONDEMNATION

A final question arising in eminent domain cases about which something should be said here concerns the extent of the property required. The general rule of law is that the extent of the property needed for a public use is a matter of policy and hence of legislative determination.[155] Also any and all property, with a few unusual exceptions, is subject to the power of eminent domain. There remains, however, the restriction that all property so taken must be for a public use, and the courts have quite uniformly regarded the taking of more land than is actually needed for the use involved as not being for a public purpose. The taking of property over and above that immediately necessary for the improvement is commonly discussed under the heading of "excess condemnation." The word "excess" here is misleading, for it implies that the taking is superfluous. This is not necessarily the case. Among the reasons most frequently advanced for the public acquisition of land abutting upon proposed improvements are the following: (1) protection of the public investment involved; (2) possible resale of such land, at the enhanced value incident to the improvement, for the purpose of recouping a portion of the expense; (3) avoidance of unusable lot remnants. To those interested in planning, the taking of land for these purposes has seemed so closely allied to an improvement as to justify viewing it as a taking for public use and thus as a legitimate exercise of the power of emi-

[154] Blucher and Fuller, *op. cit.*, p. 122.

[155] Lewis, *op. cit.*, pp. 814 f., sec. 453.

nent domain.[156] But excess condemnation has not been widely used in the United States, and the courts have not tended to regard favorably such attempts as have been made. A few states have amended their constitutions in recent years to make provision for excess condemnation in some form, but its exercise may still be held not to be for a public use and contrary to the "due process" provision of the Fourteenth Amendment.[157] At the present time, however, the legality of exercising eminent domain beyond the land needed for the improvement itself has not been satisfactorily determined.

CONCLUSION

In bringing this chapter to a close it is pertinent once more to call attention to the fact that we have not exhausted the law relating to planning. The taxing power, for example, bears an intimate relation to urban planning as that term is used in this report. However, it is manifestly impossible to cover the field of municipal law here, and the discussion of necessity has been limited to those branches of the law most closely associated with, and influenced by, the planning movement. This includes the law governing

[156] Williams, *op. cit.*, p. 136. For a comprehensive treatment of the law and practice of excess condemnation, both in this country and in Europe, see chaps. ii and iii of Williams' book.

[157] Blucher and Fuller, *op. cit.*, p. 124 and sources there cited. Constitutional amendments are found in California, Massachusetts, Michigan, New York, Ohio, Rhode Island, Virginia, and Wisconsin; and in 1936 the following states provided for excess condemnation in their statutes: Connecticut, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia, and Wisconsin (see Henry C. Hodges, *City Management* [New York: F. S. Crofts & Co., 1939], p. 284, n. 17). The question of whether the use of excess condemnation conflicts with the Fourteenth Amendment of the federal Constitution was presented to the Supreme Court in *Cincinnati* v. *Vester* (281 U.S. 439 [1930]), but the court did not pass upon it.

the regulation of private property under the police power and the acquisition of public lands through eminent domain proceedings. From the point of view of urban planning, the advent of comprehensive zoning has been by far the most important development of recent years.

Two theories of zoning have been distinguished, (1) that holding zoning to be a form of preventive nuisance control and (2) that holding it to be an instrumentality for the effectuation of one branch of planning, specifically the land-use plan. Closely allied to the first of these is the view that zoning should be exercised primarily to preserve property values. This view has been particularly influential in zoning practice, with the result that existing ordinances are restrictive of future development only in minor degree. Consequently, one of the arguments most urgently advanced in behalf of zoning at the beginning of the organized planning movement has been all but forgotten, i.e., that zoning is a means to the more efficient provision of administrative services.

The point of view that planning should be concerned with municipal government in the fullest sense, as set forth below,[158] carries with it the implication that zoning should have as one of its primary objectives the better administration of municipal functions. This goal can, of course, be achieved only in so far as a rational land-use pattern can be made an actuality. But before zoning will bring about a separation of various uses of land in the city, a great deal must be done to educate both the public and local officials to the acceptance of more stringent regulations. Meanwhile, the planning movement will need to direct its attention to the logical next step—retroactive zoning. The problem of city planning is no longer pri-

[158] See chaps. iv and vi.

marily one of guiding growth; it is a matter of replanning areas already built up.

The idea of retroactive zoning is not new. The Supreme Court of the United States upheld its use in *Hadacheck* v. *Los Angeles*—a case involving important property values.[159] When comprehensive zoning was new, however, the idea was dropped for fear the courts would not sustain it where no question of nuisance was involved. Though this fear may have been well founded at that time, the increasingly liberal judicial interpretation of the police power with respect to planning gives us a basis for believing that a reasonable form of retroactive zoning which would avoid actual loss of investment might now be sustained. There seems to be no reason why the principle of gradual elimination of nonconforming uses cannot be applied with ample provision for amortization of investment. Time is not the essence of the matter. But if a well-planned city is to be even the distant objective a start must be made.

Retroactive elimination of nonconforming uses is only one of the possible future uses for zoning. The creation of building lines under the police power and as a part of zoning ordinances has already been approved by some state courts. Several cities have lately included in their zoning ordinances provisions requiring off-street parking facilities in connection with new buildings, while others have zoned the areas around airports to prevent the erection of tall structures where they might endanger approaching and departing planes. In neither case have the courts had an opportunity to pass on the validity of the provisions. But zoning of this kind is necessary if cities are to keep in step with the problems before them. The line of reasoning followed by the courts in recent zoning cases would seem

[159] See above, pp. 62–65.

clearly to imply that the courts will recognize the necessity and look favorably upon such efforts.

In brief, we have progressed far since the day when zoning meant little more than the separation of homes and factories. Today it is recognized to be a regulative device of great adaptability for dealing with the problems of the urban community. If, however, its full potentialities in this direction are to be realized, zoning and planning must go hand in hand. Judicial thinking, guided in part by forward-looking attorneys, has made a substantial contribution to the clarification of this relationship.

CHAPTER IV

NATURE OF THE PLANNING FUNCTION

BASIC CONSIDERATIONS IN PLANNING

The preceding chapters have shown that a change is taking place in the scope of planning and in the attitude of the courts toward applications of the police power in controlling the use of private property. Planning agencies, on the one hand, are broadening their activities to encompass the more pressing problems of modern municipal government, and, on the other, the courts are recognizing that cities must plan and be able to execute their plans if they are to deal effectively with these problems. Both the planning agencies and the courts involved are limited in number, but if we look back over the development of urban planning since the turn of the century it seems evident that they are pointing the way for the immediate future. It may be profitable, consequently, to examine more closely the nature of the planning function as it is emerging in current practice and thought.

It has been observed that modern planning finds its origins in the emerging problems of urban living in the later nineteenth century. The movement was diverted briefly by the city-beautiful phase, but it has gradually encompassed an ever wider field of municipal activity, and in recent years it has been greatly influenced by the more urgent problems created, or at least accentuated, by the depression.[1] Leaders of the planning movement have from

[1] Although outside the scope of this report, it may be mentioned here that British town planning has been, and still is, confined almost exclusively to the

the first recognized that planning, while creating a more desirable community in which to live, has as one of its objectives the more efficient and economical provision of municipal services. This is particularly clear in the initial discussions of zoning at the early planning conferences, where arguments for rationalizing the pattern of urban land use stressed the advantages thereof to municipal administration. In later years city planning became more or less detached from problems of administration by adhering too closely to a formula which became increasingly outmoded with the passage of time. But, despite this fact, planning in the long run has tended to reflect the expanding scope of municipal government.

This trend will be better understood if a distinction is made between "city planning," as that term has acquired meaning through the organized planning movement, and "planning" as an idea. Although it has never been satisfactorily defined,[2] it will be clear by now that "city plan-

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physical layout of the community. The depression has had very little influence in the direction of expanding the work of local planning officers to include problems of a social or economic character. The planning schemes being prepared prior to the present war under the provisions of the Town and Country Planning Act of 1932 were limited largely to zoning control, although they included provisions for highways, open spaces, the reservation of sites for religious worship, and the consideration of problems relating to public utilities. Housing, aside from the Garden City Movement, is viewed as outside the scope of planning schemes. In brief, local planning in England remains primarily a matter of negative control. For a critical discussion of recent developments in British planning see Lee S. Greene, "British Town and Country Planning," *Journal of Land and Public Utility Economics*, XV (May, 1939), 126–36.

[2] Cf. Mr. Alfred Bettman's paper, "The Planning Commission: Its Functions and Method," *Planning for the Future of American Cities: Proceedings of the Joint Conference on City, Regional, State and National Planning, May, 20, 21 and 22, 1935, Cincinnati, Ohio* (Chicago: American Society of Planning Officials [1935]), p. 131. Mr. Bettman, long among the leaders of the planning movement, remarks: "Planning has been talked and written about to such an extent as to

ning" is closely identified with the physical pattern of the community—with such things as streets, parks, transportation, transit, zoning, etc. This is attributable in part to the nature of municipal activities in the past and in part to the characteristics of the organized planning movement noted earlier. "Planning," however, has a much broader connotation if thought of in other terms. Thus, it will be clear at once that planning is not restricted to governmental activity. Practically everyone "plans" in running his home or his business. The family budget is ever with us. Many corporations have separate departments whose only task is to plan the intricate process of bringing together a great variety of raw materials and creating therefrom a typewriter, a radio, or a similarly complex product. The highest refinement of this kind of planning is, of course, the automobile assembly line.

In both business and government, however, it is possible to distinguish two kinds of planning. One, at the level of factory management and departmental functions, is primarily concerned with the manipulation of facilities, frequently involving engineering problems, to produce the immediate product or achieve the immediate purpose for which that branch of the enterprise is responsible. In local government, examples of this kind of planning would be the garbage-collection schedule or the arrangements of shifts in the police or fire departments so as to obtain maximum protection when most needed. Another kind of planning

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give the impression that planning has a definite meaning in our minds, and that this meaning and its actual application in practice have become an established tradition. Those who frankly face the facts realize that we are still far from any such stage. . . . . We are still in the period in which the meaning, the purpose, the justification, the function, the methods of planning are open to challenge and discussion."

takes place at the level of general policy determination and over-all administration. This is what Dr. Harlow S. Person, past president of the Society for the Advancement of Management, has termed "administrative" planning as distinguished from functional or "managerial" planning.[3] "Administrative" or general-policy planning is the responsibility of the policy-making body, whether board of directors or city council, and the chief executive, whether president of a corporation or mayor of a city. In business enterprise, general-policy planning is concerned with long-run production schedules, fluctuations in demand, development of new products, and other matters relating to the operation of the enterprise as a whole over a period of time.

City planning has aimed at the level of over-all planning; but planning agencies have been largely preoccupied with only one segment of municipal activity, i.e., planning the physical layout of the community. This is important in city government, as is planning the plant arrangement in private business. In both a good physical plant contributes greatly to efficient and economical operation, but in neither can planning properly stop with the design of the plant. Planning for operations over a long period of time is as essential to local government as to business. The truth of this was only too clearly demonstrated during the decade after 1930 when municipal governments followed business houses into insolvency and when both turned to the federal government for financial assistance. The objectives of private and public planning differ. Corporations plan in order to make a profit; local governments should plan for

[3] Dr. Person developed this distinction in a paper read before the organization meeting of the American Society for Public Administration in Washington, D.C., December 27, 1939 ("Research and Planning as Functions of Administration and Management," *Public Administration Review*, I, No. 1 [autumn, 1940], 67).

maximum returns in terms of public welfare. A long-range view is, however, as important for one as for the other, since the problems facing municipalities are no less intricate and no less subject to variable factors than are those involved in the manufacture of a marketable product.

The analogy between private and public planning has been elaborated to make clear that over-all city planning cannot reasonably stop with mapping the physical features of a possible future city to succeed that now occupying a particular site. Planning is a term of broader significance. Functions and activities, as well as land areas, can be planned.[4] Certain functions and processes may be planned as units at what has been termed the level of management planning; and many city street, health, welfare, public works, fire, and police departments plan quite competently at this level. Over and above this kind of planning, however, is planning for the integration of these activities in realization of their common purpose—the creation of a better community in which to live.

The scope of city planning is properly as broad as the scope of city government. It seems inevitable that the concept of city planning which limited it to streets, parks, transportation, zoning, etc., will give way to a concept of governmental planning which will include these things and the more recent additions to municipal services as well. In so far as city governments continue to be concerned with them, so should the planning agency be concerned with

[4] The use of the word "plan" as a verb in the authoritative Murray's *English Dictionary* is illuminating in this connection. The following separate meanings are distinguished: (1) "To make a plan of (something existing, esp. a piece of ground or a bldg.); to delineate upon or by means of a plan; to plot down, lay down." (2) "To devise, contrive, design (something to be done, or some action or proceeding to be carried out); to scheme, project, arrange beforehand" (Vol. VII, Part II, p. 941).

them; but as urban government expands its sphere of activity into new fields the activities of the planning agency should be correspondingly expanded. This will be clear if it is borne in mind that high city officials can, and do, plan their work without the aid of a separate agency. Planning is essentially their responsibility, and a planning agency can do little more than aid them in exercising it more competently. Thus, the existence of an agency with broad interests does not mean that all planning activity will be carried on by one agency. On the contrary, an important part of the work of a central planning agency should be the coordination of departmental planning in the light of general-policy considerations. Its independent research work might encompass the work of departments not adequately equipped to plan their operations, but it should also be directed toward the solution of problems beyond the purview of any one department. Whether as part of its coordinating or of its advisory function, however, the planning agency should concern itself with municipal activity in the fullest sense. From the administrative point of view its job is to aid the responsible officials in taking a comprehensive view of their work and in relating all aspects of government activity to one another and to the future.[5]

The immediate need is for an extension of the idea of over-all planning to existing municipal services, notably health and welfare activities. Long-range programs for alleviating disease and delinquency must be tied in closely with planning the physical development of the community. Housing and slum clearance are obviously a part of municipal planning, and care must be taken to forestall further dispersion of the planning function by delegating all con-

[5] The implications of this formulation in terms of administrative organization will be discussed in chap. vi.

cern with housing to housing authorities.[6] These should, like other city departments, be principally operating agencies. The administration of relief must be carried on in the light of all available information as to population trends and the probable industrial and economic future of the community. Research in these fields as a basis for permanent relief programs should be an essential function of the planning agency. The financial burden which public relief has imposed on local government has sharpened the need for long-term financial programming and for a complete restudy of current taxation policies. The first is distinctly a task for the planning agency; the second may well be, particularly as it relates to blighted areas, excess subdivision, and tax delinquency.

This does not imply abandonment of land-use planning. Control of land development, whether through zoning, street improvements, transit facilities, park programs, or subdivision regulation, is an essential part of society's effort to improve urban living conditions. It is, however, only part and must be tied in more closely with other aspects of government activity directed toward the same end. City planning, if it is to be truly comprehensive, must not be segmented and must rest on a thorough knowledge of the social and economic conditions it seeks to improve. In the large urban centers this can be achieved only by placing the responsibility for the co-ordinated planning of

[6] Werner Hegemann in his *City Planning· Housing* asserts that "the main problem of city planning is decent low-cost housing," and the continued expansion of public housing under local housing authorities since he wrote lends added weight to his words (see Vol. I: *Historical and Sociological* [New York: Architectural Book Publishing Co., 1936], p. xvii). It is probable that housing for the low-income groups will be a matter of increasing concern to local governments, not for humanitarian reasons alone but also because slum areas require the heaviest expenditures for public services while contributing little to municipal income.

all aspects of municipal government within the same agency, close to the responsible officials, and with a staff technically equipped for research in sociology and economics as well as for design. Only a bare beginning has been made toward planning of this kind in municipal government. But a beginning has been made; and the fact that city planning is entering into new fields in the more advanced cities is evidence that the mold of former years is being gradually broken down. Thus, there is reason to believe that practice will in the future approach more closely the idea of over-all administrative planning.

THE PROGRAM OF THE PLANNING AGENCY

The over-all planning agency is designed to assist officials in formulating a public policy which treats the problems of the community as a closely knit whole. This, indeed, is its unique function; and if it is content with less—if it bogs down in the minutiae of administrative detail in any particular field—it loses its reason for being. The several operating departments can and should plan for their respective spheres of activity. The contribution of the planning agency is not found in a duplication of this work but rather in supplying the element of "comprehensiveness," and hence integration, to planning the future development of the city. This calls for a systematic program of assembling information about the city (research), discovering what it means (analysis), and indicating what action it seems to call for (planning and specific recommendations).

Before the planning agency can approach its task intelligently, something must be known about the probable future of the community. It should have available as thoroughgoing information upon current trends as it is possi-

ble to obtain; and, while it is not intended to present here an exhaustive list of all the questions upon which an active planning agency needs data, certain categories may be suggested for purposes of illustration.

First, information must be obtained bearing on current economic trends in the area. Is the industrial base of the local economy firm or changing? What are the probable effects of visible technological trends? Is the local economy balanced or dependent upon one industry? What are current employment and relief trends? What is the proportion of home-ownership?

Clearly, the planning agency will need also to know what is happening to the physical plant of the community. Are transportation and terminal facilities adequate? Are street and parking facilities adequate? Are sufficient open spaces and recreation areas available? Is the city decaying at the center? Is the rural-urban fringe suffering from land speculation? What is the housing situation?

Population trends are a basic factor in local planning, and the planning agency will need to know whether the community is growing, declining, or stable in population. Are ethnic groups being assimilated? Are adequate educational facilities available? What is the infant-mortality rate? What are the acute disease problems? Where are the areas of delinquency, crime, disease, etc.?

Likewise of fundamental importance to intelligent planning is some knowledge of the limitations placed upon the community's ability to solve its own problems. What are the legal limitations placed upon the community with respect to finance and taxation? Does the city have flexible powers under state law? What limitations do political boundaries place upon an attack on problems which exceed those limits?

Some of these questions may not be relevant in certain communities; different ones, no doubt, appear in others. The field of planning is relatively new as applied to local government, and no air of finality can, or should, be given to the sphere of investigatory activities connected with it. But lest the magnitude of the task facing urban planning agencies appear overwhelming, it should be borne in mind that the individual agency is not called upon to make all necessary studies itself. Research in these and related fields has been undertaken by local public and private organizations. It has already been pointed out that government departments have in many cases carried on investigations and planning programs for their particular fields of interest. An important part of the planning agency's work should be to bring together all available data from these sources, both for its own subsequent use and in order to inform itself with respect to the planning already being carried on within the government.

Other important sources of aid in marshaling available information are the universities and the government research bureaus. Planning agencies have tended to neglect the assistance which these institutions are prepared to render in many cities, although a few have not. In Nashville, Tennessee, for example, population studies sponsored by the planning commission in connection with a report on housing conditions were carried on with the aid of a professor of sociology from one of the city's several universities. The Cincinnati City Planning Commission has a long record of co-operation with the local Bureau of Governmental Research. But, on the whole, local planning commissions have not exploited the possibilities inherent in this type of relationship to the extent that they should.

Certain private business houses and institutions have

been most useful in supplying local planning agencies with the results of their own research. By far the most important instance has been the repeated use made of population statistics compiled by the telephone companies. Other utility companies, also, can usually provide information relating to the distribution and shifts of population in the area. From the office of local newspapers the planning commission can obtain circulation figures which are a useful index to the economic and social area of which the community is the center. Private social and welfare agencies, as well as the public welfare department, can furnish valuable information with respect to deteriorated areas and relief.

One of the most important sources of aid to local planning is the study and investigation carried on by the various departments of federal and state governments. The 1940 federal Census, including the special housing census, will supply an unprecedented wealth of information for planning. Aside from data on housing conditions it will make available for the first time accurate information concerning the effect of the depression on population trends, migration, employment, and other matters of the greatest importance to local planning agencies. Unfortunately, there is at the present time no one agency in the federal government to which local governments, including the planning agencies, may go to discover what federal agencies have done in particular fields of interest. The creation of such an agency to supply information to urban governments was recommended by the Urbanism Committee of the National Resources Committee.[7] A central "Division of Urban Information" would greatly facilitate the work of

[7] National Resources Committee, *Our Cities: Their Role in the National Economy* (Washington: Government Printing Office, 1937), pp. 82 f.

local planning agencies, for, as projected in the report of the committee, it would "serve as a central depository and clearing house of all information about urban communities collected by all governmental agencies on all levels and by authoritative private organizations."[8] Continuing, the committee said:

> It should be a part of this division's duty to assemble this information in such a manner as to make it readily usable for studying individual communities as well as the actually urbanized areas and metropolitan districts as a whole. This division should have the further duty of performing such statistical reporting from urban places as does not seem more appropriately assignable to another Federal agency.[9]

Until such a division or bureau is created, however, planning agencies can in many cases secure assistance from federal and state agencies known to be concerned with special fields of action.[10]

Despite the availability of data and information from the several sources mentioned above, the planning agency will of necessity have to undertake a research program of its own. It is most unlikely that all the information available from other sources will be adequate to meet the needs of the agency. Even before other sources are probed it will be necessary to make a preliminary study of the local situation for the purpose of determining which of the aforementioned problems prevail in the community, what other ones appear, and which are most pressing. Only after this has been done can the methodology to be used in attacking specific problems be decided upon.

[8] *Ibid.*, p. 83. [9] *Ibid.*

[10] The use of federal sources has been greatly facilitated by the recently issued Circular XIV of the National Resources Planning Board, *Federal Relations to Local Planning* (December 15, 1939). The circular contains statements on the activities and functions of forty-six federal agencies, with special reference to the assistance and information available for local planning purposes.

This suggests that different means for gathering information will be utilized by the planning agency from time to time. There are, in the first instance, the basic-data surveys designed to provide essential factual information about the community as a whole. Among these are the land-use survey, the real property inventory, general housing studies, and industrial and commercial surveys.[11] Of these, real property inventories have been most frequently undertaken during the past few years. They do not in themselves, however, ordinarily supply adequate information for comprehensive planning.[12] The "housing study" is something of an anomaly in this classification, inasmuch as an adequate land-use social and economic survey should provide the information essential to locating the areas in which rehousing is necessary. On the other hand, some of the housing studies have been quite broad in the range of data gathered and are properly classified as basic-data surveys. Beyond the general survey the research activities of the planning agency include intensive study of specific problems, looking toward a recommended solution in terms which seek to provide for the future. Surveys alone are of little

[11] Practical procedural suggestions for such studies are available upon request to federal agencies; see Works Progress Administration, *Technique for a Real Property Survey* ("W.P.A. Technical Series" [Washington, September, 1938]), Research, Statistical, and Survey Project Circular VI, and *Low Income Housing Survey* (Washington, February, 1939), Circular IX; Ada Lillian Bush, *Suggestions for Use in Making a City Survey: Industrial and Commercial* ("Domestic Commerce Series," No. 105 [Washington: U.S. Department of Commerce, Bureau of Foreign and Domestic Commerce, 1938]).

[12] In a recent editorial Mr. Walter H. Blucher, executive director of the American Society of Planning Officials, points out that the real property inventories conducted within the past few years have been primarily inventories of residential property. He asserts that by securing a small amount of additional information the value of such surveys could be greatly enhanced (see *News Letter*, VI, No. 3 [March, 1940], 17).

value unless the unsatisfactory conditions and pressing problems which they unearth are subjected to detailed study and a program for alleviating them is ultimately proposed. A third type of research to be carried on by the planning staff is what may be termed "service research" for the chief executive and the several departments. This involves relatively minor studies into the planning implications of specific projects and special questions which arise from time to time. Such studies are not minor, however, from the point of view of planning as a whole, for it is in aiding officials in untangling the knotty questions which arise from day to day that the planning agency can make its usefulness most evident. It can frequently do more to make its influence felt by encouraging officials to utilize the planning office for information and advice of even an informal kind before making decisions than it can by the publication of elaborate reports. The latter have their value as a vehicle of public education and as a comprehensive treatment of local problems, but they have perhaps received too great a share of attention in the past to the detriment of more informal and less spectacular participation in the solution of problems as they arise.

THE GENERAL PLAN

In the preceding chapters it has been noted that city planning has for the most part taken the form of a master-plan prepared for the local planning commission by a professional planning consultant. Relatively few such plans have been made since 1930, but the theoretical goal of a planning agency's work continues to be the preparation of a plan for the future of an area—a plan which portrays the development conceived to make that area the best possible for human habitation. This is the guidepost of planning,

but in practice such a plan can never be completed. It may be set forth in tentative form from time to time; but, as standards of living, modes of transportation, industrial employment, concepts of social control, and the character of local governmental problems in general change, it is clear that future plans must also change or become obsolete. Nor is this simply a matter of periodic revision of the whole plan. It involves continuous study and re-examination of the elements of the plan in terms of the decisions which political leaders and administrators must make in their daily work. Despite the fact that the general or master-plan should be thought of as an ever changing thing, it nevertheless has a unique contribution to make as a pattern against which to view current proposals and immediate programs. It is an important integrating device in the hands of the planning agency.

Many of the city plan reports prepared in the past served this purpose admirably. The maximum returns on the investment which they represented were often never realized, however, because city officials and planning commissioners tended to regard them as the end-product of planning and failed to maintain planning as a continuing function. This experience makes it desirable to clarify one or two essentials of the concept of a "general plan." First, it is a working instrument of the planning agency and should be maintained primarily for its own use. In some cases it is undoubtedly desirable to publish the current version of the plan, but when this is done care should be taken to stress its fluid and unfinished character. This has frequently not been emphasized in the past, with the result that there are many instances of planning commissions finding themselves embarrassed some years after a plan has been published because groups with a particular inter-

est at stake could point to the outmoded plan to back up their claim that the widening of one street was more urgent than the widening of another or that a new municipal building was better placed in proximity to one group of properties than to another.

Second, since the general plan is but a guide to the planning board itself, it should not be made legally binding. In this regard the general plan should be distinguished from the official map. Legislation in some states makes provision for the adoption of an official map showing streets, setback lines, public lands, and such other mapped features of the general plan as the council may desire to give a binding quality. Once the official map has been adopted, the land involved can be used only in accordance with its provisions.

The general plan (or master-plan) is frequently thought of primarily in terms of maps. This is a misconception which flows from the emphasis which has been put on the physical features of planning. More recent planning legislation is taking cognizance of the ever widening scope of municipal activity and is expressly extending the sphere of the general plan to include not only all conceivable physical features of city development but also "such other features, changes and additions as will provide for the improvement of the city and its future growth and development and afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health and welfare of its population." This clause is taken from the recent New York City Charter provisions relating to the master-plan (sec. 197*a*) and is in accordance with recent trends as reflected in the new California Planning Act and elsewhere. The general plan, then, is not limited to maps and graphic representation, although these are important.

It includes, also, expository and nongraphic materials on those phases of local development which do not lend themselves readily to linear presentation alone. This is obviously the case with such matters as industrial development, population, employment, and housing programs.

It should be borne in mind that the general plan is a tool and not the end-product of planning. It is the springboard from which comes the real contribution of the planning agency to municipal administration—the recommendations made to administrators and politicians in the light of available knowledge and the general plan. Effective planning does not stop with the preparation of maps or the gathering of data for the purpose of issuing periodic publications.

PLANNING BEYOND THE CITY

Inasmuch as urban planning should encompass the whole of local government, careful consideration must necessarily be given to developments beyond the city limits and at other levels of government which affect municipal activities and hence the possibility of effective planning at this level. In the words of the National Resources Committee,

> Urban planning is, of course, set in a framework of county and State governmental arrangements, and is closely tied up with the social programs and policies of the Nation. The city may contribute to the improvement and development of its own physical structure, and to some extent of its political-economic structure and process. But the city cannot of itself solve the great national problems of contemporary industrial organization in a political democracy. The settlement of these larger questions requires the friendly co-operation of city and country alike; of national, State, and local governments, and of many other nongovernmental associations as well.[13]

[13] From the Foreword by the National Resources Committee, *op. cit.*, p. xiii.

The metropolitan areas of which our larger cities are the economic and social hub are a basic factor in planning for these cities. This was recognized as early as 1909, for the trail-blazing *Plan of Chicago* included a chapter on the relation of Chicago to the Middle West and contained recommendations for a system of highways for the areas within sixty miles of Chicago.[14] But most of the city planning which took place in the early period was limited to the political jurisdiction of the city for which the plan was being prepared. In the early twenties, however, the importance of regional factors in urban planning attracted increasing attention, and a number of regional (metropolitan) planning agencies were created. One of the first of these was the Allegheny County Planning Commission, established in Pennsylvania in 1918 and given official status in 1923.[15] The Los Angeles County Regional Planning Commission was created in 1922. With few exceptions official metropolitan planning agencies have been set up on a county basis, the county being the only serviceable political unit for this purpose. The multiplication of county and metropolitan planning agencies has been particularly rapid since 1933, owing in large part to the stimulus imparted by the rise of state, regional, and national planning in this period.[16] According to the survey of city and county planning conducted by the National Resources Committee, the number of county and metropolitan planning agencies increased from 85 to 506 between 1933 and 1936. Of these,

[14] See *Plan of Chicago* (Chicago: Commercial Club of Chicago, 1909), chap. iii, particularly the diagram facing p. 40.

[15] Thomas Adams, *Outline of Town and City Planning* (New York: Russell Sage Foundation, 1935), p. 221.

[16] See Charles E. Merriam, "Planning Agencies in America," *American Political Science Review*, Vol. XXIX, No. 2 (April, 1935).

316 had official status.[17] On the other hand, few of these agencies have progressed beyond the organization stage or have had any staff facilities for active work.

It is obvious that the county does not ordinarily embrace the metropolitan area proper.[18] This has given rise to several private regional planning organizations and a few extraordinary official agencies especially created by state action. Among the most influential of the private associations have been the New York Regional Plan Association, the Regional Planning Federation of the Philadelphia Tri-State District, and the Chicago Regional Planning Association. A number of other such organizations, including the Regional Association of Cleveland and the Pittsburgh Regional Planning Association, are currently playing an important part in planning for their respective areas. The outstanding examples of metropolitan planning by official agencies without a county basis are the Niagara Frontier Planning Board (Buffalo), the Division of Metropolitan Planning (Boston), and the Maryland-National Capital Park and Planning Commission (Washington). These various efforts to meet the problem of metropolitan planning have played an important part in calling attention to the necessity for going beyond the city limits in urban planning, but in general it must be said that they do not represent an effective solution to the problem. None of them has official and direct relations with the governing authorities of the principal city in the areas for which they seek to plan. In several instances leading members of the official city planning commissions in the metropolitan centers occupy important posts in the regional planning asso-

[17] National Resources Committee, *Status of City and County Planning in the United States*, Circular X (May 15, 1937), p. 6.

[18] Los Angeles County is an exception to this rule, owing to its unusual size.

ciations. This is seldom the case with respect to county planning agencies, however, and the practice does not alter the fact that the integration of city and regional planning is urgently in need of further thought and study.

As planning for the city reaches into the rural-urban fringe areas, it must take cognizance of the strictly agricultural planning being done on an ever expanding scale by local committees and agencies with the technical aid of the Department of Agriculture. Of greatest importance are the County Land-Use Planning Committees and the community committees working with them under the guidance of the Bureau of Agricultural Economics, the Local Committees of the Agricultural Adjustment Administration, the District Soil Conservation Committees, and the Local Grazing Advisory Boards of the Forest Service. These are, as the names indicate, planning agencies of a specialized nature, but they are doing the greater share of the agricultural planning which is now taking place, and in many instances their work is bound to impinge on planning for the metropolitan area.

Beyond the city and the metropolitan area lie the state, the region, and the nation. Planning for each of these has progressed rapidly since 1933 with the guidance and aid of the National Resources Planning Board and its predecessors.[19] Through the consultants which it has assigned to state and regional planning boards, the national agency has from the first sought to encourage local planning activity. Thus far the state boards have tended to direct their energies more to state-wide problems of resources conserva-

[19] The line of succession has been National Planning Board (1933–34), National Resources Board (1934–35), National Resources Committee (1935–39). The name was changed to the National Resources Planning Board when the Reorganization Act became effective, July 1, 1939.

tion; but, as state planning matures, plans for the urban community may be expected to be correlated with county and rural planning, looking toward the preparation of comprehensive plans for the state as a whole.[20] Regional planning, that is, planning for natural physical and economic regions irrespective of state lines, has received a tremendous impetus in the past few years both through the creation of such a regional agency as the Tennessee Valley Authority and through the regional planning agencies created by the National Resources Planning Board. The Tennessee Valley Authority has co-operated actively with the state planning boards of Tennessee and Alabama in encouraging a number of towns affected by the Authority's construction program to inaugurate active planning. By and large, the regional offices of the National Resources Planning Board have not engaged directly in local planning work, but several have been energetic in encouraging local planning activity.[21] Regional planning, like state planning, has thus far been primarily concerned with physical resources (with the possible exception of T.V.A.), but if planning for the natural region is to be a vital factor in national development it must of necessity be concerned with the pervading influence of urban centers. Urban planning bodies will, correspondingly, find it necessary to take regional plans into consideration in their work.

Direct relations between the federal government and the cities have been greatly expanded in recent years; and it would seem impossible for planning to proceed without

[20] Cf. National Resources Committee, *The Future of State Planning: Report to the Advisory Committee by the State Planning Review Group, March, 1938* (Washington: Government Printing Office, 1938), pp. 21 f.

[21] The regional offices of the board are located in Boston, Baltimore, Atlanta, Cincinnati, Omaha, Dallas, Denver, San Francisco, and Portland.

taking into careful consideration the work of such agencies as the Federal Housing Administration, the United States Housing Authority, Public Works Administration, Work Projects Administration,[22] and other agencies whose operations play a vital part in urban affairs at the present time. There is every reason to believe that the trend toward federal participation in urban government will continue. The Urbanism Committee of the National Resources Committee has called attention to the increasing dependence of local governments upon the federal government for the continued provision of essential services. Despite this growing interrelationship, there is, as the committee pointed out, a dearth of official federal information concerning cities; and implementation of the committee's recommendation that a federal agency should be created to provide informational services to urban communities would be a great aid to local planning.[23] The report of the Urbanismn Committee indicates an awakening interest on the part of the federal government in the problems of the urban community. The recommendations relating to local planning are of particular interest to a discussion of planning beyond the city in that they anticipate a much closer integration of federal, state, regional, and local planning for the future. Prefacing its specific recommendations, the committee said:

> Local urban planning also needs fundamental, over-all guidance based upon planning and research by government on higher levels. In addition, local plans need to be integrated with the more general plans of larger areas—the region, State, and Nation. In order to be able to

[22] The Works Progress Administration became the Work Projects Administration under the terms of the President's Reorganization Plans 1 and 2, effective July 1, 1939.

[23] *Our Cities*, pp. 79 and 82 f. (see above, pp. 116 f.).

appraise its assets and liabilities, and to have available the methods and techniques for the effective solution of its difficulties, the city urgently demands the aid of research in urban problems.[24]

The degree of federal assistance which is forthcoming will depend in part, of course, upon the initiative taken by the cities, including their planning agencies, in pointing out the kind of aid which is most needed.

CONCLUSION

The planning process can no longer be regarded solely in terms of preparing a master-plan for the physical features of the community. Plans of this type have played an important part in arousing interest in city planning and in securing vitally important additions to urban park, street, and transportation systems. Likewise, zoning has found acceptance in practically all important cities largely as a result of the parental interest shown by city planners. It is no reflection on the fine work of men like Olmsted, Burnham, Whitten, Nolen, and numerous other outstanding planners of a few years ago to say that planning limited to these aspects of community life is no longer adequate, for, as we have seen, the field of government activity has expanded. The planning of today and of the immediate future must, if it is to survive as a distinct function of government, be adjusted to the changes which are taking place in municipal life and government. To plan the future of a city today without including as a vital consideration such matters as the condition of the local economic structure and its relation to the national structure, the deterioration of the downtown area, relief trends, slum clearance, and public revenue is to plan the superstructure without providing

[24] *Our Cities*, p. 78. The committee's recommendations with respect to planning may profitably be consulted at this point. They are quoted in full in Appen. I below, pp. 348 f.

the foundation. These are already central problems in urban life and government, and planning cannot be truly comprehensive if it treats them lightly or not at all.

The local planning process is an aspect of the process of local government. It is government looking to the future, determining desirable objectives and seeking the best and most economical means for achieving them. Part of this work can be done by individual units or departments, but if public enterprise is to move forward with a purpose there must be planning for the whole of local government activity in dealing with urban resources. This is the function of the planning agency. Where does an agency of such scope fit into the structure of local government? This is the problem to which Part II is devoted.

PART II

ORGANIZATION FOR PLANNING

CHAPTER V

THE INDEPENDENT PLANNING COMMISSION

The unpaid citizen commission has been almost universally adopted as the agency for carrying on the function of city planning.[1] As was pointed out in an earlier chapter, there are now approximately one thousand official city planning commissions in the United States; and, although planning has frequently not prospered in their custody, there has been relatively little criticism of the lay-board form of organization.[2] The fact that most of these commissions are now inactive has been commonly blamed on the shortsightedness of public officials, but it was discovered early in this study that city officials in turn frequently hold uncomplimentary opinions of the planning commissions and their work. More often than not these estimates were associated with a general low esteem for lay boards in government. Since confidence and mutual respect would seem to be essential to effectuating the work of an advisory agency, the question arises as to whether the present organization for planning is satisfactory.

The official but semiautonomous citizen board is not

[1] The New York City Planning Commission, the most conspicuous exception, will be discussed later in connection with recent developments and current trends.

[2] The exact number of official planning commissions is not known. In 1937 the National Resources Committee reported nine hundred and thirty-three (Circular X), and in 1940 the American Society of Planning Officials estimated the number at sixteen hundred. For the reasons given earlier the figures assembled by the National Resources Committee are used here (see above, p. 21, n. 13).

unique to planning. Practically all existing municipal functions—including police, fire, public works, health, and welfare services—have gone through a period of being administered by such a board, only gradually being assimilated into the administrative hierarchy of city government. This process, which has been widely observed by students of government, embodies four essential steps: (1) New services and activities are developed outside government by private organizations; (2) these organizations, aided by supporting groups and prominent individuals, bring pressure to bear on government to take over and finance the service; (3) when first taken over by government, new services are generally administered by an autonomous or semiautonomous board; (4) most of these services are later integrated with the other governmental activities and deprived of their initial autonomy, in spite of their resistance to such change.[3] City planning has developed in accordance with the first three steps; it has made little progress toward the last stage. In this chapter we shall review this development and examine the present character of the planning commission. In chapter vi we shall discuss the desirabilty and probability of planning entering the final stage of becoming an integral part of the governmental structure.

PRIVATE SPONSORSHIP OF CITY PLANS

It was pointed out in an earlier chapter that the *organized* planning movement sprang principally from a civic

[3] This process has been given formal statement as the "Theory of Functional Accretion." For an elaboration see Luther Gulick, "Notes on the Theory of Organization" in Luther Gulick and L. Urwick, *Papers on the Science of Administration* (New York: Institute of Public Administration, Columbia University, 1937), p. 42. It should be noted here that services may develop in this manner in one locality and later be taken up elsewhere without having first passed through the initial stages.

beautification movement of the late nineties and the first part of this century. The first city plans were sponsored by such organizations as those found in Table 2. These are selected only as illustrative of the first stage of development; but it is important to note that various cities went through this stage at different times, some even as late as the twenties, depending upon community sensitiveness to

TABLE 2

SPONSORSHIP OF EARLY CITY PLANS

City	Organization	Date
San Francisco	Association for the Improvement and Adornment of San Francisco	1905
St. Louis	Civic League	1907
Roanoke	Women's Club	1907
Chicago	Merchants' Club and the Commercial Club	1909
Des Moines	Civic Improvement Committee	1909
New Haven	Civic Improvement Committee	1910
Dallas	Civic Improvement League*	1911
Rochester	Civic Improvement Committee	1911
Portland	Greater Portland Plans Association	1912

*The Kessler Plan was published by the Dallas Park Board, but it was promoted by the Civic Improvement League.

the new trend in civic fashion. The term "fashion" is used advisedly, for, as the psychology of "keeping up with the Joneses" became operative, many of the civic organizations, commercial clubs, etc., sponsoring these plans appear to have been less interested in actually carrying them out than in publicizing the fact that their community possessed one. Hence many such organizations were content to retire with the completion of the plan, complacent in contemplation of the published volume. As a result, once the plans had been accepted by the mayor with due ceremony, a great many of them were filed in the archives and

forgotten, both by the public and by the responsible officials.

The initial emphasis upon the preparation of a plan rather than upon creating an official planning commission is reflected to some degree in figures presented to the national planning conference in 1913 by Flavel Shurtleff.[4] Admitting that his classification was not wholly satisfactory, he found that there were at that time about twenty-five cities in which planning sentiment had crystallized into a definite civic organization but which had not then reached the point of having a plan prepared. He found thirty-four more cities which actually had more or less "comprehensive" plans already prepared and nine additional possessing civic center plans only. Despite the interest thus shown and the forty-three plans already existing, however, he could list only eighteen official planning commissions in that year. Without stressing the value of these figures, the number of plans prepared compared with the number of commissions appointed does indicate where the effort was being concentrated—that is, upon the preparation of a plan and only secondarily upon the creation of a planning agency.

AGITATION FOR OFFICIAL STATUS

The organizations which sponsored planning in the first instance were essentially interested in preparing "a plan" and not in establishing a new activity of government. It soon became evident, however, that these plans were valueless unless made effective through official sanction. As this realization led to agitation for an official planning agency to promote the plan and continue the work, plan-

[4] "Progress of City Planning," *Proceedings of the Fifth National Conference on City Planning, Chicago, May 5–7, 1913* (Cambridge: The University Press, 1913), pp. 18 f.

ning entered the second stage of development. The manner in which this change took place is best shown by example.

Chicago.—It has been said that many early plans died stillborn. In a few cities, however, those who were responsible for their creation were determined to see them carried into effect. This was notably the case in Chicago, and in events surrounding the efforts of those who sponsored the Burnham Plan it is possible to follow with unusual clarity the steps leading to the creation of an official plan commission in accordance with the hypothesis set forth above. The completed *Plan of Chicago* was published by the Commercial Club and presented as a gift to the city.[5] But far from its being eagerly taken up by a grateful and enthusiastic public, the group responsible for the plan encountered apathy and some hostility from tax-wary property-owners. As Charles H. Wacker, who had taken a leading role in fostering it, said later:

> Without hesitation, because we knew our plan was right, that it was basically sound and that its adoption and completion would benefit every citizen of our city immeasurably, we tackled the tremendous task of arousing the interest and awakening the desires of our great cosmopolitan mass of two and a half millions of people.[6]

In brief, the small group who had conceived the idea discovered that if any part of it was to be carried out it was going to be necessary (1) to make the populace "plan conscious" and (2) to acquire an official status for the plan. To that end Wacker said:

> We decided that the highest wisdom dictated an immediate advance upon the governmental center of Chicago. We conceived it to be right

[5] For the detailed story see chap. viii.

[6] Charles H. Wacker, "Gaining Public Support for a City Planning Movement," *Proceedings of the Fifth National Conference on City Planning*, p. 231.

and proper, as the Plan of Chicago affected all the people of the city, that every class of our citizenship should be represented in the administration of plan affairs and have a voice in the development of the plan.[7]

Consequently the mayor was approached, and it was suggested that he request the city council to authorize the appointment of a commission to include the members of the council and representative citizens, "whose duty it shall be to take up this question, to the end that the whole city and all elements in it may be fully informed as to what is contemplated in this plan for the future, so that an official Plan of Chicago may be produced that will have the endorsement and support of the entire municipality."[8] The mayor was accordingly authorized by the council to appoint such a commission, and it is upon this authorization (not an ordinance) that the Chicago Plan Commission was created and continued to function until 1940.

The commission as appointed finally totaled three hundred and twenty-eight members, including citizens and the council. Charles H. Wacker was made president, and under his leadership an active educational campaign was begun at once.[9] It is clear from the number of persons included on the commission that the whole body amounted to little more than an association of influential citizens for the promotion of the plan. It has been characteristic of the development of planning that upon initial acquisition of official status the new board retained many of the attributes of a promotional agency. This was particularly true of such situations as that in Chicago, where the leaders of the movement themselves were appointed to the planning

[7] *Ibid.*

[8] From the mayor's message to the council, July 6, 1909, quoted by Wacker (*ibid.*, p. 232).

[9] See chap. viii.

commission. It must be borne in mind that the planning movement was in many respects a part of the general movement for municipal reform at the turn of the century and that its leaders were commonly characterized by distrust of politics and public officials. Under these circumstances official status was sought less for working directly with the city administration than for obtaining a position of prestige, backed by public funds, for publicizing the plan. On the other hand, Wacker and the group backing the Chicago Plan took an important step toward the governmentalization of planning when they persuaded the city council to make an appropriation for the commission, for at that time there were many who regarded the plan as an impractical idea and who felt that the Commercial Club should continue to support its offspring. An appropriation was obtained, however, and the commission was established as a public agency. But the contact with city officials which this status afforded was supplemented in the early years by co-operative endeavors closely related to promotional work, taking the form of luncheon meetings with important city officials or such banquets as that described by Wacker as follows:

> Last January [1913] plan commission work had advanced to a point where the united and intelligent support of every branch of the official life of Chicago was necessary. The Commission gave a dinner to all national, state, county and city officials in Chicago, who number about four hundred. At this dinner the work and aims of the Commission were exploited and the immediate future needs emphasized. The meeting was attended by the Governor and the Mayor, and was one of the most important gatherings ever held in the history of the Chicago Plan movement. Its influence upon our work is inestimable.[10]

A few other cities have followed Chicago's example of attempting to make the commission itself a citizens' pro-

[10] *Op. cit.*, p. 237.

motional group;[11] but the development of new elements in planning, particularly zoning and subdivision control, accentuated the need for a smaller working agency. Consequently, the groups supporting planning soon turned their attention to securing state enabling legislation and an official planning board before entering upon the preparation of a plan. As a part of the gradual transition to an official activity, planning in many cities went through an intermediate state of being sponsored by a public agency but financed privately. The Chicago Plan Commission received funds from both the city treasury and the Commercial Club at first, and the city has continued its support without interruption. Cincinnati, however, is representative of the more common reluctance of the city government to pay the expenses of making a plan.

Cincinnati.—In Cincinnati, where the effort to secure a planning commission and a city plan followed Chicago's pioneering work by a decade, the movement was fostered by the United City Planning Committee. This group was organized in 1917 and supported by some thirty civic and welfare organizations. It was led by Alfred Bettman, an attorney already prominent in the national field of planning and zoning and a former city attorney of Cincinnati, who laid the foundation for planning in that city by drafting the state city planning enabling act the same year.

The committee succeeded in having a city plan commission appointed in 1918, but in contrast with Chicago the first Cincinnati board consisted of only seven members—the mayor, the service director, three members of the park board, and two prominent businessmen.[12] The city did not, however, appropriate money for retaining a consultant to

[11] Conspicuous among these have been Denver with a commission of forty-three and Los Angeles with fifty-one (1920–25).

[12] The leader of the movement, Mr. Bettman, was not an initial appointee.

prepare the plan which the committee held indispensable. Determined to have a plan, it sought aid from the Community Chest. The directors thereof, although unwilling to take money from the general fund for this purpose, were persuaded to place the project upon the contribution list with the understanding that all money expressly marked for the city plan would be turned over to the city for that purpose. After an intensive campaign by the United City Plan Committee public interest was aroused to the extent of contributing $115,000 toward the plan. This sum was turned over to the city, and in 1922 a contract involving $90,000 for the preparation of a "Comprehensive City Plan" was entered into between the City Planning Commission and the Technical Advisory Corporation, city plan consultants.

Throughout the three-year period of preparation the committee continued to play an active role, not only by maintaining public interest, but also by participating directly in the work. Thus the minutes of the Planning Commission for November 1, 1923, record that

> Mr. Alfred Bettman, Chairman of the United City Planning Committee, and Mr. Rudolph Benson, Executive, were present at the meeting, and some discussion was indulged as to the proper manner of securing information pertaining to the Zoning Ordinance as being prepared by the Technical Advisory Corporation, and which resulted in the adoption of the following motion by Mr. Bruce, seconded by Mr. LeBlond: THAT the Executive of the United City Planning Committee be given the right to consult with, and receive all information possible from the Technical Advisory Corporation, as well as from the Executive of the City Planning Commission, with the understanding that no publicity shall be given such information.[13]

An earlier meeting had been held for the purpose of explaining the zoning ordinance to some forty-three repre-

[13] Minutes of the Cincinnati City Planning Commission, I, 387.

sentatives of the organizations comprising the committee.[14] Thus, although an official agency was responsible for the plan, interested citizens were still the guiding force in this stage of planning development. One of the important reasons for an autonomous board in the first stages of providing a new government service is to permit the original promoters to maintain some control over their offspring. This is particularly evident in Cincinnati, even though the real leader of the movement was not, as in many cases, himself a member of the board.

Direct participation by the committee was supplemented, as has been indicated, by continuing efforts to create and maintain interest in the progress of the plan. The campaign culminated in its publication in 1925 and its adoption by the city council as one of the few official city plans in the country, and the first so adopted by a major city. Its job done, the United City Plan Committee quietly expired, leaving the official agency to carry on. But the Planning Commission itself entered a period of relative inactivity immediately thereafter and revived only after its original sponsor, Mr. Bettman, was appointed a member and a staff was secured.

Cincinnati is one of the more successful examples of what occurred throughout the country in the post-war decade. Hundreds of cities were stirred by civic groups and prominent citizens to create planning commissions. Many of them were never active; many more sponsored only zoning ordinances before retiring. Nevertheless, numerous cities, like Cincinnati, retained sufficient popular support behind their planning agencies to finance and promote "comprehensive" plans or special reports. With few exceptions these were citizen boards, but their work was financed with

[14] *Ibid.*, p. 345.

increasing frequency from municipal funds. Hence, we may say that in the twenties planning became widely established as a governmental function under a semi-independent board. The fact that many boards received appropriations for employing permanent staffs further marked the acceptance of planning as a normal municipal activity. Practically no change in the organization for planning has taken place in recent years, although during the depression many boards were in effect abolished through the withholding of appropriations. Many of the larger cities and some of the smaller, however, have carried active planning boards through the period of retrenchment. We turn now to detailed examination of the present organization and composition of some of these boards.

THE SEMIAUTONOMOUS PLANNING BOARD

From the beginning leaders of the planning movement have placed almost exclusive emphasis upon a semiautonomous citizen board as the proper planning agency, rationalized on the argument that it was peculiarly necessary to keep planning on a plane above politics. This argument has been used with reference to each of the several governmental functions which were initially administered by independent boards and which have been, or are being, absorbed into the administrative structure.[15] In planning, such autonomy has taken the form of freedom from executive control and, in some cases, separate legal powers for the commission. The former is found in overlapping terms

[15] It has been singularly effective in the field of education, where relatively little integration has taken place. For an examination of the widely held belief that an independent school board is essential and of the extent to which satisfactory services are being furnished the schools by the regular municipal departments see Nelson B. Henry and Jerome G. Kerwin, *Schools and City Government* (Chicago: University of Chicago Press, 1938), pp. 92–97 and *passim*.

for members, which have been universally adopted, and also in protection from removal except for cause stated in writing and after a public hearing. The *Standard City Planning Enabling Act*, prepared in 1928 by the Advisory Committee on City Planning and Zoning of the United States Department of Commerce, provided that members could be removed only "for inefficiency, neglect of duty, or malfeasance in office." The point of view giving rise to this provision is found in the committee's explanation:

> The members of the commission should feel secure in their tenure of office so long as they perform their functions faithfully and retain the confidence of the community. Conceivably, however, a situation might arise where a mayor might wish to remove members of the commission because they had recommended something that was not in harmony with his political desires. The members of the commission should be protected from such a situation by specifying removal for cause only and requiring the mayor to file a statement of his reasons.[16]

The spirit of such provisions is clearly one of controlling rather than of implementing the policies of elected executives.

Participants in the planning movement have commonly felt that public officials are not sympathetic to the purposes of planning, and hence the aforementioned desire for protection from political change has been supplemented by substantial sentiment for making the planning commission an agency with more than advisory power. Responding to pressure of this kind, state legislatures have passed city planning enabling acts granting the planning commission varying degrees of independent authority. This ranges from the preparation of a master-plan and authority to publish reports on its own initiative through the requirement that public works projects and zone changes be sub-

[16] U.S. Department of Commerce, *The Standard City Planning Enabling Act* (Washington: Government Printing Office, 1928), p. 11, n. 21.

mitted to the planning commission for recommendation to a qualified veto power over council action on these matters. The last takes the form of a provision that only an extraordinary majority of the council (two-thirds or three-fourths of the entire membership) may override the commission's disapproval. The approval of subdivision plats before they may be filed is usually the only subject with regard to which the action of the planning commission is final.

THE PROBLEM OF LEGAL POWERS

The sentiment for giving the planning commission concrete powers is particularly widespread among commission members, although there has been some difference of opinion among planning technicians. The influential *Standard City Planning Enabling Act* embraced the aforementioned veto power over council action. In support of this provision the committee said:

> When a specific improvement has been submitted to the commission after the comprehensive plan has been adopted and the commission disapproves, the council should not be allowed to overrule such disapproval except by a substantial majority. It is, therefore, provided that such action shall be by not less than two-thirds of the votes of the entire membership of council and not merely a majority of two-thirds of those who happen to be present on a given day. Such a provision militates against hasty action, when a bare quorum might be present, and will also necessitate full discussion and the members going on record where important action is to be taken.[17]

However, the two model city planning enabling acts published in Volume VII of the "Harvard City Planning Studies" differ on this point.[18] The model law prepared by Mr. Bettman retains the two-thirds provision, while that

[17] *Ibid.*, p. 21, n. 52.

[18] Edward M. Bassett *et al.*, *Model Laws for Planning Cities, Counties, and States* (Cambridge: Harvard University Press, 1935).

prepared by Messrs. Bassett and Williams rejects it. Mr. Bettman, following the Standard Act, justifies the two-thirds requirement simply as a device for bringing about more careful consideration of planning problems;[19] Mr. Bassett (who sat with Mr. Bettman on the advisory committee which prepared the Standard Act) and Mr. Williams specifically abandon the requirement for an extraordinary majority in the following terms: "We do not recommend that the report of the planning commission be overruled only by a two-thirds or a three-quarters vote. Experience seems to show that if planning commissions are given too great powers, councils will not appoint them."[20] The necessity for mustering two-thirds or three-quarters of the total membership of the council to override the planning commission's disapproval of a project gives the commission a potential power to thwart the policies of an elected majority in the council. Thus it would seem to be a distinct departure from the theory that the planning agency is purely advisory.[21] There is little question that councilmen react negatively to this type of potential control, but it has been included in the enabling acts of a number of states.[22]

[19] *Ibid.*, p. 62. [20] *Ibid.*, p. 41.

[21] Mr. Bettman agrees that "the planning commission's function is, in the last analysis, purely advisory," but his reasoning is not persuasive when he says, "this is not less true when a two-thirds vote of the council is necessary for decisions adverse to the advice of the commission" (*ibid.*, p. 62). Cf. his paper "The Planning Commission: Its Functions and Methods," *Planning for the Future of American Cities: Proceedings of the Joint Conference on City, Regional, State and National Planning, May 20, 21, and 22, 1935, Cincinnati, Ohio* (Chicago: American Society of Planning Officials, 1935), p. 137.

[22] See sec. 7 of the California Planning Act of 1937 (*Statutes 1929*, chap. 838, as amended by *Statutes 1937*, chap. 665). The New York City charter which went into effect January 1, 1938, gives the City Planning Commission unprecedented control over public works by providing that the Board of Estimate shall not include any item in the capital budget, initially prepared by the Planning

The influence of such a provision on legislative action is difficult to assess because it has seldom been invoked by the commissions, although it was recently used in Cincinnati to carry the opinion of the Planning Commission over that of the majority of the council with reference to proposed flood-control projects.[23]

Inasmuch as the planning board is an appointed body, purposely divorced from current political opinion, there is some question as to whether its veto over legislative majorities is compatible with the current trend toward centering responsibility for policy determination in one elected body. The justification for granting the commission special powers rests upon two assumptions: (1) that the planning board is objective and above "politics," and (2) that the members of these boards possess a special competence for planning and may be relied upon to take a long-time view of current proposals. Let us examine these assumptions in the light of a study of the character and composition of the present-day planning commission.

1. *Objective and nonpartisan.*—Appointments to planning commissions are in practically all cases made by the mayor. Since he is himself an elected official and thus sub-

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Commission, unless it is recommended favorably by the commission or an unfavorable recommendation is overridden by a three-quarters vote. Similarly, no change may be made in the official map without the approval of the commission except by a three-quarters vote of the Board of Estimate (*Charter*, chap. 8, sec 199 *b*, and chap. 9, sec 221).

[23] An affected property-owner brought an original mandamus action in the Supreme Court of Ohio to compel the chairman and clerk of the city council to record the resolution as having passed, despite the provision of the city charter containing the two-thirds rule. The court, however, unanimously upheld the charter and dismissed the contention that the requirement was an unconstitutional delegation of legislative power (*State* ex rel. *Bateman* v. *Zachritz*, 135 Ohio 580 [1939]; cf. A.S.P.O. *News Letter*, Vol. 5, No. 9 [September, 1939]).

ject to "political" considerations, it is inevitable that these should play some part in the selection of appointees. As stated by one speaker at the Conference on City Planning Administration held in Chicago in 1936:

> I suppose there is no planning commissioner here or anybody representing a commission who has not been appointed by an elected politician. Where that is true, it is true also that the appointee is subject to politics. That makes it rather difficult for them to act independently. I do not know how politics can be removed.[24]

In the early days of the planning movement, interested organizations played an active role in the selection of commission members, and it was often expedient for the mayor to accede to their preferences. Hence, many of the early appointees were the citizens that these organizations desired, but in recent years sponsoring groups have been much less active, and mayors have had freer choice. One might anticipate that purely partisan considerations would, consequently, play a much larger part in appointments to the planning commission now than formerly. In some cities this has no doubt been the case, but, by and large, these would appear to be exceptional, for it was found that in most instances the members of commissions are reappointed or the chief executive seems to seek the kind of citizen sponsored by those interested in planning. This usually means that he relies upon the recommendations of other members of the planning commission. There are, however, several examples of appointments based upon purely political motives. In one case a mayor who himself had been a member of the planning commission made it a policy to represent racial and nationality groups

[24] *Proceedings of the Conference on City Planning Administration, Chicago, November 19–20, 1936* (Chicago: American Society of Planning Officials, 1937), p. 11.

in making his appointments. The integrity and sincerity of the men appointed is not questioned, but it is quite clear that the appointments were made for their political value among the groups from which they were drawn. Another city reported that boards and commissions had gone out with each administration prior to the adoption of the city-manager form in 1931. Occasionally, also, the chairman of the commission or members of the staff confided "off the record" that certain members of the commission had been appointed for political reasons, and in a few cases the secretary of the commission (as distinguished from the planner or chief technical man) was a political worker. It is impossible to judge the merits of such a case as that in one city where there has been a complete turnover in the personnel of the planning commission during the current mayor's incumbency, for it was revealed in an interview with the former chairman that the previous commission was distinctly out of sympathy with the existing administration. Whatever the merits of particular differences, such as this, it would seem that clear-cut political differences between an executive and the planning agency are incompatible with a sympathetic reception for the latter's recommendations.

Complete turnovers of commission personnel within a brief period, however, are not common; and despite the fact that appointments are made by "elected politicians," to use the language of the speaker quoted above, the planning commissions do not appear to have been generally responsive to the pressure of special-interest groups from outside the commission. On the other hand, certain occupational groups have sought and obtained representation on the commission itself. This is clearly shown in the breakdown of the occupational composition of two hundred and

eight citizens members of planning commissions in thirty-one of the larger cities of the country (see Table 3).[25]

The group classed as general businessmen, although drawn from a variety of occupations, represents preponder-

TABLE 3

OCCUPATIONAL ANALYSIS OF THIRTY-ONE CITY PLANNING COMMISSIONS

Occupation	Number	Percentage	
Businessmen	73	35 1	
General	(55)		
Manufacturers	(7)		
Bankers	(5)		
Contractors	(4)		79 4
Utilities	(2)		
Realtors	32	15 4	
Lawyers	23	11 1	
Architects	21	10 1	
Engineers	16	7 7	
Women*	10	4 8	
Newspaper publishers	5	2 4	
Doctors	4	1 9	
Labor	4	1 9	
College affiliaton †	2	1 0	
District W.P.A. director	1	0 5	
Vacancies	4	1 9	
Unknown	4	1 9	
Miscellaneous	9	4 3	
Total	208	100 0	

* Two professional women are not listed with these but under their respective occupations as lawyer and doctor.

† One of these is a college president, and the second a professor of political science.

antly the executive and owner group.[26] They reflect the origin of planning as a civic movement and the consequent

[25] Six cities were omitted from the compilation as not being comparable with the others. They are Chicago (unique size of commission); New York (not a lay board); Montclair, Yonkers, and Dearborn (satellite towns); and Schenectady (board inactive).

[26] It includes two chamber of commerce secretaries (one retired), since they are so closely affiliated with businessmen.

reliance upon the prestige of men with status and income to obtain public support. The Standard Act merely confirms this when it says: "Capacity for leadership in city planning, rather than any particular type of technical or professional training, constitutes the best qualification."[27] However, as shown in Table 3, certain technical and professional groups have secured a definite hold upon the planning commissions. The disproportionate number of realtors is due primarily to their avowed special interest in zoning and consequent pressure for representation from local realty boards. The prevalence of lawyers is due also to zoning, which has provoked numerous legal problems and turned most commission meetings into courtlike hearings upon applications for zone changes. The architects and engineers are, of course, indicative of the prevailing view that planning is chiefly a matter of design and engineering. The American Institute of Architects and the Anerican Society of Civil Engineers both have planning sections, and their local chapters have, like the realty boards, sponsored representatives on the planning commissions. These several factors have resulted in 79.4 per cent of the entire membership in the larger cities studied being drawn from these groups.

What have been the consequences of this occupational distribution for the programs of these commissions? In the first place, since an overwhelming proportion are drawn from or directly affiliated with the upper-income business groups, the members of planning commissions as a group tend to be conservative in their political and social outlook. Their status is frequently such that they dislike public criticism and fear loss of prestige through making specific recommendations on controversial issues. Thus the

[27] P. 10, n. 16.

writer was told several times by commission members that planning required men of independent means who could not be hurt by criticism, although it was usually added that such men were not available. Even more important was the conservative attitude toward current political and economic questions brought out in numerous interviews with commission members. Objective evidence supporting a conclusion of this kind, is of course, difficult to obtain. However, as the result of accumulated observation and innumerable interviews during the year he was pursuing this study, the writer is of the opinion that commission members as a group are strongly conservative. In these interviews, for example, the conversation very frequently drifted into a general discussion of business conditions, and it became clear that the overwhelming sentiment was one of criticism of recent national trends. Without attempting to judge the merits of such criticism, it should be pointed out that this study was conducted a year after Mr. Roosevelt's sweeping victory in 1936 and at a time when the administration of practically every city studied was in the hands of a Democratic majority pledged to support New Deal policies. This fact accentuates what was said above with reference to the potentialities for conflict between the planning commission and elected officials when an extraordinary vote is necessary to override the commission's recommendations.

In addition to this apparent conservatism, the members of commissions are greatly overrepresentative of the realty and construction field. This would include not only the realtors but the architects, contractors, and some of the engineers as well. Mr. Mordecai Ezekiel called attention to the possible effect of this concentration upon the outlook of the commissions in these words:

I simply want to ask the question whether in forming these city planning boards of citizens it is wise to give, as several of the speakers have indicated, too high a representation to those occupations that are directly described as the realty and construction field, who are apparently dominated by people whose interests and income depend upon real estate expansion. I wonder if city planning is not looked on too largely from the expansion point of view rather than the citizen point of view.[28]

The excessive representation of this group is, of course, the result of past emphasis upon a limited concept of physical planning which focused attention upon zoning and upon planning new construction. It may prove a deterrent to the reorientation of viewpoint which the present downward trend of population would seem to indicate.

Another conclusion to be drawn from the existing composition of city planning boards is that they are not representative of the population as a whole. This is not to imply that the boards should be representative in character. A distinction should be made between the planning board, which should be a board conversant with planning, and an advisory committee of citizens appointed to represent various groups in advising the board with respect to proposed action. Nevertheless, the care taken to represent business and realty interests lends particular significance to the fact that the lower economic groups are virtually without a voice except through the good offices of altruistic members. Representatives of organized labor have shown very little interest in planning. Reasons are difficult to determine, but it is probably because the emphasis on public works and zoning has not appealed to a group primarily interested in improving its economic status. There was but one Negro on all the commissions studied. Perhaps even more

[28] *Proceedings of the Conference on City Planning Administration*, p. 12. Mr. Ezekiel's comment was not followed up in the ensuing discussion.

surprising than the general absence of representatives of the lower social and economic groups, however, is the lack of members drawn from social welfare organizations. In brief, the existing composition of these boards reflects the failure of the planning movement to recognize explicitly the social and economic implications of its activities. This assumes an added significance if we recall the division in the early planning movement between those interested in physical planning in the narrower sense and those interested in utilizing planning as a tool to combat the social ills of congested urban living. The former group clearly dominates the commissions today.

Are the commissions today impartial and nonpartisan? They are for the most part nonpartisan in the sense of refusing to respond to special pleading from outside the commission; nor are there many instances of officials attempting to influence their decisions. There are, however, a few instances of the latter; and the planning engineer of an important western city told the writer, "if there is a controversy and a little political pressure is brought to bear, the engineer's report isn't worth a damn." Their objectivity is more questionable than their aloofness from politics in the usual sense of the word. There have been a number of instances of city planning in which certain plan commissioners have been shown to have a personal interest in a project advocated by the commission. In one southern city this took on the proportions of a scandal requiring the resignation of several commission members. The economic status and social attitudes of commission members were found in several other instances to overcome their impartiality. In one city, for example, the planning commission was requested by the city manager to undertake a study of housing conditions. A committee from the commission,

headed by the president of one of the city's largest banks, waited upon the executive to advise him that they did not care to detract from the reputation of their city by "advertising its poorer side." In a Pacific coast city the planning commission, without the benefit of a housing survey, joined the Chamber of Commerce in joint telegrams opposing the Wagner-Steagall Housing Act and the State Housing Enabling Act. In a third city the planning commission split wide open on the question of public housing, with the real estate men conspicuously aligned in opposition.

In summary, the writer is of the opinion that the claim that planning commissions are more objective than elected officials must be rejected. In so far as "objectivity" can be construed to mean aloofness from the pull and haul of the democratic process, the claim may be true in some instances. But observation in a substantial proportion of the larger cities leads the writer to believe that the composition of these commissions is such as to make their objectivity with respect to emerging municipal problems of relief, slum clearance, taxation, etc., rather doubtful. Let us then examine the argument that the judgment of the planning commission is generally superior to that of elected officials because its members possess a special planning competence and can be relied upon to see the long-time implications of projects.

2. *Special competence in long-range planning.*—It has been assumed that an unpaid citizen with his own business to attend to will be able to give planning the amount of time necessary for a careful consideration of particular problems and for acquiring a quantity of special knowledge about planning. This is the assumption upon which arguments advanced in favor of special powers for the planning board most commonly rest. Mr. Bettman, in restating this

theory in connection with his model planning act, recognizes that it may be fallacious when he adds, "all of which may not be generally obtainable in real life."[29] The results of this study, covering the most active city planning commissions, clearly indicate that such persons are not generally obtainable. The great majority ot city plan commissioners either cannot or do not give the amount of time necessary to acquire an understanding of planning, even in its traditional sense. This weakness was summarized succinctly by a prominent planning engineer when he said: "They are very fine men but they are extremely busy." It has been recognized before that part-time boards cannot keep abreast of events and problems in rapidly changing and complicated fields of municipal activity. Relating this to planning, Mr. Lawrence Orton told a group of planners in 1936:

> I might say on that point, and this differs from the rest of your experience probably, that there has been growing dissatisfaction in New York with unpaid commissions or boards of various kinds, because such problems as education are so vast in New York City that no matter how public spirited the citizens who are appointed to such boards may be, it is almost impossible to acquaint themselves with the essential facts while giving only such time as they can spare from their professional or business duties.[30]

The evidence indicates that experience in other large cities does not differ from that in New York.

The members of planning commissions are men in a hurry. Recognizing this, secretaries frequently try to make meetings as brief as possible, and in several cities luncheon meetings are held to save time. Busy members often call the planning office to inquire whether there is anything

[29] Bassett *et al.*, *op. cit.*, p. 60.

[30] *Proceedings of the Conference on City Planning Administration*, p. 8.

of sufficient importance on the agenda to require their presence. Attendance at meetings is, by and large, only fair. On practically every commission there are several members lacking either the interest or the time to come to meetings, and in several cities with reputedly active commissions the meetings frequently proceed without a quorum. Although the majority of commissions can muster a quorum for most meetings, it is nonetheless true that the greater part of the work is left to the chairman and the planning engineer.

From his observations the writer feels justified in saying that very seldom does a majority of any commission have any well-rounded understanding of the purposes and ramifications of planning. One or two exceptional members may. It is, of course, realized that the average citizen can know little about planning when first appointed to a commission, but it has been assumed that after some participation in meetings he will become educated. There is little evidence that this assumption is justified. Upon broaching the subject of planning to commission members, the writer was told with monotonous consistency: "You had better talk to Mr. X; he knows what it is all about." Mr. X was generally the chairman or the planning engineer. More often than not the average commission member interviewed demonstrated that he did not "know what it was all about" beyond the subject of zoning. Here the kind of education derived from meetings was clearly reflected. Most commission meetings are devoted to zoning; most commission members talk about zoning when interviewed on planning. It was frequently difficult to expand the conversation to other phases of planning, and if the effort was successful a vagueness and evident unfamiliarity often resulted. In so far as their comprehension of planning ex-

tends beyond zoning, very few commission members see planning as having to do with other than public improvements. The extent to which this is true was strikingly illustrated by the comment of a commission chairman in a large city in which the position of assistant planning engineer was vacant. Asserting that someone had to think of reducing the cost of government, he said: "The city has no money to spend on costly planning, so why should we employ additional engineers?" Another commissioner commented that unless there was money to spend and improvements to be made a planning commission could do little except "make conversation." This attitude is not exceptional. The commission member who does appreciate the broader aspects of planning, particularly its social and economic implications, is an exception, although there are a number who see well beyond its present confines.

In summary, then, it was found that the average commission member does not comprehend planning nor is he particularly interested even in the range of customary physical planning. Consequently, we must again reject the assumption of either a special competence or a peculiar attitude of mind which enables lay planning commissioners to exercise a judgment superior to that of elected officials. This finding, which the writer believes to be amply supported by fact, renders the desirability of giving the planning board special powers over elected officials highly questionable.

THE COMMISSION AS INTERPRETER

What, then, may be said with regard to another set of arguments advanced in support of the citizen board, to the effect that such a board helps interpret the work of the technician to the public and to officials, and that it protects the technician from attack? In general the commis-

sions have not played as significant a role in this regard as they might have. In practice the chairmen or other members of the commissions give occasional public addresses, but it was found that the planning engineers, i.e., the technicians, do a much greater share of the public relations work than do the board-members. Newspaper notices, likewise, are usually instigated by the technical head, even though they may be credited to the chairman. There are a number of cities where the presence of an outstanding citizen on the commission appears to be an important factor in gaining official recognition of its work and in securing an appropriation. On the whole, however, public officials have a higher respect for the technician's opinion than for the layman's; therefore, the planning engineer is the one dealt with on the great majority of questions which arise. Perhaps it would be most accurate to say that an enthusiastic civic leader, such as a Wacker or a Bettman, is a factor of vital importance in securing acceptance of planning at the outset, but as such men are replaced by less interested citizens the burden of support shifts to the permanent technical head.

The lay board is perhaps most useful in lending moral support to the technician when controversial issues are up for consideration, particularly during public hearings. In such instances it is desirable to give the planner's report the weight of more than one man's opinion. Here the board serves a useful function, but it is a function which an advisory committee can also serve admirably. Such a committee was in fact used to secure support for the zoning ordinance in Boston, despite the existence of a planning board. Securing intelligent civic backing for planning is of the greatest importance. The planning commissions have not been as active in securing it, however, as seems desir-

able, and the more extended use of general and special advisory committees would go far to make up this deficiency.

EX OFFICIO MEMBERS

A word should be said about the ex officio members found on most planning commissions.[31] The *Standard City Planning Enabling Act* recommended that the mayor, an administrative officer appointed by him, and a councilman appointed by his colleagues should be members of the commission.[32] The model law submitted by Messrs. Bassett and Williams, referred to above, omitted ex officio members,[33] while that submitted by Mr. Bettman in the same volume retained the mayor and councilman but dropped the administrative officer.[34] In practice ex officio members are heavily representative of the public works department, even above the executive and council, as seen in Table 4.[35] It is also of interest to note those departments which are seldom represented.

The presence of ex officio members on the board is based upon the theory that the planning commission can in this manner maintain necessary contact with the city's governing officials. It is generally accepted, however, that citizen members should control the commission, and in only four cities (Knoxville, Minneapolis, St. Paul, and Washington) do ex officio members constitute a majority. It is very questionable whether ex officio members are in fact an effective liaison between the commission and the

[31] Only eight of the thirty-seven cities visited had no ex officio members.

[32] Pp. 8 f.

[33] Bassett *et al.*, *op. cit.*, p. 39. [34] *Ibid.*, p. 76.

[35] These figures are based upon the thirty-seven cities visited, excluding Washington, D.C. The National Capital Park and Planning Commission has a majority of ex officio members, but the fact that most of these are representatives of federal agencies renders it not comparable with the other cities studied.

city administration, for it was found that as a group they seldom attend meetings. There are a few exceptions, notably Cincinnati, Louisville, Memphis, Minneapolis, and

TABLE 4

EX OFFICIO REPRESENTATION ON THIRTY-SEVEN PLANNING COMMISSIONS

DEPARTMENT	NO. OF EX OFFICIO MEMBERS
Public Works:	
Director	13
Service director	4
City engineer	9
	26*
Executive:	
Mayor	9
Manager	3
	12
Council	16†
Parks and recreation	10*
Legal	3
Controller	2
Schools	1
Health	1
Safety	1
Building	1
County board	1
Surveyor (county)	1
Road (county)	1

* Two representatives on one commission.
† These are in seven cities only.

St. Louis. Cincinnati was the only city studied in which the chief executive attended meetings regularly, although in Louisville a former chief executive had.

There is a difference of opinion as to the value of ex officio members. One finds the same narrowness in com-

prehension of planning that was noted among citizen-members and the same absence of persons concerned with the social aspects of urban life and government. Officials concerned with health, welfare, and schools are practically unrepresented.[36] It was frequently asserted that ex officio members are unable to rise above the departmental point of view in considering planning policies, while in several instances it was reported that they attended only when they wished to influence a matter before the commission. Such officials themselves seldom feel their membership or attendance at meetings is of any great importance, for they, like many citizen-members, very often think of the planning commission as being primarily a zoning agency. Planning engineers are divided on their estimates of ex officio members, ranging from the remark of a former planning engineer at Louisville that the mayor as a member is "the biggest contribution to successful planning you can get" to the statement of another planner who assessed their value at "none whatsoever." The latter sentiment is perhaps nearest the view of the majority. At best the ex officio members appeared to be a questionable aid to planning.

CONCLUSION

Let us, then, review the character of the planning commission as it is now found after at least twenty years as an autonomous board. There are, undeniably, many consci-

[36] These observations confirm the statement of Mr. Wayne D. Heydecker, director of state planning in New York: "My impression from contact with a number of such boards is that in a majority of cases the commissioner of public works or the commissioner of finance or the commissioner of taxation, or the chief assessor is more apt to be chosen than the commissioner of public welfare or some other official not quite so directly related to the fundamental physical and economic problems of the city" (*Proceedings of the Conference on City Planning Administration*, p. 8).

entious and civic-minded individuals now serving as planning commissioners. There is no intention of detracting here from the contribution which they have made to better government. As was said above, the enthusiastic interest of these men has played an indispensable part in securing acceptance of the planning idea. On the other hand, it serves no useful purpose to evade the fact that most present-day commission-members have a tenuous grasp of even the traditional meaning and scope of city planning. As a result, most of the commissions are not doing the job which they were expected to do—namely, to prepare a long-time comprehensive physical plan for the community—and even the more active planning commissions are not utilizing the range of advisory powers which they now possess.

Limited activity has been widely attributed to the failure of city officials to make appropriations for the planning function; but this, in turn, is obviously due to the fact that these officials have not been convinced of the value of the kind of planning which is being done. One explanation frequently resorted to is that elected executives and councilmen are shortsighted, but there is substantial evidence to support the contrary view that much of the fault lies with the attitudes and methods of the planning movement. In the first place, the failure of executives to appreciate the possibilities of planning may be attributed in large part to the narrow concepts of planning held by planning commissioners themselves. A newly elected mayor will be greatly influenced in his estimate of an existing agency by what he finds it doing. Thus, if he finds it predominantly concerned with zoning he looks upon it as a zoning agency, and such is the case in many cities. At best, planning is seldom presented to him by its present custodians as extending beyond physical-improvement programs. It is scarcely to be

expected that he will see planning as different from the concept held by those who administer the function. It also follows that if his pressing problems are in a different field, as they now tend to be, he is not going to give the planning agency additional funds which he badly needs elsewhere.

Second, planning commissions have often engendered a certain animosity among city officials by seeking independent powers. In practice an executive and city council are asked to set up an agency which has the power to veto their actions and to embarrass the administration by criticizing its policies but which is responsible neither to them nor to the electorate. Their natural reluctance to subject themselves thus to review and criticism is supplemented by the prevalent sentiment among public officials that citizen boards are amateurish and of no great value. The extent to which these have combined to cause the widespread decease of planning boards is uncertain, but they have been a factor.

In other words, executives and other city officials do not usually look upon the planning commission as a research and advisory agency in any true sense. However, there are a few instances in which they do so regard it or have in the past, notably in the case of the Los Angeles County Planning Commission, the Cincinnati Planning Commission, the Milwaukee Board of Public Land Commissioners, the Louisville City Planning and Zoning Commission (1930–38), and the Boston City Planning Board during the administrations of Mayor Curley. Planning is most enthusiastically embraced by governing officials where this relationship obtains. But it should be noted that, where the planning commission is actually relied upon by the mayor, city manager, or governing body, their contacts are virtually all with the planning engineer or secretary and

not with board-members. The statements of executives and others indicated rather clearly that when a planning office is actively utilized by officials it is the opinion of the planning technician rather than the recommendations of the board in which they are interested.

To summarize briefly, full recognition must be given the untiring efforts which many members of planning commissions have devoted to securing acceptance of the planning idea. As has been true of other governmental services, the semiautonomous lay board has played an indispensable part in guiding and protecting the new function through its period of infancy. Looking at the planning commission at the present time, however, one is forced to conclude that, despite some examples of successful operation, the unpaid board is not proving satisfactory as a planning agency. It is, on the whole, not carrying out successfully its traditional job of preparing a plan for the physical development of the community. It would seem to be even less well equipped to implement the broader concept of city planning suggested in the last chapter, either as to personnel or as to organization. Its deficiencies with regard to the former have been discussed. The problem of tying the planning agency into the structure of urban government requires further exploration.

CHAPTER VI

PLANNING AS AN ADMINISTRATIVE FUNCTION

Planning, of whatever character and no matter how good, is useless unless it influences official action. This, in turn, requires the confidence and good will of those who decide public policy. As long as the planning agency is outside the governmental structure, however, planning will tend to encounter resistance from public officials as an invasion of their responsibility and jurisdiction. Structure is not, to be sure, conclusive as to the success or failure of any governmental function, but it may either aid or impede its acceptance. It seems obvious that the present setup for planning is a serious impediment, if only because of the attitude of government administrators. Much lip service has been paid to the principle that planning is an advisory function, but the channels through which it is to operate have been neglected. Rather than seeking close and harmonious ties with the executive and council, planners have emphasized their independence. In so doing they have created a maximum of resistance to recognition of the planning *function* itself.

THE PLANNING FUNCTION IN ADMINISTRATIVE THEORY

The thesis has been advanced that city planning is as broad as the scope of municipal government and also that planning does not necessarily depend upon a separate planning agency.[1] This is consistent with the concept of plan-

[1] See chap. iv.

ning which has been developed in a considerable body of literature relating to administrative organization, although little attention has as yet been given the problem of city planning organization by students of government. Much of existing theory relates to the national government. It will, however, be worth while to examine the best thought on the character of the planning function from the point of view of its applicability to planning in municipal government. In so doing it must be recognized that the term "planning" has been bandied about in the literature of administration with marked impreciseness. But a number of writers have given the planning function careful consideration from the vantage point of government administration, and it is upon these that the next few pages have drawn.

Planning, viewed as a function of government, is essentially part of the executive function itself. Thus the work of the administrative head has been broken down into the following elements for purposes of analysis: planning, organizing, staffing, directing, co-ordinating, reporting, and budgeting.[2] In a small enterprise the manager may be able to retain all or most of these functions in his own hands, but in the larger industrial and governmental units the variety and complexity of his duties make it desirable to delegate at least some of his work to specialized agencies.[3]

[2] Luther Gulick, "Notes on the Theory of Organization," in Luther Gulick and L. Urwick, *Papers on the Science of Administration* (New York: Institute of Public Administration, Columbia University, 1937), p. 13. This was originally a memorandum prepared by Mr. Gulick as a member of the President's Committee on Administrative Management. Henri Fayol in his *Industrial and General Administration*, analyzes the functions of the commander under five headings: to plan, organize, command, co-ordinate, and control (see L. Urwick, "Organization as a Technical Problem," in Gulick and Urwick, *op. cit.*, p. 77).

[3] In the words of Henri Fayol: "Whatever their ability and their capacity for work, the heads of great enterprises cannot fulfil alone all their obligations

Varying degrees of organizing and directing authority are necessarily delegated to heads of operating departments; and separate personnel, budgeting, and planning agencies may be established. These three are properly the managerial arms of the executive and should be immediately responsible to him. The President's Committee on Administrative Management has clarified their relation to the executive in the sphere of national government, emphasizing that

> the President must be given direct control over and be charged with immediate responsibility for the great managerial functions of the Government which affect all of the administrative departments, as is outlined in the following sections of this report. These functions are personnel management, fiscal and organizational management, and planning management.
>
> . . . . . .
>
> The three managerial agencies, the Civil Service Administration, the Bureau of the Budget, and the National Resources Board should be a part and parcel of the Executive Office. Thus, the President would have reporting to him directly the three managerial institutions whose work and activities would affect all of the administrative departments.[4]

It has become customary in the literature of public administration to speak of the planning agency as a "staff" aid to the executive. There has been, however, some con-

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of correspondence, of interviews, of conferences and of countless other duties; they must ensure command and control, superintend reports preparatory to decisions, have plans of operations drawn up; encourage and effect improvements. Thus they are forced to have recourse to a group of men who have the strength, competence and time which the Head may lack" ("The Administrative Theory in the State," in Gulick and Urwick, *op. cit.*, p. 104).

[4] The President's Committee on Administrative Management, *Report with Special Studies* (Washington: Government Printing Office, 1937), p. 6. In his first consolidation order (Reorganization Plan No. 1) under the terms of the Reorganization Act of 1939 the President brought the National Resources Planning Board, with the Bureau of the Budget, within the Executive Office.

fusion as to the meaning of the word "staff."[5] It is commonly used in conjunction with the term "line" function of government, which is generally understood as applying to those departments which are organized for carrying out directly the purposes for which the enterprise—private or public—exists. In city government the departments of health, police, fire, public works, etc., each carrying out a direct public service, would be termed "line" departments. "Staff," on the other hand, has three distinguishable meanings. One group of writers uses it to apply to all those agencies whose primary function is to provide a specialized service for the administrative organization itself. Hence, such agencies as the legal department, the bureau of purchase, the civil service commission would fall within the meaning of the word.[6] These are sometimes referred to as "housekeeping" functions and are distinguished from the "line" or operating departments in that they minister to the needs of the latter rather than supply a direct service to the public.

As used by certain other writers the word "staff" includes all those persons in the immediate confidence of the executive, i.e., his secretariat and immediate assistants. Thus Fayol speaks of a staff of the management including those who relieve the executive of his "obligations of correspondence, of interviews, of conferences and of countless other duties."[7] In addition to the confidential secretaries performing functions of this kind, the term used in this

[5] See particularly the different usages discovered by Urwick together with his discussion of the staff function in *op. cit.*, p. 58 and *passim.*

[6] Cf. Marshall E. Dimock, *Modern Politics and Administration* ("American Political Science Series," ed. Lindsay Rogers [New York: American Book Co., 1937]), p. 267. Mr. Dimock speaks of planning, co-ordination, personnel, finance, and law as "probably the chief staff functions."

[7] See quotation above, p. 167, n. 3.

sense includes the administrative assistants who are the executive's direct aides in dealing with government departments. John Gaus mentions as "general administrative staff aides" to the president a general secretary and at least the following staff officers: one "for co-ordinating materials relevant to physical-resource planning, another for the co-ordination of materials relating to defense, a third for transport, a fourth for money, credit, and finance, and a fifth for social welfare."[8] Aides of this kind are akin to the executive assistants to the president recommended by the President's Committee on Administrative Management.[9]

A third usage of the word "staff" confines it to the investigating, planning, and advising functions, differentiating between the "staff function" and the auxiliary or housekeeping services, on the one hand, and the executive secretariat, on the other. Elaborating the first distinction, Leonard D. White says:

> The staff function and the function of the auxiliary services are therefore different and ought not to be confused. The auxiliary services are operating agencies, the staff is a thinking, planning and advisory agency. The auxiliary agencies are concerned with the maintenance of an existing organization, and are not concerned with major substantive policies; the staff is concerned with the revision of organization as new needs may dictate, and with the reformulation of major policies.[10]

Similarly, Luther Gulick differentiates between "line" and "staff" as follows:

[8] "A Theory of Organization in Public Administration," in John M. Gaus, Leonard D. White, and Marshall E. Dimock, *The Frontiers of Public Administration* (Chicago: University of Chicago Press, 1936), p. 84.

[9] *Op. cit.*, p. 5.

[10] *Introduction to the Study of Public Administration* (rev. ed.; New York: Macmillan Co., 1939), pp. 42 f.

When the work of government is subjected to the dichotomy of "line" and "staff," there are included in staff all of those persons who devote their time exclusively to the *knowing, thinking* and *planning* functions, and in the line all of the remainder who are, thus, chiefly concerned with the doing functions.[11]

This concept of "staff" is derived from the "general staff" of military practice, whose function it is to assist and advise the commanding officer but not to command in its own right. When the term is transferred to civil administration, the staff function is still "properly understood in the same terms, i.e., to study administrative problems, to plan, to advise, to observe, but not to act."[12] The staff function is, in other words, the function of investigating, thinking, and planning. It is as an executive aid in this sense that the term "staff agency" will be used in the pages that follow.

A more detailed statement of the requirements of such an agency will be necessary, however, before we can consider the application of theory to the concrete problem of city planning. As an integral part of an administrative structure the functions of a planning staff are broadly twofold: (1) to carry on research and to make recommendations on the basis thereof and (2) to co-ordinate departmental policy planning.

[11] *Op cit.*, p. 31 (italics mine).

[12] White, *op cit.*, p 42 James D. Mooney, vice-president of General Motors Corporation and author (with Alan C. Reiley) of *Onward Industry!* in commenting upon the fact that we are still prone to think of the line and staff distinction as evolving out of military forms has said. "My study of human organization refutes this notion It is true that the terms line and staff are military in their origin, but that is all. The principles they describe are as old as human organization itself. . . . . In every form of organization we find the function of authority or command, and likewise the function of advice or counsel, the latter constituting a true service of knowledge. Thus the universality of this distinction, the true test of a principle, is clearly established" ("The Principles of Organization," in Gulick and Urwick, *op. cit.*, p. 95).

As a research and advisory agency the planning staff must make definite recommendations on the basis of its studies.[13] A mere statement of facts may be of little value to an active administrator, and an agency which fears offending someone will probably not be listened to. The writer found that many city planning commissions are today gathering large amounts of social and economic data, with the aid of relief workers, and publishing it without recommendations. City officials several times commented on this fact and asked: "Why don't they tell us what ought to be done about it?" It is believed that the reluctance of the commissions to make specific recommendations when they might arouse controversy is an inherent and unavoidable consequence of their being composed of citizens who fear that criticism might injure their reputations.

This points to the fact that the function of the planning staff is to advise and not to propagandize either the administrative organization or the public.[14] This means that the planning agency is not a civic body acting as watchdog over the administration, as seems to have been frequently assumed, but that it should be a truly advisory aid to the executive. If this relationship is to be maintained, the findings of the planning staff should be communicated directly to him and should not be published without his approval. This is in direct conflict with the provisions of most planning enabling acts, which grant the planning agency authority to publish reports as it sees fit.

A planning staff must consider the ways and means of achieving desired ends as well as make recommendations

[13] E. J. Coil, "Administrative Organization for Policy Planning," *Society for the Advancement of Management Journal*, IV, No. 1 (January, 1939), 12. Mr. Coil's paper is an excellent statement of the theory of planning as a staff function.

[14] *Ibid.*, p. 13.

as to what the objectives should be. In the words of Mr. Coil:

> Unless policy is related to ways and means of implementing policy, the attainment of ends is left to the control of circumstances rather than knowledge being applied to control change. In gathering and analyzing information to formulate policies, a staff invariably begins to foresee the organizational relations involved. Understanding the work to be done, it begins to create the organizational framework which can be entrusted with the performance of the task.[15]

Hence, if the recommendations of the planning staff are to be realistic, they must take into consideration the potentialities and limitations of the governmental machinery which is to put them into effect. A planning agency must consider "how," as well as "what." It is part of the staff function in military practice to observe and report upon the problems and adjustments arising from the execution of particular policies. This is partially the duty of the executive's immediate assistants, but the planning staff must work in close co-operation with them to plan continuously the necessary adjustments of policy to meet administrative exigencies. In this manner the planning staff is made constantly aware of the necessity of relating policy to the capacities of the organization.

This suggests the co-ordinating role of the planning staff. Co-ordination is, like planning, one of the executive functions,[16] but the investigating and research activities of the planning staff put it in a peculiarly advantageous position to aid in implementing this function also. The mapping of a course of action requires the collection of documents and information—of all available knowledge—before recommendations are made. In so doing, the planning agency will inevitably come in touch with the departments

[15] *Ibid.*, p. 14.

[16] See above, p. 167.

concerned with the subject being studied, and thus it would be expected to serve as a clearing house for departmental planning. In this connection it should be made clear that the staff concept is not confined to the chief executive. There must be planning within the various departments, and in a large organization subordinate executives should have subordinate planning staffs attached to them. Much of the value of a central planning agency is in passing upon and integrating departmental plans from an overall point of view. This aspect of the planning function was emphasized by the National Resources Board in recommending the creation of a permanent national planning board directly responsible to the chief executive:

> The function of the proposed board would not be to supplant the numerous planning agencies now active in various departments of the Federal Government or elsewhere but to supplement their work and to promote closer co-ordination among the plans they severally prepare for submission to the President.[17]

Co-ordination of departmental planning does not imply that the planning agency attached to the chief executive should give orders directly either to subordinate staffs or to subordinate executives. It is part and parcel of the concept of staff that all order-giving should be through the responsible administrative officers, but it is obvious that much can be accomplished by developing a "liaison of intelligence and understanding" without infringing upon the prerogatives of such officers.[18] The literature of city planning has long recognized that an essential contribution of a separate planning agency was the integration of depart-

[17] National Resources Board, *Report—December 1, 1934* (Washington: Government Printing Office, 1934), p. 85.

[18] Cf. Coil, *op. cit.*, p. 15; National Resources Board, *op. cit.*, p. 86; President's Committee on Administrative Management, *op. cit.*, p. 28.

mental plans into a uniform and balanced program. In practice the city planning commissions have not successfully accomplished this. On the contrary, they have functioned largely as zoning commissions and to prepare public works programs, not infrequently as an alternative to those prepared by the public works department, despite instances of co-operation. So long as prevailing concepts of city planning continue, city planning agencies cannot fulfil their basic function of co-ordination.

APPLICATION OF ADMINISTRATIVE THEORY TO LOCAL GOVERNMENT

What are the implications of the above for the role of the planning staff in the structure of municipal government? It seems clear that if the foregoing theory is valid, the over-all planning agency should be directly responsible to the chief executive. Planning in the determination of policy can mean little more than the marshaling of available information and the presentation of alternative courses to be followed. Thus, it is essentially a research function. The final decision as to specific policies must rest with elected representatives, i.e., with the council or with the executive and council together. If the only function of a planning agency were to make recommendations as to general policy, it might be attached to the council as well as to the executive. But, as we have observed, the full usefulness of a planning staff can be realized only if it is in a position to aid the executive in implementing the execution of policies and to aid in co-ordinating the planning done by the several departments. Plans for the future can be realized only if daily decisions are influenced by them and if each operating agency is guided by considera-

tions of over-all planning. The best place for an over-all planning agency to be situated, then, would appear to be in close proximity to the one focal point of current business and of departmental responsibility—the chief executive. Nor will this interfere with its usefulness to the local legislative body in setting forth long-time considerations as a guide to its work. On the contrary, the logical channel for the presentation of information and recommendations to the council is through the executive. This is recognized by established practice in city planning at the present time.

The desirability of a planning agency which will serve as a staff aid to the executive is accentuated by the growing complexity of municipal administration and the increasing importance of the urban executive. As was brought out in the supplementary report on *Urban Government,* presented by the Urbanism Committee to the National Resources Committee, "one of the most striking developments in American government has been the general concentration of power in the city executive whether the specific form of municipal government be mayor, manager, commission, or town-meeting."[19] The report anticipates a continuing growth of the single strong city executive and a consequent decline of alternative weak- and multiple-executive systems.[20] There are, in other words, more than purely theoretical reasons for encouraging the development of a planning staff in city government along the lines projected by the theory of administrative organization. The development of such an agency would indicate a reversal of past efforts to guarantee the independence of the planning agency by requiring a newly elected official

[19] *Urban Government,* Supplementary Report of the Urbanism Committee (Washington: Government Printing Office, 1939), I ,41.

[20] *Ibid.,* p. 43.

to retain the appointees of his predecessor through such devices as overlapping terms and restrictions on his removal powers. Only if he is free to select the responsible head, whether a board or single director, will the all-important confidence of the executive be maintained. Unless it enjoys such confidence, the planning agency cannot hope to be in a position to guide his work. If this is lacking, it will be financially starved, and its counsel will go unheeded.

In the light of these considerations and of the present unsatisfactory situation as regards the independent planning commission, it is believed that the most fruitful line of development for the future would be the replacement of these commissions by a department or bureau attached to the office of mayor or city manager. This department might be headed by a board or by a single director, but the members or the director would in any case hold office at the pleasure of the executive on the same basis as other department heads. If a board is felt desirable, it might take the form either of a virtually fu'l-time paid board or of a part-time board working through a permanent director along the lines of the National Resources Planning Board.[21] If planning is to function as a staff aid to the executive it must be a full-time activity, and there should be a full-time planning staff with a permanent executive officer in constant touch with the mayor or city manager. Precedent for carrying on the planning function without a board is slight. The writer is, however, of the opinion that the staff relationship of the planning agency in focusing attention on the technical-research and expert-advice phases of

[21] See p. 180 below. Remuneration of part-time members, as in the case of the National Resources Planning Board, might be felt desirable in some cases, although it probably would not be necessary locally.

planning rather than upon policy making would suit it to operation under a single director.[22]

Whether headed by a board or by a single director, the planning agency might well enlist the aid of an advisory committee and one or more technical subcommittees, bringing broad experience and expert opinion to the work of the agency. Technical committees advising on special phases of planning—as transportation, zoning, industrial surveys, etc.—both greatly enhance the caliber of the work and afford an excellent device for co-ordinating departmental planning through the inclusion of experts from interested governmental agencies. There is precedent for this procedure not only in the work of the National Resources Planning Board and its predecessors but also in the practice of the Los Angeles County Regional Planning Commission,[23] the Boston City Planning Board, and the Oakland City Planning Commission. A few cities have employed a variant of this idea by inviting experts and departmental representatives to sit with subcommittees of the planning commission itself. The Boston Planning Board also has stimulated the creation of supporting committees in various sections of the city. Such committees are valuable both as instruments of popular support and as sources of suggestion as to local needs and might profitably be employed elsewhere.

[22] Mr. Bettman, although as yet unwilling to say that the board phase of development has passed, has suggested that "it might be well, however, under conditions existing in special places to experiment with the single-head type; that is, a planning department with a single head like other departments" ("The Planning Commission: Its Functions and Methods," in *Planning for the Future of American Cities: Proceedings of the Joint Conference on City, Regional, State and National Planning, May 20, 21, and 22, 1935* [Chicago: American Society of Planning Officials, 1935], p. 136).

[23] See below, pp. 317–23.

The necessity for creating a planning agency much more closely integrated with the structure of local government is already widely recognized within the planning movement. In its summary report the Urbanism Committee, after pointing out that "the entire scope and conception of local urban planning need broadening," said:

> Local planning should be given or must gain for itself a place in the structure of government where it will be closer to the local legislative body, the chief executive and the administrative departments. A possible way to achieve this might be transforming the independent planning commission or board into a planning department as one of the staff agencies of local government, with or without an advisory committee of citizens.[24]

In the same vein Mr. Walter H. Blucher, executive director of the American Society of Planning Officials, has said:

> I think that the main reason for the failure of planning lies in our neglect to consider planning as a part of the administration of government. We certainly have not sold administrators on the planning idea, and that largely because we haven't shown them that planning is essential to good government. What the country needs is planning administrators or what I choose to call "planners," and I forecast that planning will never rise above its present status until such time as it is made an essential part of the governmental organization.[25]

There is, however, no consensus of opinion as to how planning can best be brought within the governmental structure. Experimentation in planning organization is just beginning at all levels of government. At the national level the National Resources Committee functioned as an independent agency under a board of cabinet officers and citizens, with active direction of the work program in the

[24] National Resources Committee, *Our Cities: Their Role in the National Economy* (Washington: Government Printing Office, 1937), pp. 63 f. (see also quotation on pp. 127 f. above).

[25] From a letter to Dean William Emerson, school of architecture, Massachusetts Institute of Technology, October 15, 1936 (by permission).

hands of an advisory committee of four. Under the Reorganization Plan, effective July 1, 1939, it was superseded by the National Resources Planning Board which now functions as a staff aid to the President within the Executive Office. The board consists of three part-time members drawn from widely separated sections of the country who are paid while on the business of the board. The work of the board is carried on largely through technical committees and a staff under the supervision of a full-time director, appointed by the President and, like the board members, subject to Senate confirmation.[26]

The Tennessee Valley Authority, executing one of the most far-reaching programs of regional planning in American history, lodges the planning function in the Department of Regional Planning Studies under a single head. Similarly, the Department of Agriculture, after weighing the alternative of a board, has intrusted the integration of its numerous land-planning activities to the Bureau of Agricultural Economics, reoriented within the department as a staff aid to the secretary of agriculture. The state planning boards, practically all of which have been appointed since 1933, are normally appointed by the governor and have been utilized in various ways.[27] After a thorough study of the work done by these boards, the State Planning Review Group of the National Resources Committee took the position that for the future

> the long-run objective, if the boards are to be of any significance, is to weave into the fabric of governmental theory and practice the idea that the boards are to serve as general planning staffs of the chief executive. The general staff conception will, of course, devolve upon

[26] See above, p. 177.

[27] National Resources Committee, *The Future of State Planning Report to the Advisory Committee by the State Planning Review Group, March, 1938* (Washington. Government Printing Office, 1938), p. 7.

the board the duty of performing a wide variety of research tasks for the chief executive, which has, and will, cement the relationship between the Governor and the board.[28]

In Maryland the legislature has recently enacted a bill for zoning the unincorporated areas of Baltimore County, which places all zoning and planning authority in the local legislative body, dispensing with the planning or zoning commission. In Monroe County, New York, the Division of Regional Planning carries on under a director with a purely nominal advisory committee. The Los Angeles County Regional Planning Commission has achieved an unusual degree of integration by placing its work under the direction of an administrator who is not a technical planner but who maintains close relation with the Board of Supervisors. Here the commission itself functions primarily as a semijudicial body sitting on zoning and subdivision cases.

At the city level relatively little progress has been made toward more closely integrating the planning agency with local government. By far the most interesting step in this direction is that taken in New York City under the charter which took effect January 1, 1938. Here planning is in the hands of a full-time, paid planning commission. The chairman of the commission receives a salary of $15,000 per year, one of the highest in the city government, while the other five members are paid $8,500 each.[29] Far from being simply a staff agency, however, the New York City Planning Commission has been granted charter powers much greater than those usually wielded by city planning commissions. The planning commission is charged with pre-

[28] *Ibid*, p. 27.

[29] The chief engineer of the Board of Estimate is an ex officio member.

paring and adopting a master-plan which includes not only all conceivable physical features of city development but also "such other features, changes and additions as will provide for the improvement of the city and its future growth and development and afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health and welfare of its population."[30] In adopting and revising such master-plan, the planning commission acts solely on its own initiative subject only to the requirement that it hold public hearings.[31] Before the Board of Estimate may take action on any proposal affecting the official city map, however, it is required to refer it to the planning commission; and, if the latter finds it inconsistent with the master-plan and does not recommend approval of the project, a three-quarter vote of the Board of Estimate is necessary to override such disapproval.[32] Even more unusual are the provisions empowering the commission to prepare a capital improvement budget for the city. In the preparation of the capital budget the commission receives departmental estimates, holds hearings, and weighs alternative requests. After the budget has been determined and submitted to the Board of Estimate, it can be altered only with the approval of the commission or by a three-quarter vote.[33] The City Council can delete entire items only when

[30] *Charter*, sec. 197*a*. Perhaps the greatest drawback to the use of the term "master-plan" is its present identification with a map showing projected physical improvements. In planning theory the master-plan is usually a graphic scheme of future development prepared for the use of the planning agency, although it is not necessarily confined to maps. In practice, however, it has become so closely associated with the latter and thus with physical improvements that its continued use may prove a hindrance to extending the sphere of planning. A further possible objection to the term is that the words "master-plan" appear to give it a finality and binding quality which it does not and should not possess. The use of such a term as "general plan" might mitigate these difficulties.

[31] *Ibid.*, sec. 197*b*. [32] *Ibid.*, sec. 199. [33] *Ibid.*, sec. 221.

it receives the budget from the Board of Estimate. It may not increase or vary the conditions of any authorization.[34]

In conclusion, then, there is a growing recognition of the need for integrating the planning agency more closely with other phases of municipal government. Some among the planning profession would achieve this by increasing the powers of existing boards. The results of this study indicate, however, that this is not adequate, at least in so far as the larger cities are concerned. The point of view adopted here is that the future development of local planning may be best anticipated if it is related to the total context of current thought and emerging trends as regards the planning function in government. It has been shown that the literature of public administration favors the staff concept of planning, and it has been suggested that this concept might profitably be applied to local urban government.

Recent developments at other levels of government reveal the already considerable influence of the staff idea as well as some experimentation with a single-headed planning agency. At the city level, however, the most significant departure from traditional forms—the New York City Planning Commission—is in the opposite direction from the purely advisory staff agency. The substantial powers and semiautonomous status of the New York commission represent an alternative means of securing a leading role in the governmental process. One cannot now say that any one form of planning organization will be suited to all situations or which will in the long run prove most satisfactory. For the moment it will suffice to indicate discernible trends, and it would, at this stage, seem to be more important to encourage emancipation from existing stereotypes than to be dogmatic in presenting new forms.

[34] *Ibid.*, sec. 222.

In approaching the future, however, planners and those interested in the planning movement should not overlook the fact that the principle enunciated by the National Resources Board for plans and planning is applicable as well to organization for planning:

> Stubborn adherence to an outworn plan is not a mark of intelligence but stupidity, whether in the life of individuals or of nations. Prudence would, of course, dictate that reasonable stability should not be endangered by capricious or arbitrary shift of plans, but would with equal force insist that policies must be promptly modified as emerging trends and new situations necessitate recasting.[35]

[35] National Resources Board, "A Plan for Planning," *Report Dec. 1, 1934*, p. 83.

CHAPTER VII

THE PLANNING STAFF

It was pointed out in chapter vi that the constructive work of any planning agency is contingent upon its having a full-time technical staff. If planning is to be viewed as a true staff function, there must be constantly available to the chief executive persons qualified to secure the information necessary for intelligent decisions. But in practice planning has not been regarded as an executive aid, and very few of the thousand-odd city planning commissions in nominal existence have a technical staff independent of other departments. No exact figures are available; but we do have reasonably complete information on planning appropriations for the year 1936, and from this it is possible to obtain a fair picture of the present situation. A summary of the budget data furnished the National Resources Committee by 1,182 town and city planning or zoning boards is presented in Table 5.

It is evident from these figures that not more than sixty-four planning commissions (5.4 per cent) could have employed as much as one full-time man, even if we accept as low a figure as $1,500 as a possible salary. On this basis the number is undoubtedly high, for cities with appropriations between $1,000 and $1,800 frequently pay a city official with a full-time nonplanning job a small monthly sum to act as secretary to the commission and handle its correspondence.[1] In other words, a remarkably small propor-

[1] In Topeka, Kansas, e.g., the city clerk receives $50 per month for this purpose, while the remainder of a $1,100 budget goes to map revision. Compare

tion of the planning agencies nominally in existence can employ even one person, and only thirty-nine enjoy an appropriation of over $5,000 or what may be taken as a minimum necessary to employ a reasonably qualified man and a stenographer. There is no evidence that the situation reflected in Table 5 has altered appreciably in the last three years.

TABLE 5*

BUDGETS FOR CITY PLANNING IN 1936

BUDGETS	No. of Cities
No appropriations†	904
0–$500	158
$500–$1,000	37
$1,000–$1,500	15
$1,500–$5,000	25
$5,000–$20,000	30
$20,000 and over	9

* Compiled from National Resources Committee, Circular X, p. 5 and *passim*.

† Six hundred and fifty-nine returns left question blank, two hundred and forty-five replied "no appropriations." Four cities, not included, replied that their appropriations were indefinite.

On the other hand, the absence of an independent budget for planning is a product of the depression in only a minor degree. There are, to be sure, numerous examples of withdrawal or curtailment of appropriations, but even in 1929, at the climax of the prosperous twenties, the Hubbards could report only forty-six cities with more than $5,000,[2] including a number without a regular staff which were having consultant work done. In 1936 there were still

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the staff descriptions for cities having less than $5,000 appropriation in Theodora Kimball Hubbard and Henry Vincent Hubbard, *Our Cities of Today and Tomorrow* (Cambridge: Harvard University Press, 1929), Appen. I, p. 311.

[2] *Ibid.*, pp. 309 f.

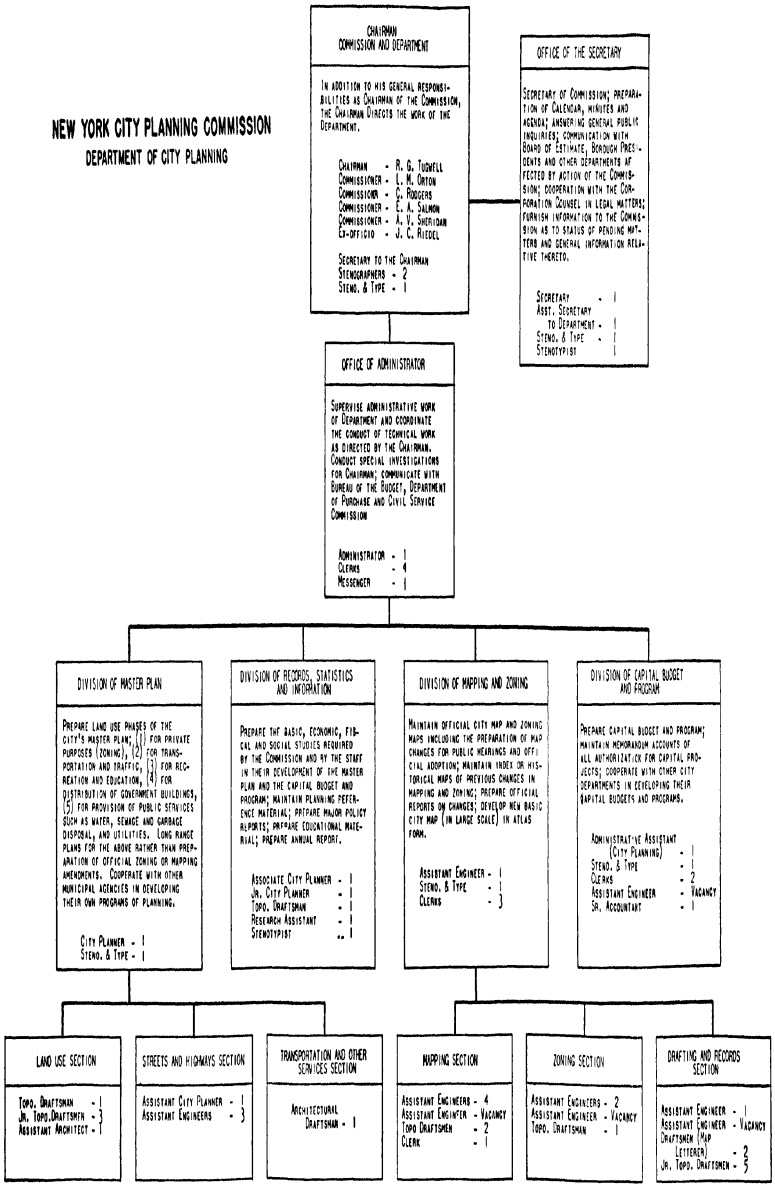

NEW YORK CITY PLANNING COMMISSION
DEPARTMENT OF CITY PLANNING
CHAIRMAN
COMMISSION AND DEPARTMENT
In addition to his general responsibilities as Chairman of the Commission, the Chairman directs the work of the Department.
Chairman - R. G. Tugwell
Commissioner - L. M. Orton
Commissioner - C. Rodgers
Commissioner - E. A. Salmon
Commissioner - A. V. Sheridan
Ex-officio - J. C. Riedel
Secretary to the Chairman
Stenographers - 2
Steno. & Type - 1
OFFICE OF THE SECRETARY
Secretary of Commission; preparation of Calendar, minutes and agenda; answering general public inquiries; communication with Board of Estimate, Borough Presidents and other departments affected by action of the Commission; cooperation with the Corporation Counsel in legal matters; furnish information to the Commission as to status of pending matters and general information relative thereto.
Secretary - 1
Asst. Secretary to Department - 1
Steno. & Type - 1
Stenotypist 1
OFFICE OF ADMINISTRATOR
Supervise administrative work of Department and coordinate the conduct of technical work as directed by the Chairman. Conduct special investigations for Chairman; communicate with Bureau of the Budget, Department of Purchase and Civil Service Commission
Administrator - 1
Clerks - 4
Messenger - 1
DIVISION OF MASTER PLAN
Prepare land use phases of the city's master plan; (1) for private purposes (zoning), (2) for transportation and traffic, (3) for recreation and education, (4) for distribution of government buildings, (5) for provision of public services such as water, sewage and garbage disposal, and utilities. Long range plans for the above rather than preparation of official zoning or mapping amendments. Cooperate with other municipal agencies in developing their own programs of planning.
City Planner - 1
Steno. & Type - 1
DIVISION OF RECORDS, STATISTICS AND INFORMATION
Prepare the basic, economic, fiscal and social studies required by the Commission and by the staff in their development of the master plan and the capital budget and program; maintain planning reference material; prepare major policy reports; prepare educational material; prepare annual report.
Associate City Planner - 1
Jr. City Planner - 1
Topo. Draftsman - 1
Research Assistant - 1
Stenotypist - 1
DIVISION OF MAPPING AND ZONING
Maintain official city map and zoning maps including the preparation of map changes for public hearings and official adoption; maintain index or historical maps of previous changes in mapping and zoning; prepare official reports on changes; develop new basic city map (in large scale) in atlas form.
Assistant Engineer - 1
Steno. & Type - 1
Clerks - 3
DIVISION OF CAPITAL BUDGET AND PROGRAM
Prepare capital budget and program; maintain memorandum accounts of all authorizatick for capital projects; cooperate with other city departments in developing their capital budgets and programs.
Administrative Assistant (City Planning) - 1
Steno. & Type - 1
Clerks - 2
Assistant Engineer - Vacancy
Sr. Accountant - 1
LAND USE SECTION
Topo. Draftsman - 1
Jr. Topo. Draftsmen - 3
Assistant Architect - 1
STREETS AND HIGHWAYS SECTION
Assistant City Planner - 1
Assistant Engineers - 3
TRANSPORTATION AND OTHER SERVICES SECTION
Architectural Draftsman - 1
MAPPING SECTION
Assistant Engineers - 4
Assistant Engineer - Vacancy
Topo Draftsmen - 2
Clerk - 1
ZONING SECTION
Assistant Engineers - 2
Assistant Engineer - Vacancy
Topo. Draftsman - 1
DRAFTING AND RECORDS SECTION
Assistant Engineer - 1
Assistant Engineer - Vacancy
Draftsmen (Map Letterer) - 2
Jr. Topo. Draftsmen - 3

Fig. 1

thirty-nine cities reported above the $5,000 mark.[3] This number is drawn principally from the larger cities of the country, most of which were included in this study. In other words, the larger cities have managed to retain at least a skeleton planning staff through the period of retrenchment, and the smaller towns which do not now have staffs have, for the most part, never had them.

PRESENT PERSONNEL

An analysis of the staff personnel for the thirty-seven cities included in this study, chosen for the most part because of known planning activity and hence representing most of the outstanding commissions, is shown in Table 6. The exceptional staff organizations of the New York City Planning Commission and the Los Angeles Regional Planning Commission are shown in Figures 1 and 2.[4] As a glance at Table 6 will show, it is difficult to speak of a "typical" planning staff. Twenty-seven of the commissions included had independent staffs of which, if we omit the disproportionate Los Angeles County and New York City commissions, the average size was five persons.

Limiting ourselves for the moment to these cities with independent staffs,[5] we find that eleven of them employed

[3] Neither the 1929 nor the 1936 figures are wholly satisfactory, inasmuch as a few cities listed in each appear to include appropriations for purposes only remotely related to planning. It should also be noted that they do not include large items for planning carried on by agencies other than planning boards.

[4] Although the staff of the National Capital Park and Planning Commission in Washington totals nineteen, the fact that part of this staff handles federal land-purchasing makes it not comparable for analysis within Table 6. Its staff includes the following: secretary and legal adviser, assistant secretary, director of planning, city planner, land-purchasing officer and assistant, four landscape architects, three draftsmen, four stenographers and clerks, a model-maker, and a chauffeur.

[5] Here also Los Angeles County and New York are omitted as not comparable.

TABLE 6

PLANNING STAFFS IN THIRTY-SEVEN CITIES, 1937–38

City	Secretary	Full-Time Engineer	Part-Time Engineer	Assistant Engineer	Draftsmen	Clerks and Investigators	Stenographers	Comments
1. Baltimore			1					Chairman paid
2. Boston	1	1		1		1 investigator	2*	
3. Chicago	1	1		1	1		2	One architect
4. Cincinnati		1		2	3		1	
5. Cleveland	1	1		1	1		2	
6. Dallas		1						One assistant
7. Dearborn			City engineer					
8. Detroit	1	1		1			2	One landscape architect
9. Forth Worth	City engineer			½†				
10. Kansas City, Mo.	1	1			1		1	
11. Knoxville			Building inspector					
12. Los Angeles	1 and director manager	1‡			4	2 investigators 2 clerks	5	
13. Los Angeles County§								
14. Louisville		1		1	1	2 investigators	1	Park Board landscape architect is consultant
15. Memphis		1					1	
16. Milwaukee	1	1		1	3		2	
17. Minneapolis		1		2			2	
18. Montclair, N.J.		1			1		1	Consulting engineer
19. Nashville		1‖		1	2		1	
20. New York¶								

* One is stenographer-bookkeeper.
† Part-time from Engineering Department.
‡ Zoning engineer in charge of Technical Division.
§ See Fig. 1
‖ Also acting secretary
¶ See Fig. 2.

TABLE 6—*Continued*

City	Secretary	Full-Time Engineer	Part-Time Engineer	Assistant Engineer	Draftsmen	Clerks and Investigators	Stenographers	Comments
21. Norfolk	Employee public works							
22. Oakland	1**	1					½	
23. Portland	1	1			2		1	
24. Richmond	Assistant director public works		Engineer from public works					Young graduate planner in Public Works Department
25. Rochester			Engineer surveys public works					Use staff of engineer's office
26. St. Louis	1	1		[1]††	1		1	
27. St. Paul		1			½‡‡		1	
28. San Diego		1		1			1	
29. San Francisco	1				2		½	
30. Schenectady§§								
31. Spokane		1			1‖‖			
32. Springfield, Mass.		1		1				Consulting engineer
33. Toledo		1		1			1	
34. Topeka	City clerk							
35. Washington, D.C. ¶¶								
36. Wichita	City engineer***							
37. Yonkers, N.Y.		1					1	

** Heads Bureau of Research.

†† Vacant.

‡‡ Officially in Public Works.

§§ Never had paid staff.

‖‖ Spends most of his time on traffic.

¶¶ See p 187, n 4.

*** Had permanent engineer for three or four years prior to 1932.

ORGANIZATION — REGIONAL PLANNING COMMISSION

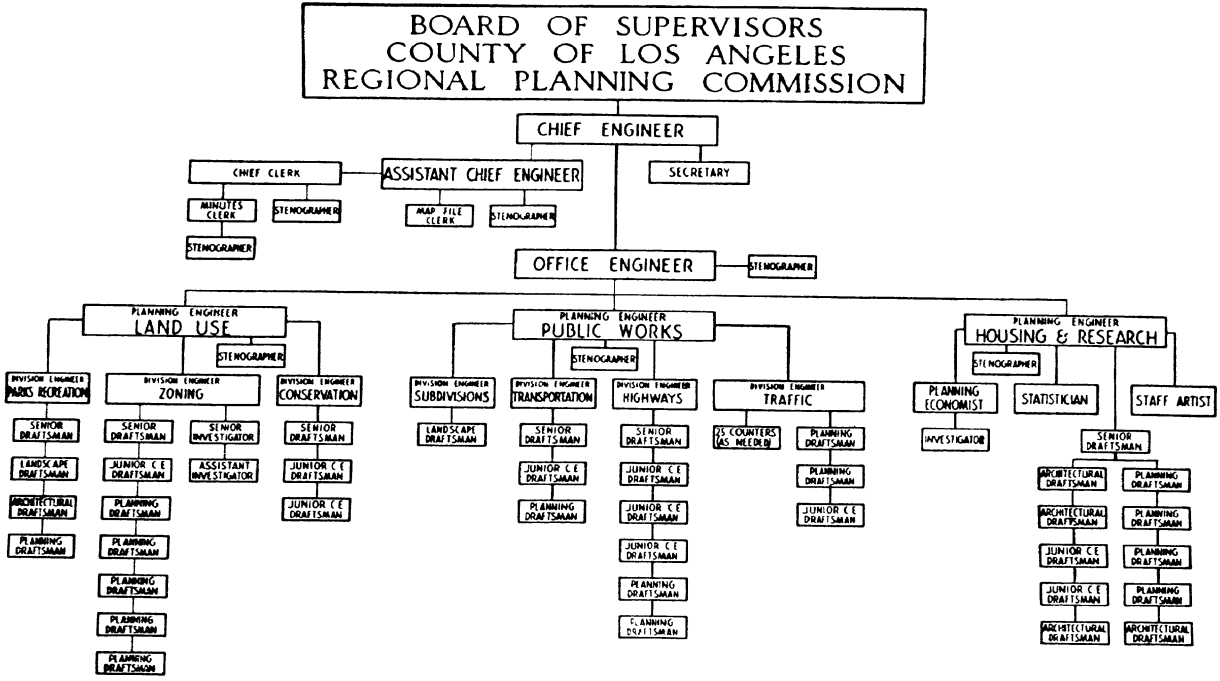


FIG. 2

a full-time secretary in addition to the planning engineer or technical man. In nine of them the secretary was officially head of the office, although he was not in Oakland and Portland.[6] In Detroit and Boston the secretary also functions as the planner,[7] but in the majority of cases the position calls for little except the handling of correspondence, and the occupants frequently change with each shift in local political power. Unfortunately, the secretaryship of the planning commission is not generally regarded as a particularly desirable office, since it usually carries neither the salary nor the prestige of the higher departmental positions. Hence it is not likely to attract men of comparable stature. If, however, the position were associated with an appropriate salary and the duties were recast to conform to such a title as director or director-manager, the present paid secretaryship might well be the forerunner of a suitable administrative head for an executive department of planning. Such a nontechnical head would then be expected to be replaced when a new mayor or manager so desired,[8] while the technical director or planner would presumably be a career official.

At present, however, the planning engineer or planner,

[6] In Oakland the secretary is also in charge of the so-called Bureau of Research. Actually, this is not what the title indicates, but it is merely the name in which certain complaints received by the City Manager's Office are answered.

[7] At the time this study was being made the Boston position was vacant owing to the appointment of its long-time occupant, Miss Elizabeth Herlihy, to the chairmanship of the Massachusetts State Planning Board. Milwaukee is a special case in that the secretary, C. B. Whitnall, is a paid member of the Board of Public Land Commissioners devoting a part of his time to planning work.

[8] It would, of course, be desirable for the executive head to be retained over a period of years, and this would no doubt frequently occur in practice. Nevertheless, executives should be as free to select persons in whom they have confidence to direct the planning department as they are to choose the heads of other departments.

in practically all cases, directs the actual work, and in a majority of the cases he is designated as the secretary-engineer and recognized as the official head of the staff. It would be fair to say that with few exceptions the planning engineer is the nucleus around which a planning staff is organized. A commission with a minimum appropriation is likely to employ only an engineer and a stenographer. As budgets increase, an assistant engineer and a draftsman will be added, and, if the appropriation is yet further increased, landscape architects, architects, or illustrators will be employed. An economist or trained research worker is employed only if the appropriation is exceptionally large. Even as large a staff as that found in Los Angeles County employs only one planning economist and one statistician in addition to the planning engineer in charge of the Bureau of Housing and Research. The Division of Records, Statistics, and Information of the New York City Planning Commission has been recently staffed with two city planners, a draftsman, a research assistant, and a stenographer. In general, the present planning staffs are composed overwhelmingly of persons trained as civil engineers and draftsmen.

Since 1932 regular staffs in many places have been greatly augmented by a large corps of workers drawn from the relief rolls. The number working on planning in any one city fluctuates with the demands of a particular project, and it is difficult to give comparative figures. The number may fluctuate from as few as two or three in some cities to as many as the one hundred and thirty engaged on various studies in Minneapolis or the one hundred and twenty-five employed on a housing survey in Nashville. New York City,[9] St. Louis, Toledo, and Los Angeles County have all

[9] Under the Mayor's Committee on City Planning.

used notably large relief staffs from time to time, while a great many other city and county planning agencies have benefited from the unusual opportunity offered by state and federal relief programs to secure staffs of unprecedented size. On January 1, 1939, the Works Progress Administration alone had furnished workers for approximately one hundred and eight separate studies sponsored by the planning agencies of thirty-seven cities and two counties. A complete list of reports will be found in Appendix II.[10] Even more revealing are the W.P.A. allotments for local planning as compared with regular appropriations. In 1936—the only year for which relatively complete figures are available—the total appropriation for local planning through normal channels was $2,118,900.[11] For 1936 and the three succeeding fiscal years W.P.A. projects for local planning have involved the expenditures shown in Table 7. It is impossible to know what part of the "Sponsors' Funds" were also included in the appropriation for 1936 reported to the National Resources Committee, but inasmuch as a great deal of supervisory service has been provided by planning engineers themselves it may be surmised that a substantial proportion is duplicated. Hence the total local appropriation reported for 1936 cannot be added to the "Sponsors' Funds" for that year to obtain a valid total. This only serves to accentuate the fact that during the past few years the federal government has been spending several times as much for local planning as have local governments themselves.

[10] See Works Progress Administration, *Index of Research Projects* (Washington: Government Printing Office), Vol. I (March 1, 1938) and Vol. II (January 1, 1939).

[11] City planning accounted for $1,636,700 of this amount; metropolitan and county planning for $482,767 (compiled from National Resources Committee, Circular X).

For the most part the studies undertaken with relief labor have been limited by the lack of technical training among the workers. In the early days of the Civil Works Administration highly competent architects and engineers were available for work of this kind, and Boston and Toledo, among other cities, utilized them to prepare complete plans for housing projects. In the past few years, however, the more competent technicians of this kind have found their way back into private employment; and the kind of

TABLE 7*

W.P.A. EXPENDITURES FOR LOCAL PLANNING PROJECTS, 1936–39

Fiscal Year	Federal Funds	Sponsors' Funds†
1936	$5,891,931	$1,391,193
1937	2,496,021	409,208
1938	4,867,767	1,028,060
1939	3,308,020	776,270

* For this information the writer is indebted to Mr. Robert H. Randall, formerly state planning consultant, National Resources Committee.

† Represents local funds for supervising services

studies which have become most common are those utilizing counters, draftsmen, or observers, and untrained white-collar workers doing compilations. Thus real property inventories, traffic surveys, and land-use surveys occur most frequently among the reports in Appendix II. Perhaps the most versatile use of relief labor is found in the fifteen separate studies prepared in New York City under the direction of the Mayor's Committee on City Planning—a series which is notable for its well-rounded combination of social, economic, and physical improvement studies. The effect which the work-relief program has had on city planning, particularly through the sudden emphasis which it

has given to social and economic factors in planning, is inestimable.[12]

Despite a certain amount of seemingly wasted effort, relief staffs appear, on the whole, to have been a clear asset to planning. There are a few instances in which this type of assistance has led officials to reduce budgets for permanent staffs, but there are also cases in which capable persons have become regular employees. In Nashville, for example, three persons—an inspector, a draftsman, and a stenographer—were so retained at the expiration of the relief project. The formulation and supervision of work-relief projects has fallen largely upon the planning engineer. Both of these responsibilities have to a certain extent augmented the independence of the engineer from the board, for the preparation of project applications has given him an opportunity to bring forward his own ideas, while the supervision of the projects has called for relatively little participation on the part of the board itself. In one city it was found that the project for a housing survey had been applied for and approved over a year before the planning engineer, somewhat in apologetic mien, brought it before the planning commission for formal action. On the other hand, a few planning engineers have found the task of preparing an application and supervising unskilled workers such that "it isn't worth the trouble," to use the words of one engineer. Such an attitude is, however, exceptional.

[12] Cf the statement of Lawrence M. Orton at the Conference on City Planning Administration. "This question of staff is especially timely because we have had such unusual opportunities for using extraordinarily large staffs during the last few years While we must write some of it off to experimentation and some to inefficiency, I think most of us have been impressed by the fact we have ourselves had our whole outlook enlarged by this experience" (*Proceedings of the Conference on City Planning Administration, Chicago, November 19–20, 1936* [Chicago American Society of Planning Officials, 1937], p. 19).

The staff of the Los Angeles County Regional Planning Commission and that of the New York City Planning Commission must be considered in a different category from those found in other places. The former was established in 1922 and, with the exception of a temporary setback during the depression, has enjoyed continued expantion until it is now one of the two best-financed and best-

TABLE 8*

BUDGETS OF THE LOS ANGELES COUNTY REGIONAL PLANNING COMMISSION

Year	Expenditure	Year	Expenditure
1922–23	$ 1,975 00	1932–33	$ 61,757 36
1923–24	7,067 39	1933–34	56,742 18
1924–25	12,002 19	1934–35	51,011 92
1925–26	29,097 03	1935–36	48,108 83
1926–27	46,626 90	1936–37	49,200 26
1927–28	54,944 76	1937–38	71,042 66
1928–29	68,243 21	1938–39	100,065 24
1929–30	78,317 35	1939–40	101,058 49
1930–31	78,708 10	1940–41	102,841 00†
1931–32	71,150 65		

* Furnished by Regional Planning Commission. † Amount allocated.

staffed local planning agencies in the country. Once more the appropriation figures tell the story (see Table 8). Several factors seem to have played a part in the ability of this agency to convince the county supervisors of its worth where so many commissions have failed. In the first place, subdivision control has been a conspicuous problem in Los Angeles County, and the administration of such control has been one of the primary functions of the planning commission. Second, the extended area covered by Los Angeles and its environs has focused attention on highway problems. Hence the preparation of highway

plans as well as securing the co-operation of outlying communities in carrying them out, has been indispensable to the county government. Third, the rapid development of the Los Angeles area has emphasized the necessity for zoning control by the county, particularly since large built-up areas which would ordinarily be distinct governmental units are governed entirely by the county. These

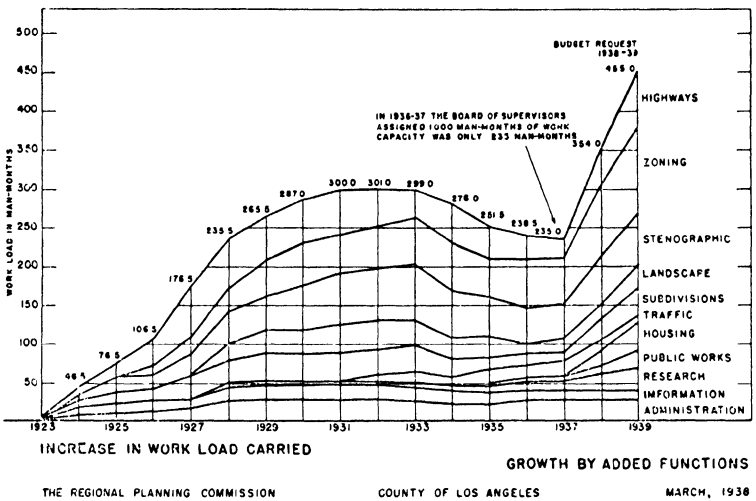


FIG. 3

three—subdivision control, highway planning, and zoning—have absorbed an exceedingly large proportion of the staff's energies, as is shown in Figure 3. But in the past few years housing, research, and public works have consumed an increasing amount of time, and the evidence indicates that the Board of Supervisors is finding the Planning Department increasingly useful in this regard.[13]

[13] An example of research work undertaken by the department is the study entitled "The Housing of Unemployable Indigents," completed early in 1938 under the direction of Mr. Bryant Hall, head of the Division of Housing and

The shifting distribution of work within the Los Angeles department, which reflects a discernible trend in planning generally, is shown not only in the assignment distribution (Fig. 3) but also in the recent internal reorganization of the department. A comparison of the organization chart for 1927 with that for 1938 discloses a significant regrouping of functions.[14] In 1927, highways, subdivisions, zoning, and landscape design were each established as separate sections. By 1938, however, the first two had been brought within the Public Works Section, while zoning and landscape design had been placed within the Land-Use Section. In the meantime, the Statistical Division, which was set up as a lesser division of the office with two employees in 1937, has evolved into the Housing and Research Section, one of the three principal sections under the new organization plan. This threefold division, under a single administrative officer, seems well suited to the development of a well-rounded planning program; and there are indications that the Housing and Research Section may expand to counteract a continuing emphasis on zoning and subdivision control.[15]

The New York City Planning Commission is still in the formative stages,[16] but under the impetus of extensive

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Research. This study analyzed the advisability of publicly housing sanitarium inmates rather than paying exorbitant rents in adjacent private quarters from county funds.

[14] The present organization is shown in Fig. 2. For the 1927 organization chart see Hubbard and Hubbard, *op. cit.*, facing p. 48.

[15] It may be observed here, however, that the Bureau of Budget and Efficiency, also a unit of the county government, is carrying on research activities which go well beyond the analysis of departmental administration. The presence of competent research workers on the staff of this agency may cause the Board of Supervisors to rely upon it rather than upon the planning department for research and general staff services.

[16] It began work January 1, 1938.

charter powers it already has a staff of approximately sixty-three, including the five commissioners. The present tentative organization chart (Fig. 1) reflects the duties of the commission as stated in the charter, i.e., to prepare an annual capital improvement budget, prepare a master-plan, act as custodian of the official map, and assume responsibility for the zoning of the city. In practice, as would be expected, there is a considerable shifting of personnel to meet the greatest pressure of business—notably in the weeks immediately preceding the first of November when the proposed capital budget must be submitted to the Board of Estimate. Thus, the small personnel of the Division of Capital Budget and Program as it appears in Figure 1 belies the importance of the function. Overall planning, as distinguished from its implementation through capital budgeting and zoning, is the primary responsibility of the Division of Master Plan under the director of planning. The fact that the personnel of this division is drawn almost entirely from the architectural and engineering professions, if viewed in the light of the neglect until recently of the Division of Records, Statistics, and Information, might seem to indicate that the social and economic basis of the master-plan are being neglected. But no conclusions should be drawn because the commission is still in a period of flux and adjustment and also because it has as a basis for its work the far-reaching social and economic surveys conducted by the Mayor's Committee on City Planning.[17] In connection with the last it is important that the secretary of the mayor's committee, Lawrence M. Orton, is a member of the commission.[18] It is to be hoped,

[17] See Appen. II.

[18] T. T. McCrosky and F. Dodd McHugh, who directed the technical work for most of the studies, are now director of planning and associate city planner, respectively, of the commission staff.

however, that the all-important research function of the Division of Records, Statistics, and Information will not become submerged in the ever present tasks of keeping records, preparing the annual report, editing publications, and issuing news releases.

Looking at present-day planning offices generally, it is most evident that they are overweighted with engineers, draftsmen, and architects, while economists, sociologists, and statisticians are conspicuous for their rarity. Even among the larger staffs these are the last to be added and are a small minority of the total personnel. Whatever lip service may have been paid the thesis that planning the physical environment rests upon a foundation of social and economic considerations, persons trained for social research have, in fact, been generally overlooked in staffing planning offices. This is, of course, an inherent part of the physical tradition in planning enlarged upon in preceding chapters. Office and field workers drawn from relief rolls have provided an unusual opportunity for gathering basic social and economic data and have compensated to some extent for the one-sidedness of permanent staffs. Nevertheless, they cannot be relied upon as a solution to the problem. If planning is regarded as primarily an executive "staff" service, it follows that it rests essentially upon research, not drafting or engineering. The acceptance of such a concept will be seriously retarded unless appropriately trained persons are introduced into the personnel of planning agencies.

THE PLANNING ENGINEER

It was said above that the nucleus of the average planning office is the planning engineer. Two factors have tended to increase his importance in the local planning pic-

ture since 1930: (1) the widespread withdrawal of consultant budgets has thrown the burden of formulating and directing the program upon the engineer and (2) the availability of relief staffs has given him an opportunity to carry on more or less independently of the board itself. In other words, the activity and success of local planning agencies depend to an increasing extent upon the ability and resourcefulness of these men. Let us, then, examine in some detail their role in shaping local planning activity.

A preliminary word should be said about the prevailing title of "planning engineer." There is little question that the term has served to stress the engineering aspects of planning, and in so doing it has had an important influence on determining the qualifications of persons selected for the position. A majority of the planning engineers listed in Table 6 were trained in civil engineering. At the same time the title encourages local officials to look upon planning primarily as an engineering function. In one city it was found that the city manager was referring strictly engineering matters to the planning office simply because he had confidence in the engineering ability of the planner. In many cases the evidence indicates that the selection of engineers for executive planning positions has resulted in an unjustified concern with technical detail and consequent conflict with the city engineer's office. Within the past few years there has been a growing sentiment within the planning profession for changing the title of the executive officer of the planning agency to director, director-manager, or city planner, in order better to distinguish the planning function from the work of the engineering department.[19] Changes have been effected in a few cities. In

[19] See the remarks of Mr. Charles B. Bennett at the Conference on City Planning Administration, *op. cit.*, pp. 13 f.

Milwaukee, for example, the titles of staff members are city planner, senior planner, junior planner, and illustrating and junior illustrating draftsmen. There is no question that these titles are better adapted to the function, but care must be taken not to lose sight of the more basic question of qualifications in a debate over labels.

The first responsibility of the planning engineer at present is to direct the work of the planning agency. This may mean much or little depending upon whether he has staff assistance to develop a planning program or whether his time is consumed with administrative affairs relative to zoning and subdivision control. The latter is, in fact, the case in a number of cities. Where planning studies are being actively carried on, the task of directing and supervising inevitably falls upon the engineer. The part which he plays in formulating projects and shaping the recommendations of the commission varies, of course, with his professional stature and the composition of particular boards. One naturally finds that a man with considerable planning experience carries more weight with his board than does a lower-paid and less experienced draftsman or engineer.

It was found that the planning engineer usually does direct the work of the planning agency. Ordinarily he will consult the chairman regularly and keep him informed but, by and large, the board itself functions only to approve or disapprove matters placed before them. This is not different from experience in other fields in which a lay board functions with a permanent professional executive. The planning engineer, however, probably exercises somewhat less influence in dealing with his board than, say, the superintendent of schools, since, on the whole, his professional standing is likely to be less well defined. But the

situation varies from city to city, and generalization is difficult. It is perhaps more difficult to judge the influence of the engineers with their boards by observing their role at meetings than would be the case with school, park, or similar boards, inasmuch as so great a proportion of the time is taken up with semijudicial hearings on zone changes. In some cases he may make written recommendations on the cases coming before the board but not participate directly in the hearings; in others he is called upon verbally for his opinion and plays an active part in the discussion; in a few cases he presents only the facts of the case. Local practice depends very much upon the attitude of the board and the personality of the engineer.

There is considerable feeling evident among commission-members that the engineer should remain in the background and let the board decide questions with a statement of the facts before them. The sentiment was expressed by a number of commission-members that the engineer should not press his opinion at meetings. The related feeling that the engineer should not "sound off" to officials for the commission—to use the language of one chairman—suggests that the board may be an obstacle to close relations between the chief executive and the planner. If the latter is not free to advise informally with the mayor or manager, much will, of course, be lost through failure to invoke planning considerations in day-to-day matters. In a word, the boards show a tendency to be jealous of their prerogatives and to discount the opinions of their technical man. This was brought out not only in the comments of commission-members but also by the engineers and some city officials. In one important city the engineer told the writer that as soon as members are appointed to the planning commission they think they know all that is nec-

essary and are unwilling to pay careful attention to staff recommendations. Observation of commission meetings there and elsewhere confirmed the fact that the engineer's report sometimes is given small weight by the board. There is a serious question, in some cities at least, as to whether the recommendations made by the planning commission on zoning and other matters actually represent the best planning knowledge available, for there is an evident willingness on the part of commission-members to substitute personal conviction for the considered advice of the planner.

The engineers themselves are, for the most part, cognizant of the fact that board-members do not know planning. One of them—the engineer-secretary of the Monterey County (California) Planning Commission—recently stated publicly and in a striking manner an opinion which planners frequently have stated privately to the writer, when he said:

> Take the Council of an average sized California city, the School Board, the Library Board, the Planning Commission, the Playground Commission, the directors of the Community Chest, and the rest of the public and semi-public groups of citizens who run or help to run the town, and set them down to write an examination paper on the subject "What Is Our Job and How Can We Do It?"—and the Planning Commission will flunk. Not in every town by any means, but, unfortunately, in most of them.[20]

Practically all planners go out of their way to assure the inquiring scholar when he first appears that their boards are composed of citizens of unusually high caliber. If he remains long enough, however, most of them will confide "off the record" that the members do not, as a group, "know what it is all about." Usually, but not always, they

[20] Reeve Conover, *If You Want To Be a Planner* (Chicago: American Society of Planning Officials, 1939), p. 4.

designate one or two who are well informed. Despite his generally low estimate of the planning competence of his board, however, the planning engineer usually looks upon it as an essential safeguard from the indifference and possible hostility of officials.

The commonly held idea that a citizen board is a necessary protection for the planning function suggests a possible division of the planning engineers into two groups according to the concepts of planning which they hold. The first, and the largest, continues to look upon planning as primarily a citizen movement to be made effective through external pressure brought to bear on public officials. This group stresses the importance of publicity and promotional work among citizen organizations. They also tend to shun official contacts unless called upon. A smaller group is devoting its attention to securing closer co-operation with city and county officials and is depending for support upon its usefulness in day-to-day administration rather than upon a lagging public interest. Thus the engineers in some cities make it a point to keep in close touch informally with the mayor or city manager and frequently with department heads, and their primary effort is directed toward getting these officials to make use of the planning agency. In Milwaukee, Los Angeles County, Cincinnati, and in Louisville and Boston under past administrations, they have been notably successful. In several other cities the same point of view prevails, but results have been somewhat retarded by special circumstances. This attitude is, of course, a definite move toward the "staff" concept of planning. But it is not yet widespread, and its further extension will depend in large part upon the attitudes and personality of the engineers themselves.

The planning engineers as a group definitely have a

broader grasp of the planning function than do commission-members. This, of course, would be expected as a result of their full-time application to the work. Likewise they participate more actively in the annual conferences and in the activities of professional organizations, notably the American Institute of Planners and the American Society of Planning Officials. Through these affiliations the engineer is kept abreast of changes in thought and technique. But, despite the liberalizing influence of meetings and professional publications, it must be said that many planning engineers lack the breadth of view and comprehension of governmental problems which urban planning today requires. Most of them were educated as civil engineers or landscape architects. A number have extended their horizons by a process of apprenticeship and self-education to embrace a far-reaching concept of planning, but many continue to look upon planning as fundamentally a matter of engineering or architectural design. As long as this latter attitude prevails, little advance toward planning as a staff function may be expected, although the planning engineers are in the best position to secure a firm place for planning in the structure of municipal administration. Their professional identity is of recent origin, however, and it is to be anticipated that the standards of the position will be gradually raised in the future. It has already been said that there is a group whose work is setting a high standard for the rest of the profession to follow.

THE INFLUENCE OF THE CONSULTANT

The present situation as regards permanent planning staffs can be properly understood only in the light of the consultant system of planning which has been the dominant characteristic of the organized movement on its tech-

nical side. It will be worth while to re-examine some of the implications of consultant planning in order to place the foregoing description of present-day staffs and of the planning engineer in its proper perspective.

In focusing attention upon specific job contracts, by the terms of which the consultant undertakes to prepare a plan within a specified time for an agreed-upon amount, the system has effectively militated against the recognition of planning as a continuous function and hence against adequate full-time staffs. There are several aspects of the procedure which may be singled out as contributing to this result. In the first place, the consultants have been the original salesmen of planning in most communities. Frequently, a few citizens interested in planning would take the initiative in bringing in a consultant, but the latter's exposition before local groups of the advantages of having a plan was counted upon heavily in rallying the necessary support. In this part of their work the consultants played an important part in the dissemination of the planning idea, but it was inevitable that their sales efforts should be directed primarily toward selling their particular product and only secondarily toward emphasizing that planning must be a continuing process. In many cases, particularly during the mushroom expansion of zoning, a community could be persuaded to undertake only a part of a plan. But, whether the plan was to be comprehensive or partial, it was undertaken to be completed within a limited period. Once that period had expired, the consultant presented his report and left the community, unless local officials could be persuaded to pay him an annual, or monthly, retainer to consult on improvements affecting the plan. Inasmuch as this effort was frequently unsuccessful, the consultants left a long line of unstaffed and inactive commissions in

their wake. Commenting on the broad consequences of this system, the late Major Charles J. Calrow, director of the Virginia State Planning Board, told the writer:

> Local planning boards were numerous when planning and zoning were new, but most of them passed zoning ordinances and went back and sat down. I think it was largely the fault of the professional planning consultants, because they are interested in doing a particular job and did not preach sufficiently that planning was a continuous job. He would build his house irrespective of changing needs, collect his fee and leave. It is this fact of noncontinuance of planning with a suitable staff that has led to the decline of local planning boards.[21]

The noncontinuance of planning probably has been due less to the failure of the consultants to "preach sufficiently" the importance of continuity, however, than to other elements in the system which are largely beyond the control of the individual consultant but which militate against permanent planning staffs. One of these is the fact that public and group support for planning are rallied in terms of getting a particular plan made. This generally involves a promotional campaign over a considerable period, based less upon the need for planning in government than upon a city plan to be completed at the earliest possible date. Newspapers devote editorial and news space to "the plan"; speakers dilate upon the merits of "our city plan." Thus, it is built up in the public eye and before civic groups as a goal in itself; and, once it is completed, a falling-off of interest and enthusiasm is inevitable. Few of the commerce clubs and civic organizations which had supported the preparation of a plan in the past were actively participating in the promotion of planning at the time this study was made.

Even more serious in its effect upon continuous planning

[21] Interview, Richmond, Virginia, February 3, 1938.

than the rise and fall of citizen support is the fact that public officials were likewise encouraged to think of city planning in terms of a single plan. After a period of building up the value of the plan itself, the argument that a technical staff should be employed to "keep it up-to-date" was an ineffectual anticlimax. Consequently, officials were likely to look upon the plan presented by the consultant as a *fait accompli*, sharing the sentiment of the mayor who, when asked why the planning commission received no appropriation, said: "We have a plan. Why should we spend more money?"

It is this fact of a relatively large outlay of money within a short period for a consultant plan that is perhaps the most important obstacle to planning beyond the contract period. However small the consultant fee may appear if stated in terms of per capita outlay, as is often done, it is a considerable item in the average municipal budget. The fee for a complete plan may run from $20,000 to $90,000.[22] It is not contended here that these fees are excessive for the amount of work to be done. The point to be stressed is the fact that this method of plan preparation concentrates the expenditure within a short span of time and inevitably makes planning look expensive. As a result, the completion of the plan is almost always followed by a curtailment of the planning budget which either entirely prohibits a staff

[22] This applies to the average city plan as typified by the work of Harland Bartholomew, John Nolen, the Technical Advisory Corporation, *et al.* Many have been prepared for smaller fees. In a wholly different category are the *Regional Plan of New York and Its Environs* (New York, 1929), for which the Russell Sage Foundation paid approximately $1,500,000, and the *Plan of Chicago* (Chicago: Commercial Club of Chicago, 1909). The latter cost about $350,000, not including the contributed services of Burnham and others, raised by private subscription among the members of the Merchant's and the Commercial clubs of Chicago.

or leaves the resident planner without assistance and funds for continuing study and research.[23] It is believed that the funds available for planning would aggregate much more in a given community if a planner and staff were employed on a permanent basis to develop the general plan over a longer period, thus keeping the initial and subsequent appropriation within unalarming limits.

Summarizing the seemingly inherent defects of the consultant system,[24] it may be said that it generally involves the flaring and burning-out of the enthusiasm of civic groups, the expenditure of considerable sums within a short span of time, and a subsequent complacency on the part of public officials who view the resultant neatly bound volume as a *fait accompli*. They are, consequently, reluctant to spend more for planning, and in many cases the mayor accepts the plan with due ceremony only to have it filed in the archives and forgotten, both by the public and by responsible officials. This suggests the ultimate result of the system—the discovery that, in city after city, officials had never looked at plans supposedly prepared to guide their work and often they were not even aware of their existence. The conclusion is unavoidable that a city plan is of little or no value unless there is a full-time planning official to keep it constantly before the officials who must carry it out; for, whereas the latter will frequently consult a planner who is part of the governmental organization, they but rarely consult a ready-made plan. This was frequently admitted in interviews.

[23] The planning engineer in Memphis, who has been on the job since the first Bartholomew plan was prepared, has found it virtually impossible to find time for other than administrative duties in connection with the zoning ordinance; for a period he lacked even stenographic help.

[24] This discussion is without prejudice to the technical quality of the plans, which is not under consideration here.

RISE OF THE RESIDENT PLANNER

There were several factors in the development of planning during the twenties which tended to intensify the need for having someone constantly on hand in the commission offices. Not only were planners becoming acutely aware of the fact that their work was more often ignored and forgotten than it was used, but the spread of zoning and subdivision control created a need for a permanent official to deal with rezoning applications and subdivision plats. As the sterility of discontinued planning and the need for a full-time man became more obvious, the consultants themselves began to promote more actively the maintenance of a permanent staff after the plan had been made. Recognition of the general problem is found in the following statement by Harland Bartholomew:

> A plan is not a fixed and static thing. Because of its numerous ramifications it may not always apply precisely to a given set of conditions. The city plan must be kept "alive." It is for this reason that the commission should be a permanent institution and should have a paid staff in charge of a technically trained person to be known as the city planning engineer.[25]

Mr. Bartholomew took a definite step toward encouraging permanent staffs in that he instituted the practice of writing into his contracts obligations upon the city to pay the salary of his representatives directly—thus creating a definite tie between the two—and to continue planning after the contract period had expired. In several cases this resulted in the continued hiring of the resident engineer. At the time this study was made the planning engineers in five of the cities visited had worked for Bartholomew,[26]

[25] "Securing Results in City Planning," in Frederic A. Delano *et al*, *City-Planning Procedure* (Washington: American Civic Association, 1925), p. 11.

[26] Cincinnati (Myron Downs), Louisville (H. W. Alexander), Memphis (Lawrence Cockrill), Oakland (John Marr), and Portland (Harry Freeman). Mr.

and three of them had originally been resident engineers as described above. Other consultants, including the Technical Advisory Corporation and John Nolen, similarly introduced the practice of encouraging the cities for which they did plans to retain their apprentices on a permanent basis.

While some planning offices were being established in this way, a number of cities were setting up planning staffs apart from consultant activities as such. Among these have been Boston, Detroit, St. Louis, Portland, Minneapolis, St. Paul, and Nashville. Several of these have, of course, utilized consultants on special studies. Boston, for example, has employed Arthur C. Comey, Edward M. Bassett, and Nelson P. Lewis (zoning report, 1924); Miller McClintock (traffic study, 1926); Robert H. Whitten (thoroughfare plan, 1927–30). Detroit has retained a number of consultants, including Edward H. Bennett, F. L. Olmsted, Arthur C. Comey, Karl B. Lohman, and Harland Bartholomew; while Portland has similarly used consultants on several occasions, on the most recent of which Harland Bartholomew made a street plan (1931). The St. Louis Planning Commission employed Bartholomew as its planning engineer in 1916. He has continued in that position since, although much of his time has been absorbed by his private consulting activities. Nonetheless, the intention of the commission at that early date was to employ a full-time planner, and it agreed upon the present arrangement at a later date rather than lose his services. The planning offices of Minneapolis and St. Paul were established early, and both have utilized consultants, but to a minor degree. Nashville employed a qualified planner

Alexander left Louisville on January 1, 1938, to rejoin Bartholomew and Associates in the replanning of Memphis.

in 1930 to undertake planning on a continuing basis. The Los Angeles County Regional Planning Commission is to be classed with those cities which have proceeded without special consultant services.

In summary, then, we may say that planning on its technical side has had a mixed development, beginning and ending with the consultant contract at one extreme and resting upon a permanent staff with no consultant aid at the other. On the whole, however, the consultant has been the dominant factor; and, although he has made a definite contribution to permanent planning staffs in locating younger men as resident engineers, the preponderant influence of the consultant system has been on the side of blocking the creation of full-time staffs. This is not the opinion of the writer alone. The total situation cannot be better summarized than it is in the following excerpt from a recent report from the chief of field service of the American Society of Planning Officials.

I think that the whole subject of consultant-made plans requires digging into and thorough airing—and maybe now is the time to do it. On this last field trip I had meetings in eight cities which have had such plans (two in one city) and in not one case were any of the plans more than a pleasant (or otherwise) memory. They simply represented a spurt of energy and an expenditure of money that seem to have exhausted the possibility of doing effective planning. This experience is not exceptional, but typical. All over the country I find the corpses of consultant-made plans. It is not a case of some consultant-made plans not working: it is a case of only a rare instance where one does. I have no quarrel (here at least) with consultant techniques, but no matter how good the consultant may be, there is something basically wrong with a system that produces a record of consistent failure.[27]

[27] From unpublished report of Hugh R. Pomeroy (by permission). Mr. Pomeroy resigned as chief of field service of the American Society of Planning Officials in June, 1939, to accept the position of director of the Virginia State Planning Board.

The future development of planning as a separate governmental service calls for a frank departure from the past tradition of consultant-made master-plans. This is not to say that a general plan incorporating future possibilities, to which current proposals may be related, is not desirable. But the purpose of planning is defeated if such a plan is made an end in itself or if its preparation exhausts interest and resources. Abandonment of this kind of consultant planning is not, as a matter of fact, as radical a step as it might at first appear. We have already seen that a few cities have undertaken planning from the beginning as a continuous rather than as a contract job. Even more important, however, is the fact that the depression has already sharply curtailed consultant-made plans by preventing the necessary lump-sum expenditures. Concurrently, relief staffs have enabled resident planners to proceed with a program which is setting a new pattern for city planning.

AN ADEQUATE STAFF FOR PLANNING

It is not possible at this time to do more than indicate possible lines of future development in the provision of technical planning services, for the alternatives to consultant planning have as yet received little thought. As a point of departure, however, it is difficult to perceive the utility of a planning commission which does not have a staff independent of other departments. In the larger cities the foundations of a continuing planning staff have been laid, although the present organization of the staff, with the exception of Los Angeles County and New York City, is not the most desirable from an administrative point of view. It would seem to be more desirable to place at the head of the planning department a person who would

be in the first instance an administrator, who would hold office at the pleasure of the chief executive, and who would enjoy a status comparable to that of other department heads. Such an executive officer might well be viewed as taking the place of the present planning commission, or he might, as suggested in the last chapter, be responsible to a full-time or part-time board. His function would be to take a broad view of government activity and through his contacts with officials to shape the program of the planning department. The ability most needed is that of outlining a work program, exercising general supervision over its execution, and selling the planning idea to the executive, department heads, and city council. It is above all essential that he have an over-all view of government; it is not essential that he be trained in specialized techniques of any one aspect of planning. In other words, it is no more important that a director of planning be an engineer than that he should be a statistician. An outstanding example of the successful operation of the planning department under an administrative head who is not a professional planner is to be found in the Los Angeles County Department of Planning.

As distinguished from such a director, the "planner" would be a permanent official, probably with civil service status, comparable to the present group of planning engineers, and would be in charge of the technical work of the agency and immediately responsible to the nontechnical head.[28] His title might be technical director, chief planner, or something similar. The question then arises as to what the necessary qualifications of such a person are. As a matter of fact, the word "planner" has as yet no more ac-

[28] This would be a position comparable to the office engineer of the Los Angeles County department (see Fig. 2).

cepted meaning than has the term "planning." But much as the view that planning is primarily a matter of public improvements has been generally accepted, so have most of today's planners been drawn from the engineering and architectural fields.

However, acceptance of the thesis that planning should be viewed as an advisory and co-ordinating function, the scope of which is as broad as government activity, carries with it the logical implication that training in these professions is not essential for the over-all planner. Equally as important as engineering, architecture, or landscape architecture in the educational background of the prospective planner are economics, public administration, geography, and perhaps some law.[29] Persons entering the planning field might well receive their primary education in any one of these fields, for these are the special skills which are needed in subordinate positions on the planning staff.[30] Whatever their field of specialization, however, it would seem that anyone intending to make a career of planning should have had at least some work in public administration. Likewise, academic training in administration should almost certainly be supplemented by a program of internship or in-service training within the administrative departments, since over-all planning is to a large extent a matter of co-ordinating departmental planning. In this way an appreciation of the departmental point of view could be obtained which would be of the utmost value

[29] See the comments of Charles S. Ascher at the Conference on Planning Education called by Dean William Emerson of the school of architecture, Massachusetts Institute of Technology, Boston, October 27, 1936 (mimeographed).

[30] The New York City Planning Commission has recently had difficulty in persuading the Civil Service Commission to certify persons trained in other than the engineering and architectural professions for research positions on its staff.

when the individual attained to one of the higher positions in the planning department. Although it is beyond the scope of this report, serious study and rethinking of the problem of education for planning is urgently needed.[31]

In the larger cities the planning department should probably be divided into several sections. Here the present organization chart of the Los Angeles County department is highly suggestive with its Land Use Section, Public Works Section, and Housing and Research Section.[32] Although the actual allotment of man-power and funds in Los Angeles County does not fulfil the promise of this arrangement, such a distribution of functions would seem to be desirable in order to avoid the concentration of effort upon any one aspect of planning. It is within these sections that specialized technical training is required—in design, in engineering, in economics, or in statistics. At the head of each might be a career man who had worked up from one of the lesser positions and who had gone through the period of in-service training suggested above. He could, of course, look forward to ultimate promotion to the position of chief planner. In this way a career service of planning might be built up.

[31] In 1938 the National Economic and Social Planning Association published a pamphlet entitled *Planning Courses in American Colleges* (Washington: The Association, 1938). There are included under the heading "Community Planning" a number of courses in public administration and urban sociology, thus indicating an interpretation of planning education similar to that suggested here. The need for further study of this particular problem is seen, however, in the following comment: "It is not easy to conduct such a survey. The planning concept has not yet been brought into a systematic form. Students of the subject follow various approaches and formulate different institutional patterns. These differences in interpretation make difficult the selection of courses for listing" (p 1) A cataloguing of college courses is at best an uncertain index of planning education, for course titles are not infrequently poor keys to their content.

[32] See Fig. 2.

The smaller city could not be expected to maintain as elaborate a staff as that suggested above. Less work would be required, and separate divisions would probably not appear. Likewise, the two offices of administrative head and technical director would, no doubt, be consolidated. In the smallest communities in which a separate planning agency would be feasible the staff might conceivably be reduced to one person.[33] Where such was the case, a number of communities might well combine their resources to employ collectively a man with the breadth of view and planning competence which a lower-salaried employee could not be expected to have. This practice is already being actively employed by a number of counties in California, where qualified consultants supervise the work of younger resident engineers working full time. In this type of consulting services no effort is made to prepare an original master-plan, but rather the consultant is paid an annual salary to devote a given amount of time to the county. This type of planning service for the smaller cities would seem to be much more satisfactory than the former practice of persuading them to appropriate a relatively large sum for a "plan," after which they merely designated an employee of the public works department to act as engineer to the commission. The latter arrangement may have proved reasonably satisfactory in a few cases, but among those cities included in this study little or no planning was being done under these circumstances.

Consultant services would, in any case, not be eliminated from planning. Even though the resident planner be viewed as the focal point of planning activity, technicians

[33] Interdepartmental committees should be as useful in the small town with a small staff as in the large urban center. They are an effective and inexpensive device for developing integrated programs.

will no doubt be utilized to advise on special studies from time to time. Zoning authorities, industrial economists, traffic experts, and other specialists will continue to serve permanent staffs as some of them have in the past. This is the basis for consultant services in other phases of local government activity, and there is every reason to believe that both planning and the consultants will benefit by its more widespread adoption in planning.

CONCLUSION

To summarize briefly, available data on planning staffs in general indicate that only a very small percentage of the communities which have created planning commissions have provided them with staff facilities. Most of them have never shown an interest in planning beyond the writing of a zoning ordinance. Hence the present situation is a result of the depression in only a minor degree, for a majority of the larger cities have supported planning offices through the rigors of retrenchment and few of the smaller communities have ever had them. Among the former one finds that the staffs are completely one sided in the employment of engineers and draftsmen almost to the exclusion of persons trained for research into the financial, industrial, and sociological base of the community. The availability of relief workers and the studies made with their aid have thrown the deficiencies of these normal staffs into bold relief. Persons trained for research in economics and the social studies must become as important a part of planning staffs as those trained to work at the drafting board.

The present corps of planning engineers are similarly overweighted on the side of engineering, but they are the backbone of city planning today and are in some cities

working planning into the fabric of municipal government. Too many, however, continue to lean heavily upon citizen support and look with distrust upon elected officials. Such an attitude is, of course, incompatible with a concept of planning as an executive staff service. It suggests a need for further emphasis upon public administration in planning education, as well as for educational work among active planners. Current attitudes toward planning and the present staff situation hinge largely upon the consultant tradition in planning. A revival of planning activity seems dependent upon abandonment of the consultant-made plan as a point of departure in favor of a progressive development under a resident planner, utilizing consultant services to supplement his work. Study of the educational program for those expecting to make a career in planning is one of the pressing needs for the immediate future.

PART III

CASE STUDIES IN URBAN PLANNING

CHAPTER VIII

CHICAGO: PLANNING IN EVOLUTION

The 1909 *Plan of Chicago* established a pattern for American city planning. Its influence is manifest in the grand perspectives sketched in every important planning report of the last thirty years; it is felt whenever bound copies of these reports are pointed to as "our City Plan" with an air of satisfied accomplishment. Chicago's influence upon the planning movement in general has been tremendous, and the public works program undertaken in conformity with the recommendations of the Chicago Plan has stimulated innumerable favorable comments in the literature of the field. This unquestioned influence and continuing reputation gives Chicago a unique status in the annals of city planning. Its Outer Drive and lake-front development, park system, forest preserves, extensive street improvements, and network of highways emanating from the city represent the zenith of physical planning, and one continues to find active city planners looking enviously toward Chicago as "one city where they have accomplished something" in city planning. But while a careful examination of the evolution of planning in Chicago discloses striking successes, it is not a record of steady progress. The Plan Commission which guided the development of this outstanding program failed to keep step with the changing demands upon urban government and slumped into virtual inactivity. A recent revival of civic interest, however, has brought about the reorganization of the commission and promises a new era in Chicago planning. In the sequence

of auspicious birth, vigorous youth, maturity, decline, and rejuvenation which characterizes Chicago planning is found one of the most interesting and instructive chapters in modern city planning.

THE UNPLANNED METROPOLIS

The unprecedented rise of Chicago from a village to a city of four million people in a hundred years is one of the epics of modern urban industrialization. It exemplifies the best and the worst of American city building. Here unrestrained business enterprise raised a prosperous city from the swamps in incredibly short time. Here, also, unrestrained speculation created a notorious morass of slums, nauseous areas of filth, vice, crime, and political manipulation. It is difficult to imagine a city growing more rapidly and with less conscious design than did Chicago. This was particularly evident in the thirty years after 1871, when, disregarding the opportunity which the Great Fire presented for planned rebuilding, the city doubled and redoubled in both population and area. In 1870 Chicago had less than three hundred thousand population. By 1880 it had passed five hundred thousand. In 1889 the city was enlarged by annexations from some forty-four square miles to one hundred and seventy square miles, with the result that by 1900 the population had reached one million, seven hundred thousand.

In this rapid expansion only two factors relieve the general lack of interest in looking ahead to the future of the city. One was the rigidly rectangular street system to which the city closely adhered in its expansion. This has now been modified by a system of boulevards in the outlying areas, park drives, and the lake-front development. But by careful adherence to the predominant rectangular

plan, including street widths which were at least liberal for preautomobile traffic, the city has largely avoided one of the worst consequences of uncontrolled subdividing—un-co-ordinated streets with their multitude of jogs and dead ends.

A factor of even greater importance in Chicago's development has been its park system, the beginnings of which stem from before 1870. The beginning was made in 1869 on Chicago's South Side, when the voters approved two million dollars in bonds for park acquisition. Since that time there has been a steady expansion of the park system, building initially on a report prepared by Charles E. Zueblin, George E. Hooker, and Dwight H. Perkins and later on the *Plan of Chicago.* At the outset the idea of a comprehensive park system had not emerged, and it was largely at the insistence of the aldermen that small playgrounds be provided in their wards that a series of neighborhood parks were created.[1] The development of the outer-belt park system through the purchase of forest-preserve areas by the county has rounded out a park program which puts Chicago well to the fore in this respect.[2] Needless to say, Chicago's parks have done much to mitigate the social effects of its congested areas.

But, despite its regular street system and its parks, Chicago in the late nineteenth century embodied some of the worst consequences of haphazard and unguided urban growth. It had acquired a far-reaching reputation for

[1] Charles Edward Merriam, *Chicago: A More Intimate View of Urban Politics* (New York: Macmillan Co., 1929), p. 77.

[2] For a brief review of Chicago's pioneering before 1915 see Charles Zueblin, *American Municipal Progress* (New York: Mamillan Co., 1916), pp. 272–75. For a more extended treatment see the forthcoming study by Elizabeth Halsey, "Recreation in the Chicago Area" (Ph.D. thesis, University of Michigan, 1940), to be published by Chicago Recreation Commission.

political corruption and unabashed immorality, both based to a large extent upon the congested slums and deteriorated areas housing Chicago's multitude of immigrant laborers and her transient population. Here poverty combined with crowded quarters, filth, lack of recreational facilities, and social disorganization to nurture delinquency, vice, organized crime, and political demoralization. The great melting pot produced a scum which all but concealed the constructive side of Chicago's growth from the eyes of a shocked nation.

In the nineties the social and political conditions prevailing in the city stimulated a civic awakening the evidences of which appeared from several directions. On the one hand, there was the World's Fair of 1893, presenting to the nation and the world a new conception of Chicago—a Chicago of civic pride and aesthetic accomplishment. Those who came and saw carried away with them a new consciousness of civic art and of the unsightliness of their own cities. The influence of the Fair on the incipient city planning movement was noted earlier in this report. But it may be emphasized here that not the least important aspect of this influence was the effect which the Fair had on the citizens of Chicago, for as will be shown later the Fair and the *Plan of Chicago* sprang from the same seed.

Another aspect of this awakening was the direct attack being made on the city's social problems, particularly those originating in the slum. It has been observed in an earlier chapter that one group of reformers in the late nineteenth century devoted its efforts to exposing the evil effects of slum living and attempting to ameliorate the housing conditions giving rise to these evils. In 1879 Henry George set the stage with his *Progress and Poverty*,[3] discarding the

[3] New York: Doubleday, Page & Co., 1902.

Malthusian theory that poverty arises inevitably from the tendency of population to increase more rapidly than subsistence and advancing a theory of monopolistic exploitation, particularly in land and rents, which was widely influential among leaders of the attack on the slum.[4] In 1890 Jacob Riis's *How the Other Half Lives* portrayed at first hand the unhealthful and oppressive conditions of life for thousands of people in New York's congested areas.[5] The *Hull House Maps and Papers*, published in 1895, performed a similar service for Chicago's slum dwellers.[6] This was a series of monographs by the residents of Hull-House Settlement dealing with the problem of nationalities and wages in a congested district of Chicago.[7] A report on *Tenement Conditions in Chicago*,[8] sponsored by the City Homes Association, likewise paralleled the investigations made in New York by the Tenement House Commission in 1900.[9] In brief, Chicago was in the full tide of the social-reform movement of this period.

Closely allied to the agitation for social reform and in many instances identified with it was the movement for

[4] Cf. Frederick C. Howe, *The City: The Hope of Democracy* (New York: Charles Scribner's Sons, 1905), chaps. xii and xix.

[5] New York: Charles Scribner's Sons, 1890.

[6] New York: Thomas Y. Crowell & Co., 1895.

[7] The book contained a Prefatory Note by Jane Addams and the following papers: "Map Notes and Comments", "The Sweating-System"; "Wage-earning Children", "Receipts and Expenditures of Cloakmakers in Chicago, "The Chicago Ghetto"; "The Bohemian People in Chicago", "Remarks upon the Italian Colony in Chicago", "The Cook County Charities", "Art and Labor"; and "The Settlement as a Factor in the Labor Movement."

[8] Robert Hunter, *Tenement Conditions in Chicago* (Chicago: City Homes Association, 1901).

[9] Robert W. de Forest and Lawrence Veiller, *Tenement House Problem, Including the Report of the New York Tenement House Commission* (New York: Macmillan Co., 1903).

political reform which gained momentum in the nineties. Chicago's political machinations had become the nation's model of all that was odious in urban politics, perhaps less because it was more corrupt than other large cities than because its methods were crude and poorly concealed. But the contrast between the civic spirit and accomplishment represented by the World's Fair, on the one hand, and the indifference reflected in the city's open political corruption, on the other, impressed upon many residents the necessity for cleaning the stable. A beginning was made before the Fair,[10] but it was after the organization of the Civic Federation (1894) and the Municipal Voters' League (1896) that the most striking progress was made.

One of the first important gains was the institution of a model civil service system in 1895, putting Chicago to the fore in the movement of civil service reform. In the same year a movement to clean up the notorious City Council got under way with a meeting of some two hundred leading citizens called by the Civic Federation. A committee was appointed to formulate a program; and after passing over the usual expedient of a new reform party it was decided to find a strong leader, create for him an innocuously named "Municipal Voters' League," and give him free rein in seeing what could be done to re-create representative government in the city. With the vigorous leadership successively of George E. ("Old King") Cole, William Kent, and Walter Fisher the Municipal Voters' League tackled the job. Using the records of "boodling" councilmen against them, dealing with each ward as the situation demanded, and employing the time proven methods of the politician, the League accomplished the seemingly impossible—it gained control of the Council.

[10] A Citizen's Association had been formed as early as 1874.

In this uprising the Council was raised to a cleaner and sounder basis by a well-planned and well-executed effort, which gave the city for twenty years the best local legislative body in the country. Out of this came a civil service law, an improved mechanism for the conduct of elections, a reorganization of the taxing machinery, a new type of municipal courts, a new spirit in the council, a new mayor in the chair, abler judges on the bench. And the city took courage and went forward on its municipal course.[11]

The classic picture of Chicago's reform movement in this period has been drawn by Lincoln Steffens, whose series of "muckraking" articles in *McClure's Magazine* played an important role in the broader movement for reform in municipal government at the turn of the century.[12] The general reputation which Chicago enjoyed in this period is indicated by Steffen's frame of mind in approaching the preparation of his article. In his *Autobiography* he reports that he came to Chicago with the intention of writing the "sensationally wicked story" he was looking for to climax the series.[13] He wrote, instead, a story of reform—not of complete reform, to be sure, but a story of effective citizen action as far as it had gone. The successes and failures of Chicago's political house cleaning are best told in Steffens' own words:

For Chicago is reformed only in spots. A political map of the city would show a central circle of white with a few white dots and dashes on a background of black, gray, and yellow. But the city once was pretty solid black. Criminally it was wide open; commercially it was brazen; socially it was thoughtless and raw; it was a settlement of individuals and groups and interests with no common city sense and no political conscience. Everybody was for himself, none was for Chicago.

[11] Merriam *op. cit.*, p. 21.

[12] Later published in book form as *The Shame of the Cities* (New York: McClure, Phillips & Co., 1904).

[13] *The Autobiography of Lincoln Steffens* (New York: Harcourt, Brace & Co., 1931), p. 423.

There were political parties, but the organizations were controlled by rings, which in turn were parts of State rings, which in turn were backed and used by leading business interests through which this corrupt and corrupting system reached with its ramifications far and high and low into the social organization. The grafting was miscellaneous and very general; but the most open corruption was that which centered in the City Council. It never was well organized and orderly. The aldermen had "combines," leaders, and prices, but, a lot of good-natured honest thieves, they were independent of party bosses and "the organizations," which were busy at their own graft. They were so unbusinesslike that business men went into the City Council to reduce the festival of blackmail to decent and systematic bribery. These men helped matters some, but the happy-go-lucky spirit persisted until the advent of Charles T. Yerkes from Philadelphia, who, with his large experience of Pennsylvania methods, first made boodling a serious business. He had to go right into politics himself to get anything done. But he did get things done. The aldermanic combine was fast selling out the city to its "best citizens," when some decent men spoke up and called upon the people to stop it, the people who alone can stop such things.

And the people of Chicago stopped it; they have beaten boodling. That is about all they have done so far, but that is about all they have tried deliberately and systematically to do, and the way they have done that proves that they can do anything they set out to do. They worry about the rest; half free, they are not half satisfied and not half done. But boodling, with its backing of "big men" and "big interests," is the hardest evil a democracy has to fight, and a people who can beat it can beat anything.[14]

Here, then, in bold journalistic strokes is a portrait of Chicago the bad and Chicago the partially reformed. Ultimately, the boodlers arose again,[15] but in this period Chicago was a city with a variety of groups striving to improve it—aesthetically, socially, politically.

It was in the midst of this maelstrom of reform currents that the idea of a plan of Chicago arose, and from them

[14] *The Shame of the Cities*, pp. 236 f.

[15] See below, pp. 246–52.

was drawn the energy which led eventually to the creation and publication of the Chicago Plan. The primary incentive for the plan came, however, from the men who had sponsored and directed the World's Fair. This was both a strength and a weakness, for, while it gave the plan the backing of a highly influential group in the city, this group missed its larger opportunity by failing to secure the active participation of representatives from other groups with a vital interest in the city's social and political ills. For despite the creation of a widely representative Plan Commission, control of the work remained unbrokenly in the hands of a small group of wealthy businessmen.

BIRTH OF THE CHICAGO PLAN

The *Plan of Chicago* must be traced back to the Chicago World's Fair of 1893, for the men who backed and created the Fair were substantially the men who backed and prepared the plan. Both in spirit and in design the plan bears the impress of this identity. This is in part a result of the piecemeal manner in which the idea of a city-wide plan for Chicago evolved following the close of the Fair. Probably the first step was taken in the form of plans for the preservation of the Fair's six hundred and eighty-six acres as a permanent park. This suggested in turn a project for reclaiming several hundred feet of the lake shore over a distance of some six miles from the Fair grounds to Grant Park in downtown Chicago. Daniel Burnham, whose vision had guided the Fair, prepared plans for such a lake-front park which he exhibited to members of the Merchants' and Commercial clubs. Representatives of these clubs had played prominent roles on the board of managers for the Fair and had worked in close co-operation with Burnham during the years it was in preparation. Thus it

is not surprising that a positive plea for a "great Burnham Plan for Chicago" should have been made at a joint dinner of the Merchants' and Commercial clubs in the spring of 1905. Speaking at this dinner, Edward B. Butler, of the Merchants' Club said: "We need to consider a great plan for the city—a great Burnham Plan—and right now we could make a splendid beginning by constructing a Lake Front park according to plans which Mr. Burnham has already shown to the members of these clubs."[16]

In the interim of over a decade between the closing of the Fair and this dinner there had been a number of suggestions for a plan of Chicago. Mr. Franklin MacVeagh voiced the idea to the Commercial Club in 1901. In the same year Frederic A. Delano, then president of the Wabash Railroad, issued a brochure on the future of the city, accompanied by a map showing the city then and as it might be in the future. Mr. Delano was at that time a member of the executive committee of the Merchants' Club, of which Walter H. Wilson was president and Charles D. Norton was secretary. It was Mr. Delano's interest in discovering new and constructive subjects for the club to take up plus Mr. Norton's enthusiastic support that finally caused the Merchants' Club to invite Mr. Burnham to prepare a Plan of Chicago. This was in June, 1906, a little over a year following the dinner at which Mr. Butler had proposed that the plan be undertaken as a joint enterprise. There may have been some question as to which of the two clubs should sponsor the work, but the suggestion that it be made a joint enterprise was realized when the two organizations merged shortly after the work had begun. A new plan committee was organized to direct

[16] Walter D. Moody, *What of the City?* (Chicago: A. C. McClurg & Co., 1919), p. 321.

he work, with Mr. Norton as chairman and Charles H. Wacker as vice-chairman; and in February, 1908, after ten months' work, the final report was presented to the club's membership for adoption.

There is no question that a great deal of work and energy went into the plan. At the aforementioned dinner Mr. Norton reported that the committee had held over three hundred conferences with Mr. Burnham in his office, conferences which "included the governor, the mayor, almost all the aldermen, the park commissioners, army and navy engineers, railroad and traction engineers and officials, harbor and drainage experts, property owners' associations, committees from The Chicago Association of Commerce, newspaper men, members of the State Legislature, congressmen and many others."[17] Nor did the presentation of the report to the club end the work. A general committee was formed, and numerous meetings were held before the formal adoption of the plan by the club and its publication in June, 1909. Mr. Burnham contributed his services and the working space for the actual preparation of the plan—all without compensation. His right-hand man in the architectural rendition was Edward H. Bennett, later a prominent planning consultant in his own right; the color work was done by Jules Guerin, an outstanding artist; a legal opinion on procedures was prepared by Walter L. Fisher; and the textual material was written by Charles Moore, who had served as secretary to the commission which prepared the Washington Plan. These men and the remainder of the staff were paid from funds raised within the Commercial Club. The cost of publication was similarly raised, bringing the initial cost of the *Plan of Chicago* to the members of Commercial Club to approximately

[17] *Ibid.*, p. 326.

$85,000, not including the generously contributed services of Mr. Burnham and the members of the committee.[18]

There is little question that the expenditure of time and money which went into the plan was prompted by an unusual degree of civic interest. The less restrained eulogies heaped upon the men who backed it may be tempered somewhat by a frank recognition of an element of civic advertising in the work, not unlike that involved in the creation of a world's fair,[19] but, in creating the Chicago Plan, Burnham and the Commercial Club were taking a momentous step in the direction of intelligent urban planning. The general characteristics of the plan have already been discussed,[20] but it may be repeated here that it was a great advance over anything in the nature of city planning which had preceded it or which followed it for many years. The principal parts of the plan dealt with (1) the origins of the *Plan of Chicago* and the historical background of city planning in general; (2) the relation of Chicago to the middle western region, including the problem of suburban expansion; (3) the city and metropolitan park system; (4) transportation, with special emphasis on railroads and terminals; (5) the street system; (6) the downtown area, including the civic center; (7) a statement of the advantages of the plan and an appeal for public support; and (8) a concluding chapter on the legal aspects of carrying out the plan. Viewed in the light of present-day needs and of current ideas of what planning ought to be, the *Plan of Chi-*

[18] *Ibid.*, pp. 328, 359.

[19] The idea that realization of the plan would make Chicago more attractive to visitors appears frequently in the arguments advanced in favor of the plan, while a related note was struck by Mr. Norton when he told the club that "the city plan is a business proposition and it should be developed under the direction and control of business men" (cf. Moody, *op. cit.*, p. 326).

[20] See above, pp. 17 ff.

cago is in many respects inadequate; but, viewed in the light of contemporary efforts at civic beautification, it marked the beginning of a new era.

THE VIGOR OF YOUTH

When the *Plan of Chicago* appeared it had the blessing of a group wielding great economic and political influence in the city. The men who had fathered the plan realized, however, that to cast it unheralded and unsupported upon a disinterested city would be to condemn it to early oblivion. The steps by which the citizen's group which had prepared the plan achieved an official status as the City Plan Commission are discussed in detail elsewhere.[21] Briefly stated, it was decided that any influence the plan might be expected to wield was contingent upon its acceptance by the public. This, in turn, called for an aggressive publicity campaign which it was felt could be carried on to greatest advantage if the plan were given something of an official status. Hence Mayor Fred A. Busse was approached, and on July 6, 1909, he sent a message to the City Council calling its attention to the Commercial Club's gift of the plan to the city and recommending that he be authorized to appoint a commission whose function would be to study the problems involved in the plan and to inform the city as a whole as to what was contemplated in it. The council authorized the appointment of such a commission by resolution, and on November 1, 1909, the mayor sent to the council the names of three hundred and twenty-eight leading citizens of Chicago to be the first members thereof. Charles H. Wacker was named permanent chairman of the commission, an executive committee of twenty-seven was formed, and with the men who had fostered the plan from

[21] See above, pp. 137–40.

the beginning in control an intensive publicity campaign was undertaken.

The manner in which the plan was made a vital factor in the development of the city during the next decade is one of the most significant episodes in Chicago planning. At the fifth meeting of the executive committee, April 22, 1910, Chairman Wacker suggested that "there ought to be a man like Moody, of the Association of Commerce, a hustler, a man who knows how to do things, and to get the greatest amount of publicity out of the movement we are undertaking."[22] Walter D. Moody was accordingly brought to the commission as director, and under his energetic guidance the gospel of the plan was preached to the citizens of Chicago through every available channel of information. In order to counteract the widespread criticism of the plan as being hopelessly idealistic, the commission elected to drive at once toward realization of a specific project—the Twelfth Street improvement. This was one of the key thoroughfares in the plan, running through the highly congested West Side. In preparation for the council vote and public referendum on the necessary bond issue for the improvement, the commission launched its first important publicity drive. The first big gun to be fired, to use the words of Mr. Wacker, was the publication entitled *Chicago's Greatest Issue—an Official Plan.* The pamphlet was printed in June, 1911, at a cost of $18,000 and was distributed throughout the city to all property-owners and to those citizens paying over $25 per month rent.[23] It was

[22] Here, and elsewhere as noted, I am indebted to Dr. Clifford J. Hynning for his unpublished manuscript on "The Planning of Metropolitan Chicago" (1937) and for the manuscripts of less accessible materials which he prepared in connection therewith.

[23] For a complete description of this and other aspects of the publicity surrounding the Chicago Plan see Moody, *op. cit.*, chap. vii.

addressed to the "Owners of Chicago" and proffered answers to the questions: "What is the Chicago Plan? What are its objectives? What does it mean? What are we as citizens to do to promote it? What will the Chicago Plan mean for Chicago in a business way? What is it proposed to do to carry out the Chicago Plan?" The booklet attracted a great deal of newspaper attention, itself a valuable source of publicity.

This was but the beginning of a promotional campaign that places Moody among the leading public relations men of the last fifty years. It was he who wrote the now famous *Wacker's Manual of the Plan of Chicago*—the elementary-school text which carried the message of the plan to the children of Chicago "at their most impressionable age," to use his words. The Board of Education adopted it in 1912 as part of the eighth-grade curriculum. It was used actively for over a decade, going through several revisions and finally passing gradually out of use. Over fifty thousand copies were printed, and it is doubtful whether any other city has impressed its city plan so effectively upon its future citizens as did Chicago during the years when *Wacker's Manual* was an assigned school text.[24] Efforts were made in several other cities to employ this device for planning education, but with no instance of comparable success.

Paralleling these efforts, the Chicago Plan Commission established a lecture service and developed a standard lecture accompanied by stereopticon slides. Approximately

[24] The Hubbards, after their survey of city planning in 1929, said: "The Chicago Plan Commission has probably developed the most highly organized system of public education, both as to general planning ideas such as those in the school textbook 'Wacker's Manual' and to specific plan projects to be 'put over'" (Theodora Kimball Hubbard and Henry Vincent Hubbard, *Our Cities Today and Tomorrow* [Cambridge: Harvard University Press, 1929], p. 83).

fifteen thousand dollars was spent upon the slides and other lecture material,[25] and in the first seven years of the commission's work over four hundred lectures were delivered. About half of these were on invitation from organizations, but there was no waiting for invitations to present the story of the Chicago Plan. The school board was persuaded to donate the use of school auditoriums, and an effective means of attracting audiences was devised. Before each meeting well-illustrated circulars, carrying a special cover for that particular lecture, were circulated along with two "free tickets" to twice as many neighborhood residents as the hall would hold. By thus giving an original appearance to the announcements for each lecture, as well as suggesting an element of personal privilege, capacity audiences were guaranteed. The distribution of the circulars alone, totaling as high as one hundred and fifty thousand in one season, was an important element in the campaign.

Alert to the use of all promising channels of propaganda, the leaders of the Chicago planning movement next seized upon the moving picture, then relatively new. A two-reel feature entitled *A Tale of One City* was prepared, contrasting existing conditions with the city of the future portrayed in the *Plan of Chicago*. It enjoyed a gala opening at the then leading Majestic Theater and was eventually shown in over sixty theaters.

Thus in pamphlet, press, lecture, and picture the story of the *Plan of Chicago* was carried to the residents of the city and, to a lesser degree, to the nation and the world. The foregoing were the outstanding vehicles for disseminating information on the plan as a whole, but a veritable flood of pamphlets and news releases on specific projects

[25] This and other information on the commission's early work was furnished the writer by the manager, Mr. Eugene Taylor.

poured from the commission's offices. The Twelfth Stree project carried by a substantial margin when submitted t the voters. As other improvements were proposed, bro chures were published by the Plan Commission to impres the ideas set forth in the plan upon citizens and officials One of these was issued during the negotiations for a Wes Side railway terminal. Civic pride was stimulated in pamphlet entitled *Chicago's Worldwide Influence in Cit Planning* (July, 1914). A leaflet, *Fifty Million Dollars fo Nothing* (December, 1916), argued for the reclamation o the lake front at practically no cost by using the city' waste material for fill over a period of about twelve years Another important report presented the case for the Soutl Water Street improvement, since realized as double-decke Wacker Drive. With the close of the World War the Pla Commission, ever alert to ways of carrying out the Chi cago Plan, published a pamphlet containing its reconstruc tion platform for Chicago, in which it said:

> This is Chicago's gravest hour of need and its moment of greates opportunity. Chicago's first reconstruction duty is toward its return ing soldiers. Work must be provided for them, and the proper em ployment of labor should be our first consideration. The best opportu nity for this is work on Chicago's great public improvements.[26]

In February, 1919, another brochure on *Economic Read justment from a War to a Peace Basis* was issued, elaborat ing the thesis that labor had to be re-employed and callin for a redirection of wartime unity of action to peaceful re construction. Again the newspapers devoted many col umns to the program of the Chicago Plan Commission.

Early in 1919, also, another potent propaganda channe was utilized to bring the Chicago Plan to the people. Th

[26] From the final address of Charles H. Wacker to the Chicago Plan Commis sion, November 4, 1926 (reproduced by Hynning).

ministers of Chicago's churches were asked to preach a sermon on the humanitarian aspects of the plan, and to facilitate their doing so the commission sent to each preacher a document entitled *Seed Thoughts for Sermons*, described as "a compilation of the humanitarian and social arguments that had been advanced from time to time in the various publications of the Plan Commission."[27] This was one of the final maneuvers of the master-strategist, for in 1920 Walter D. Moody died. Only two pamphlets of importance were published in the six years between his death and the retirement of Charles H. Wacker as chairman of the commission. These were *An Appeal to Business Men*, stressing the necessity for providing work for the unemployed, the relation between city planning and national prosperity, and the importance of the Chicago Plan to business; and *An S O S to the Public Spirited Citizens of Chicago*, reminding the people that they must not lag in their support of the plan.[28]

The first ten years of the Chicago Plan Commission may be termed its Golden Age. With unrelenting vigor, through every available channel of information, the gospel of the Chicago Plan was driven home to the people it aimed to benefit. It is impossible to weigh the influence of the commission's educational campaign against the improvements which would have been made without its work,[29] but in retrospect there can be little doubt as to its tremendous importance. Strong opposition greeted many of the projects successfully promoted by the commission.

[27] Moody, *op. cit.*, p. 110. [28] Wacker, final address.

[29] The publicity work of this period was paid for largely by the Commercial Club. Between 1910 and 1920 the club subscribed over $200,000 (above the original cost of the plan) to the support of the commission, bringing its total contribution to about $305,049 (Hynning, *op. cit.*, p. 18).

Without the counteracting propaganda so skilfully directed by Moody, the ridicule heaped upon the plan might have relegated it to the shelves with so many of its descendants. Through all the commission's work in this period the *Plan of Chicago* was its bible. It was the source of inspiration and the key to the promised land. The analogy to a religious movement might be carried one step further, for in Wacker the planning movement in Chicago had its high priest. Moody consciously and deliberately played him up. Explaining why the book which he wrote was called *Wacker's Manual*, Moody says:

> Then, too, I realized that the chairman needed to be established quite as much as the Plan he was charged with promoting. It was clear to me that the people—all the people—should come to know intimately the individual who to a large extent held the destiny of the city in his hands. City-wide confidence in and knowledge of the Plan Leader should go forward shoulder to shoulder with city-wide confidence in the Plan.[30]

To the few men who were guiding the work the plan became a great cause—an inspiration which carried them to remarkable accomplishment.

THE MIDDLE YEARS

The two factors which emerge as definitive from the first period of the Chicago Plan Commission's work are (1) the great importance attached to Burnham's plan and (2) the dependence of the movement upon a few personalities. As Chicago planning matured, both these factors, which had been highly advantageous at the outset, reacted against the best interests of the movement. In focusing attention upon the Burnham Plan the leaders of the commission neglected later developments in the planning movement as a whole, and the early leaders were with-

[30] Moody, *op. cit.*, p. 96.

drawn from the scene in the six-year period between 1920 and 1926.

The Burnham Plan was a plan for public improvements, a plan for the physical development of the community. It did take account of the effects of congestion and bad housing, and for its day perhaps was ahead of the field in this respect. But, while the plan remained unchanged, the planning movement as a whole was moving forward. One of the first indications that the commission was not keeping in step was its general lack of enthusiasm when zoning was first proposed for Chicago. It put the subject on its agenda about the time Alderman Charles E. Merriam was introducing it in the City Council, but aside from inquiring as to the legality of the matter and suggesting a committee to visit New York and Philadelphia the executive committee did not show great interest.[31] The preliminary studies and a proposed bill authorizing zoning were finally prepared by Alderman Merriam himself, not by the Plan Commission.[32] Acting on this report, the City Council recommended to the state legislature that it pass the appropriate enabling legislation.[33] Reasonably satisfactory zoning legislation was not obtained until 1921, by which time the interrelation between planning and zoning was somewhat clearer. Hence Mr. Wacker was made chairman of the Zoning Commission which drew up the zoning ordinance, while Mr. Eugene Taylor, who had become managing director of the Plan Commission, served as secretary. With the adoption of the zoning ordinance by the council

[31] *Proceedings of the Executive Committee, Thirty-sixth Meeting, October 5, 1916* (Chicago: Plan Commission), pp. 863–64.

[32] *Building Districts and Restrictions: A Bill and Statement by Alderman Charles E. Merriam* (Chicago City Council, February, 1917).

[33] See above, p. 21.

in 1923, however, practically all connection between the Plan Commission and zoning was severed. This has been only partially resumed within the last two or three years.[34]

On November 4, 1926, Charles H. Wacker resigned as chairman of the Plan Commission. Moody had died in 1920, and between these dates the active vice-chairman, Frank I. Bennett, had passed on. The importance of this loss of leadership can be appreciated only when it is fully realized to what degree the planning movement in Chicago hinged upon these men. Mr. Wacker had seen the plan through from its infancy, first as vice-chairman of the Commerce Club committee and then as permanent chairman of the Plan Commission. In the latter capacity he had, with Moody's able assistance, been the unquestioned guiding authority. It was, of course, clear from the beginning that a commission of three hundred and twenty-eight members could not be a working body. It met only annually or semiannually from the time of its inception, and with the exception of a few early meetings these were little but occasions for presentation of the annual report.

An executive committee was created at the outset to be the actual deliberative and policy-forming body, but it too was large (twenty-nine members) and failed to attract a quorum no later than its second meeting. The members then present forthwith reduced the necessary quorum from fifteen to seven, and the committee continued to operate on that basis. Meetings of the executive committee were more frequent than meetings of the commission, but seldom did it meet more than four times a year. The number of meetings held by both the Plan Commission and the executive committee from their inception are shown in Table 9. The periods between meetings even of the execu-

[34] See below, p. 263.

tive committee, plus frequently low attendance, is indicative of the actual authority residing in the chairman and the manager to run the commission's work.

Mr. Moody was succeeded by Mr. Eugene Taylor, who had been with the commission from the first as Moody's

TABLE 9*

MEETINGS OF THE CHICAGO PLAN COMMISSION, 1909–39

Year	Commission	Executive Committee	Year	Commission	Executive Committee
1909	1	1	1926	2	4
1910	1	6	1927	1	4
1911	2	4	1928	1	3
1912	3	9	1929	1	3
1913	2	4			
1914	2	7	Total	13	36
1915	2	4			
1916	2	3			
1917	1	1	1930	none	7
1918	2	3	1931	1	1
1919	none	1	1932	none	none
			1933	1	none
Total..	18	43	1934	none	3
			1935	1	2
			1936	none	4
1920	1	8	1937	none	none
1921	1	2	1938	none	2
1922	2	4	1939	none	1
1923.	2	3			
1924.	1	1	Total.	3	20
1925	1	4			

* Data originally assembled by Hynning were checked and published by the Metropolitan Housing Council in its mimeographed brochure entitled "City Planning Organization" (October, 1938). Figures for 1938 and 1939 were obtained by the writer.

secretary, and Mr. Wacker was succeeded upon his retirement by Mr. James Simpson, a prominent businessman. Mr. Hugh Young came to the commission as chief engineer in 1920. Under this leadership the commission continued to develop and promote aspects of the Burnham Plan through the twenties. In the first five years of this period

a great deal of attention was devoted to Wacker Drive and the straightening of the Chicago River, as well as to elements in the thoroughfare plan. During the last half of the period street problems increasingly occupied the commission's staff. It should be noted here that the budget and staff were substantially increased between 1920 and 1930. The city's appropriation for the commission since its in-

TABLE 10

YEARLY APPROPRIATIONS FOR THE CHICAGO PLAN COMMISSION, 1910–40

Year	Budget	Year	Budget	Year	Budget
1910	$ 7,250	1920	$ 10,000	1930	$ 40,000
1911	5,000	1921	10,000	1931	40,000
1912	13,500	1922	20,000	1932	40,000
1913	9,700	1923	20,000	1933	20,000
1914	9,650	1924	40,000	1934	1,000*
1915	14,650	1925	40,000	1935	6,000
1916	21,000	1926	40,000	1936	28,400
1917	10,000	1927	40,000	1937	28,400
1918	10,000	1928	40,000	1938	38,400†
1919	31,000	1929	40,000	1939	75,000†
				1940	100,000†

* In 1934 the expenses for the principal staff officers were met by unexpended funds from the preceding year

† The appropriations for the years 1938, 1939, and 1940 contain $10,000, $35,000, and $30,000, respectively, as the city's share for a land-use survey.

ception are shown in Table 10. The relatively high appropriations through the middle period enabled the commission to employ as high as fifteen persons on its regular staff, many more than it had had during the preceding decade. This staff largely devoted its attention to the details of the numerous public works projects which were undertaken.

THE CONSTRUCTION PROGRAM

Leaving for a moment the activities of the Plan Commission itself, a word should be said concerning the exten-

sive public works program undertaken by the city in conformity with the Chicago Plan. The magnitude of this program is clearly shown in the number and value of the various bond issues approved by the voters to finance it. The distribution of these issues is shown in Table 11. The total of $233,985,000 secured through bond issues has been supplemented by some $57,596,000 in special assessments upon the properties immediately affected by the improvements,[35] bringing the expenditures for Chicago Plan projects to approximately $291,581,000. An expenditure of such size for public works emanating largely from a city plan is perhaps unequaled in the annals of modern city planning.[36] The improvements which acceptance of these bond issues by the people made possible represent, in the aggregate, a high degree of civic interest. They represent also the harvest from the seeds sown and nourished by the publicity work of the first decade of the Chicago Plan Commission.

Unfortunately, the actual construction work was carried on in an atmosphere heavy with the stench of corruption. In 1915 William Hale Thompson became mayor of Chicago, and, although the Roosevelt Road, Michigan Avenue, and Union Station ordinances had been passed before he took office, construction on these first projects did not begin until after that event. This was due in large part to the lengthy litigation necessitated by the condemnation proceedings, The best-aired scandal surrounding the improvements was that in connection with the exorbi-

[35] Information supplied by the Chicago Plan Commission. At the end of 1937 the outstanding bonds issued for plan improvements totaled $138,300,000, or about 31 per cent of all outstanding bonds for local governments in Chicago

[36] The city of Washington is a possible exception, although the use of federal funds in carrying out the plan of that city makes comparison meaningless.

TABLE 11*

CHICAGO PLAN BOND ISSUES

Date	Project	Amount
1912	Twelfth Street (Roosevelt Road)	$ 1,750,000
1914	Michigan Avenue	3,800,000
1916	Lincoln Park	1,000,000
	Forest preserves	2,000,000
	Forest preserves	1,000,000
1917	Forest preserves	1,000,000
1918	Forest preserves	1,000,000
	Michigan Avenue	3,000,000
1919	Forest preserves	2,000,000
	Ashland Avenue	5,800,000
	Michigan Avenue	2,000,000
	Ogden Avenue	5,400,000
	Robey Street (Damen Avenue)	9,200,000
	Twelfth Street (Roosevelt Road)	1,200,000
	South Water Street (Wacker Drive)	3,800,000
	Western Avenue	2,400,000
1920	South parks	17,000,000
	Forest preserves	2,000,000
1921	Forest preserves	2,000,000
1922	Forest preserves	2,000,000
1923	Forest preserves	2,000,000
	South parks	1,000,000
	La Salle Street	2,650,000
1924	Forest preserves	2,000,000
	South parks	5,000,000
	South parks	3,000,000
	South parks	1,000,000
	Roosevelt Road	1,000,000
	Street improvements on Michigan, Ogden, Western, Randolph, Cermak, and Indiana	3,000,000
	South Water Street (Wacker Drive)	10,000,000
1925	Forest preserves	2,000,000
	Lincoln Park	2,000,000

* This information was furnished by the manager of the Chicago Plan Commission who selected these bond issues as falling within the recommendations of the *Plan of Chicago*.

TABLE 11—*Continued*

Date	Project	Amount
1926	Forest preserves	$2,000,000
	Lincoln Park	3,000,000
	Lincoln Park	1,000,000
	South parks	5,000,000
	Ashland Avenue	1,635,000
	Clinton, Desplaines, Jefferson, Polk, and Taylor Streets	1,000,000
	Halsted Street	850,000
	Kimball Avenue	170,000
	La Salle Street	4,200,000
	Milwaukee Avenue	560,000
	Ninety-fifth Street	450,000
	Peterson and Ridge Avenue	830,000
	Twenty-second Street (Cermak Road)	1,400,000
	Twenty-second Street (Cermak Road)	450,000
	Western Avenue	1,000,000
1927	Forest preserves	2,000,000
	Lincoln Park	2,000,000
	South parks	2,500,000
	South parks	3,500,000
	River straightening	5,900,000
	East Seventy-first Street	315,000
	Twenty-second Street and Indiana Avenue (Cermak Road)	1,600,000
	Wabash Avenue bridge	3,700,000
	Western Avenue	2,000,000
	Ashland Avenue	2,500,000
	Kimball Avenue	250,000
	One Hundred Third Street	100,000
1928	Forest preserves	2,000,000
	Lincoln Park	2,000,000
	Lincoln Park	2,000,000
	South parks	3,000,000
	South parks	7,500,000
1929	Lincoln Park	2,000,000
	Lincoln Park	3,000,000

TABLE 11—*Continued*

Date	Project	Amount
1930	Forest preserves	$2,000,000
	Lincoln Park	3,000,000
	Airport	450,000
	Ashland Avenue	8,715,000
	Forty-seventh Street subway	300,000
	Indianapolis Avenue	400,000
	La Salle Street	4,115,000
	Ogden Avenue	5,460,000
	Public benefit on Ashland, Western, La Salle, Peterson-Ridge, Halsted, Ninety-fifth, Desplaines, and Milwaukee	4,310,000
	State Street	3,500,000
	Western Avenue	6,140,000
1931	Forest preserves	2,000,000
	Forest preserves	2,500,000
	Lincoln Park	3,000,000
	South parks	2,610,000
	South parks	475,000
	South parks	2,000,000
	South parks	1,600,000
	South parks	3,500,000
	State Street	2,500,000
Total (86 issues)		$233,985,000

tant fees paid real estate experts for their appraisals of property for condemnation, which fees were defended later on the basis of a great desire to "push the work along." Charges of corruption in this connection first attracted general attention about 1920. Charges made by one of the aldermen were followed up by Oscar E. Hewitt, a reporter for the *Chicago Tribune*,[37] and on June 24, 1921, the *Tribune* instituted a taxpayer's suit for recovery. Wil-

[37] Oscar E. Hewitt is at the present time (1940) commissioner of public works under Mayor Edward J. Kelly.

liam Hale Thompson, Michael J. Faherty, George F. Harding (city controller, later county treasurer), and the real estate experts were named defendants. June 20, 1928, the circuit court handed down a decision ordering the repayment of $1,732,279.23 illegally paid out of public funds for experts' fees.[38] According to the opinion of the court, fees paid during 1920 averaged about $1,900 per day for each of five experts. The sums paid in that year[39] were as follows:

To Merigold	$577,426 41
To Lyons	577,426 41
To Waller	577,426 41
To Mesce	460,418 66
To Lynch	544,168 18

These fees did not include $181,000.00 additional paid to the condemnation commissioners, most of whom appear to have been political henchmen.

The complaint charged that there had existed a conspiracy between the experts and the Thompson machine, the prime motive for which was the pressing need for funds to meet high campaign expenses. Thus it was alleged that "the financing of the City Beautiful Improvements and of the Thompson-Lundin machine was conducted simultaneously by the same group of individuals, including most of the principal defendants herein."[40] This charge the court found to be true on the evidence entered and in concluding its opinion said:

> The Court's findings as to the existence and accomplishment of the conspiracy, for the two-fold purpose of financing the political activities of the Thompson organization and for the private benefit of members of the conspiracy, lead to the conclusion that all the payments made to Lyons, Waller, and Merigold, aggregating $1,732,279.23 were utterly

[38] The opinion is reported in full in the *Chicago Tribune*, June 21, 1928.

[39] *Ibid.*, p. 6 (recited in the opinion). [40] *Ibid.*

illegal and void, and that restitution must be made for this amount, under a decree of this Court, finding the defendants jointly liable therefor.[41]

The decision in the case was not handed down until Mayor Thompson's third term and after much of the damage had been done.[42] On the other hand, the hearings in the case, which were prominently reported in the press, apparently had the effect of making the populace wary of further huge bond issues. After repeatedly voting favorably upon local bond issues, the electorate did an about-face in the April primaries of 1928 and overwhelmingly defeated all of thirty-one issues proposed. Discussing this reversal, Dr. Harold F. Gosnell has said:

In 1928, however, the Chicago Plan Commission, the city government, and the county board overreached themselves. At the April election, 31 bond issues were proposed which aggregated to over $77,000,000. Besides being the largest amount ever submitted to the voters at any time, the total was greater than the city's entire bonded debt at the time. Mayor Thompson, "Mike" Faherty, the head of the board of local improvements, and the Democratic city council were responsible for ten of the propositions, which asked for an aggregate of $48,500,000 to complete street improvements already started. James Simpson, then head of Marshall Field and Company and the chairman of the Chicago Plan Commission, urged the submission of bonds for new street improvements, and, according to one account, promised that all the newspapers would support the issues.[43]

The newspapers, however, joined the Chicago Bureau of Public Efficiency and the Citizens' Association in opposing the issues, and all were defeated in a public declaration of

[41] *Ibid.*, p. 1.

[42] Thompson held office for two terms, from 1915 to 1923, and returned in 1927 for a third four-year term.

[43] Harold F. Gosnell, *Machine Politics: Chicago Model* (Chicago: University of Chicago Press, 1937), pp. 137 f., citing William H. Stuart, *The 20 Incredible Years* (Chicago, 1935), p. 361.

lack of confidence in the Thompson administration. In the fall elections the same year an effort was made to obtain approval for only $24,000,000 in street-improvement bonds, but the expert-fee case had been decided during the summer, and the proposals once more went down to defeat.[44] Not until 1930 were the voters persuaded to approve more street-improvement bonds.[45] Resumption of Chicago Plan improvements in this year indicates quite clearly that the rejection of the 1928 issues was a reaction to scandals, not a condemnation of the plan. This situation has been graphically summarized by Dr. Charles E. Merriam—an outstanding participant-observer in the development of the Chicago Plan—in these words:

> What happens to the best laid plans is nowhere more clearly illustrated than here. Supported by a splendid community sentiment, with the imagination of the city aroused by the prospect of a greater Chicago, the way was clear for a notable advance in municipal planning. But the city's idealism fell in the hands of expert architects of thievery. Grotesque gargoyles with forked tails and devilish faces began to decorate the plan for the City Beautiful. The City was aghast at the spectacle and uncertain whether to go forward or back, realizing the heavy loss by either move, but went on toward the completion of a plan of world significance. The intolerable odor and exorbitant expense did not stop the movement.[46]

[44] This time the Chicago Bureau of Public Efficiency approved the proposals because of the private interests involved in property that had been condemned but not paid for, but in doing so it said: "The Bureau recognizes that a great deal of scandal has been attached to the use of City bond moneys in the past. Recent disclosures have shown that bond funds furnished a most fruitful source of extravagance, waste, and abuses during the prior incumbency of the present City officials. . . . . The present administration of City finances . . . . is such as to shake public confidence and to give rise to much well-warranted apprehension as to how these additional bond funds will be used" (Chicago Bureau of Public Efficiency, *The Bond Issues To Be Voted upon November 6, 1928* [pamphlet, 1928], pp. 9 f.).

[45] Gosnell, *op. cit.*, pp. 139 f.

[46] *Chicago: A More Intimate View of Urban Politics*, p. 74.

It is interesting to note the length of the period between the time the City Council passed the authorizing ordinance and the time the work was completed on a number of the more important plan improvements (see Table 12). The delay on some projects was probably due in part to inefficiency, but the legal difficulties attendant upon putting the projects through condemnation proceedings were

TABLE 12*

CONSTRUCTION RECORD OF OUTSTANDING CHICAGO PLAN PROJECTS

Project	Date Recommended by Plan Commission	Date Ordinance Passed	Date Completed
Roosevelt Road	Jan. 19, 1910	April 5, 1911	Nov. 20, 1930†
Michigan Avenue	July 10, 1911	March 23, 1914	May 15, 1920
Union Station	Aug. 1912‡	March 23, 1914	1922
Chicago River straightening	1909§	March 23, 1914‖	Dec. 24, 1930
Wacker Drive	Nov. 23, 1917	Dec. 15, 1919	Oct. 20, 1926
Ogden Avenue	1916	1919	Dec. 9, 1932¶

* Data furnished by Chicago Plan Commission.
† Unfinished east of Michigan Avenue.
‡ Date negotiations were begun.
§ In Chicago Plan of 1909.
‖ Incorporated in ordinance for Union Station.
¶ One ramp not built until 1936.

perhaps as great a source of lost time. In Illinois the city must first demonstrate the legality of taking private property for a particular purpose, after which the amount of the payment must be determined. In many cases there was also a trial case to test the benefit assessments. As a result there was frequently a long period of litigation before actual construction was begun on an improvement. But despite the handicaps imposed by legal entanglement, corruption, and inefficiency the Chicago Plan moved forward to a remarkable degree of accomplishment through the prosperous twenties.

PLANNING BY OTHER AGENCIES IN METROPOLITAN CHICAGO

Although the years from 1920 to 1930 witnessed a great deal of progress toward realization of the Chicago Plan, the vigor of the Plan Commission itself had begun to wane. More attention was devoted to working out the details of particular projects, and less emphasis was put on the idea of planning in the broad sense. The ambitious promotional campaign died away; *Wacker's Manual* passed out of use. Continued contemplation of the Burnham Plan tended to obscure the developments that were taking place elsewhere in the planning field. The commission was reaping the harvest from the seeds sown by Wacker and Moody, but it was so occupied with the unparalleled crop of this period that it failed to sow for the future. To vary the metaphor somewhat, we may say that the Chicago planning movement was able to, and did, ride the momentum imparted to it by its initial leaders, but necessarily that momentum gave out and the pace slowed.

Before leaving the second decade of Chicago planning, mention should be made of several aspects of planning which developed during this period but with which the Chicago Plan Commission had little to do—zoning and regional planning. The first of these—zoning—has been touched upon. The commission played a minor part in securing the enabling legislation of 1921, and the first comprehensive zoning ordinance was prepared by a Zoning Commission, with Mr. Wacker as chairman, rather than by the Plan Commission itself. But even this relationship did not extend beyond the original preparatory work, for as soon as it was completed the administration was turned over to the Department of Buildings and the Zoning Board of Appeals. This was in accordance with the Illinois zon-

ing enabling act, but the complete severance of the commission from zoning also completely separated planning and zoning in Chicago. No provision was made for reference to the Plan Commission of proposed amendments to the zoning ordinance as is done in most other states. At first the Board of Appeals was authorized to act with finality upon applications for variances from the provisions of the ordinance, but the board exhibited no clear appreciation of the difference between a variance and a change of zone, and in 1931 it was shorn of its powers by the Illinois Supreme Court. In *Welton* v. *Hamilton* the court held that the words "practical difficulties and unnecessary hardships" in the act did not provide a sufficient guide for the board's exercise of discretion.[47] While the facts in this case may have justified a finding that the board had gone beyond the limits of this language, the decision was unfortunate from the point of view of zoning practice, for it left Illinois cities no alternative but to effectuate each variance by council ordinance. This amounts to "spot zoning," or a change in the law itself each time a minor variation is necessary. Thus Illinois is now classed with California, Oregon, and Washington as a state in which no provision is made for true variances.[48] The Zoning Board of Appeals has been retained in Illinois, but only as an advisory agency to the council.

It is becoming increasingly evident that the Chicago zoning ordinance is in need of revision. The first ordinance, passed in 1923, greatly overzoned the city for apartment, commercial, and industrial uses and has accomplished relatively little from the point of view of planning. A preliminary survey of the effect of the ordinance was made by the

[47] 344 Ill. 82, 176 N.E. 333 (1931).

[48] Bassett, *Zoning* (New York: Russell Sage Foundation, 1936), pp. 144 f.

staff of the Plan Commission in 1938, following which it was reported that the ordinance was in great need of modernization. Recently it has been under attack from housing organizations and others interested in planning, as well as from certain public officials.[49] It is anticipated that rezoning will be one outcome of the real property inventory and land-use survey now under way in the city.[50]

The Chicago Regional Planning Association has been the only unifying agency for planning in the metropolitan region of Chicago. The association—an unofficial organization financed by private contributions—was created in 1923 and organized for work in 1925.[51] It has concerned itself almost entirely with planning in the communities within the Chicago area, while emphasizing that it has nothing to do with the city itself. The Chicago Plan Commission, on the other hand, has been content to resign concern with regional planning to the association and to limit itself to the city proper. There have been, to be sure, instances of co-operation between the two. The Regional Planning Association was instrumental in bringing about an agreement among the United States Bureau of Public Roads, the Illinois Division of Highways, the Cook County Department of Highways, and the Chicago Plan Commission to the effect that no one of them would de-

[49] See the statement of County Assessor John S. Clark, *Chicago Daily Tribune*, February 17, 1940, p. 4. Assessor Clark is quoted as holding the unrealistic and unprotective zoning of Chicago under the 1923 ordinance to blame for the deterioration of badly zoned areas and for the general exodus of home-building to the more adequately zoned suburbs where the owner is really protected from unsuitable land uses.

[50] See below, p. 263.

[51] Such an organization was initially suggested to the City Club by Dr. Charles E. Merriam. A conference was called to consider the matter, and the association resulted (cf. Merriam, *Chicago: A More Intimate View of Urban Politics*, p. 79).

part from the highway plan tentatively drawn up without consulting the other three. This type of agreement is of great value in regional planning, and its application to the Chicago region was an important step. But aside from this, little has been accomplished in the way of co-ordinated regional planning. The association has aided outlying communities with zoning and with their particular planning problems, while the Chicago Plan Commission has concentrated its efforts on public improvements in the city proper. Thus there has existed a dichotomy between city and metropolitan planning which is both unrealistic and unproductive. The consulting services of the association are unquestionably useful to outlying communities,[52] but there is a pressing need for comprehensive metropolitan planning which has not been realized under the present arrangement. It would seem desirable for the official Chicago Plan Commission to play a leading part in such a program. The commission has not, however, shown any particular interest in the subject, and the recent reorganization of the Chicago planning agency does not appear to have taken account of the problem.[53]

It has been observed that the Plan Commission failed to draw effectively upon the vital forces represented by the groups interested in social reform. More than that, however, it failed to utilize the wealth of information about the city and its problem areas which was being accumulated by private research organizations. The researches being carried on at the University of Chicago under the auspices of the Local Community Research Committee (later the Social Science Research Committee) beginning in 1924,

[52] It should be noted that the association receives part of its support from fees paid by the communities for which it does work.

[53] See below, pp. 270 f.

have made available a body of detailed knowledge about the city—culturally, economically, politically—providing an unequaled factual basis for intelligent city planning.[54] Probing into every aspect of city life, students of sociology, political science, economics, geography, and anthropology have dissected its patterns of growth, its institutions, its personalities. The ecological framework of the community was laid bare through these studies.[55] In *The City*,[56] for example, Professors R. E. Park and E. W. Burgess demonstrated the possibility of arriving at an understnding of the urban community by looking at it both as a product of natural growth and as an artifact. The pattern of concentric zones by which they characterized the American city (the Central Business District; the Zone in Transition; the Zone of Workingmen's Homes; the Apartment House Area; the Single House Area; and the Commuters' Zone) has been widely influential in city planning outside of Chicago. In a series of studies dealing with the family, the church, economic institutions, recreational institutions, and institutions of formal social control, the committee has aided in securing a more thorough understanding of the social structure of the city.[57] Finally, the individuals who constitute the city—the cells of the community organism—have been subjected to microscopic analysis

[54] For a review of the work of the Local Community Research Committee to 1929, see T. V. Smith and Leonard D. White (eds.), *Chicago: An Experiment in Social Science Research* (Chicago: University of Chicago Press, 1929). This survey has been brought up to date with the publication of *1126: A Decade of Social Science Research* (Chicago: University of Chicago Press, 1940).

[55] See the series of studies in the "University of Chicago Studies in Sociology."

[56] Chicago: University of Chicago Press, 1925.

[57] Smith and White, *op. cit.*, chap. ix.

in a series of personality studies.[58] The development of a planned program of social research for one particular city has, incidentally, made important contributions to methods of handling basic social data, particularly in the standardization of census tracts, and to techniques of measurement.[59]

Many of the studies directed by the Local Community Research Committee have been carried out on a co-operative basis with private and public organizations. Among these have been regional planning studies of the population, the geographic background, and the industry of the Chicago area.[60] But one looks in vain among the numerous co-sponsors of these and other studies for the Chicago Plan Commission. It was busy with other matters, and social science studies were, at best, on the periphery of its horizon. Here was an opportunity of which the commission seems never to have been aware.

Among the studies carried on with the assistance of the committee which are of particular interest from the point of view of Chicago planning, special mention may be made of the report by Charles E. Merriam, Spencer D. Parratt, and Albert Lepawsky on *The Government of the Metropolitan Region of Chicago*.[61] Their showing that 1,642 governments divided the responsibility for the public affairs of the Chicago metropolitan region in 1933 provides a clue to one of the essential weaknesses of Chicago planning, both in the past and at present. As shown in Table 13, a planning agency which attempts to plan comprehensively for the Chicago region is faced with the almost insuperable

[58] *Ibid.*, chap. x and the studies there cited.

[59] *Ibid.*, chaps. iv and vii.

[60] See the table of "Co-operative Research Projects," *ibid.*, pp. 36–38.

[61] Chicago: University of Chicago Press, 1933.

job of dealing with 204 cities, 15 counties, 165 townships, 978 school districts, 70 park districts, 4 forest-preserve districts, 11 sanitary districts, 190 drainage districts, 4 mosquito-abatement districts, and 1 health district. Even a planning commission which attempts to limit itself to the political limits of Chicago must concern itself with 27 local

TABLE 13*

LOCAL GOVERNMENTS IN THE METROPOLITAN REGION OF CHICAGO

	Number in the Whole Region	Number in Regional Section of Illinois	Number in Cook County	Number in Chicago
Cities	204	175	89	1
Counties	15	9	1	1
Townships	165	124	30	
School districts	978	901	195	1
Park districts	70	70	56	22
Forest-preserve districts	4	4	1	1
Sanitary districts	11	11	4	1
Drainage districts	190	188	40	
Mosquito-abatement districts	4	4	2	
Health districts	1	1	1	
Total	1,642	1,487	419	27

* Charles E. Merriam, Spencer D. Parratt, and Albert Lepawsky, *The Government of the Metropolitan Region of Chicago* (Chicago University of Chicago Press, 1933), p. 9. In this study, a "government" was defined as an agency which independently exercises the power of initiating tax levies and assuming indebtedness and has legally constituted officials responsible for certain governmental services within a defined area.

governmental units. In practice no real co-ordination has been achieved, with the result that governmental units outside the city's legal jurisdiction have carried on important planning functions wholly independently of the Plan Commission. Neither the original *Plan of Chicago* nor the organization of the Plan Commission adequately recognized the problem of dealing with a multiplicity of competing governmental units. And while some effort was made in the early years to interest officials of these units in the

plan,[62] the commission failed almost entirely in meeting this problem in its routine work. Similarly, there have been many special investigations and reports on subjects vitally related to planning the future of the city, notably in the field of transit, carried on with little or no participation from the commission.

DECLINE OF THE PLAN COMMISSION

The economic collapse of the early thirties completely undermined the kind of work the Chicago Plan Commission had done during the prosperous era. Bond issues and large-scale expenditures on public works seemed to be a thing of the past. But, to the leadership of the commission, planning and public improvements were synonymous. Likewise, city officials identified the Plan Commission with public works, with the net result that the council followed the apparent logic that without active municipal construction work there was no need for a large planning staff and cut the commission's budget sharply in 1933 and 1934. Instead of endeavoring to justify themselves by developing a program suited to changed conditions, the leaders of the commission practically resigned their obligations. The executive committee, supposedly the "working body" for the commission, did not meet once in the two crucial years 1932–33. One meeting of the whole commission was held in 1933, but the fact that it has met only three times in the last ten years testifies to its lack of virility. No attempt has been made to keep the membership of the commission active.

The executive committee met three times in 1934, twice in 1935, four times in 1936, not at all in 1937, twice in 1938,

[62] See, for example, the elaborate dinner described (p. 139) by Wacker.

and once in 1939.[63] Thus it has met a total of only twelve times in the last eight years. If we include the seven meetings in 1930 before the blow had fallen and the single meeting in 1931, we find that it met a total of twenty times in the last decade, compared with forty-three meetings in the first decade and thirty-six meetings in the second decade of the commission's history.

The chief engineer has continued to play a part in interdepartmental discussions on proposed public works projects, most of which have been undertaken with federal assistance in recent years. The city engineer, the engineer of the Board of Local Improvements, and the superintendent of parks have advised the writer that no important projects are undertaken without consulting with the commission through its engineer. The latter has also served on special committees, including the West Side Superhighway Committee appointed by the commissioner of public works. This contact with the chief engineer has been the most important kind of interaction between the city departments and the commission's staff, and it is one of the more encouraging aspects of the staff's work. This type of work, however, is largely a carry-over from the predepression activity of the staff, and it does not alter the fact that the commission has been slow to adjust to the opportunities of recent years.

It has already been suggested that the weakness of the Chicago Plan Commission lay in its failure to progress beyond the stage in city planning represented by the Burnham Plan. One aspect of this preoccupation was its reluctance to accept housing and evolving concepts of "social planning" as a legitimate part of planning. The manager of the commission told the writer as late as the fall of 1938

[63] See Table 9, p. 244, above.

that housing was not a part of planning and that they had not been concerned with "so-called social improvements." Consequently, the Chicago Plan Commission was much slower than the planning commissions of other large cities to take advantage of the opportunity to assemble basic planning data afforded by the federal relief program. Aside from an early survey of deteriorated areas made with city relief workers in anticipation of limited-dividend housing projects under a 1929 law, the Plan Commission made no extensive use of relief workers until 1939. In that year it began active work upon the land-use survey and real property inventory for which the Works Progress Administration had authorized an allotment of $1,500,000.[64] The application for the project, however, had been prepared by interested organizations in co-operation with the Department of Public Works. But this is by far the most important single enterprise undertaken by the Plan Commission since 1932, and there is reason to believe that it may mark the beginning of a new era in Chicago planning.

There have been other indications that the general trend in city planning is beginning to make inroads on the idea that planning is concerned only with public works. In co-operation with the Chicago Recreation Commission and at that agency's instigation, the Plan Commission has been conducting an extensive study of recreation facilities in the city. Chief Engineer Young directed a preliminary survey of the effect of the zoning ordinance in 1938 which has not as yet been followed up. But interest in the subject is a change from the commission's past attitude, and the 1939 *Annual Report* places rezoning among the "main objects" of the land-use survey. Perhaps the most startling change,

[64] Chicago Plan Commission, *Annual Report, 1938*. The project was officially approved October 13, 1938.

however, is found in another item in this report placing housing among the primary interests of the commission. Here it is said:

> Another important object of the Land Use Survey which is being kept constantly in mind as the survey data is being accumulated, is the matter of developing, compiling, charting and mapping this data in such form as to be most useful in selecting sites for public housing improvements and in the demolition of substandard structures, in cooperation with the City Council and the Chicago Housing Authority. This also applies to the matters of slum clearance, rehabilitation of blighted areas, conservation of good neighborhoods, and related public problems.[65]

The report contains other items, including the major street plan, superhighways, a lake-front landing field, and improvement of the West Side medical center, which are a continuation of the traditional activities of the commission, but it is readily apparent that a change has taken place in Chicago planning. What does not appear in the report, however, is the fact that this change has been pressed upon the Plan Commission from outside its own membership and staff. Neither the commission nor its executive committee has played a vital part in bringing it about. In brief, the center of initiative in planning has not been within the commission's offices for several years, and in 1939 internal weakness combined with external pressure to bring about the final collapse of a disintegrating edifice. On July 15, 1939, the City Council abolished the old City Plan Commission, creating in its place a new and smaller agency.

REJUVENATION

Dissatisfaction with the course planning was taking under the guidance of the Plan Commission had been expressed before it entered the doldrums of the thirties, but

[65] Chicago Plan Commission, *Annual Report, 1939*, p. 3.

as opportunities to carry on valuable work with federal assistance went unheeded the criticism increased in volume. The real property inventories sponsored by the Department of Commerce in sixty-four cities prompted the obvious suggestion that Chicago needed and should have such a survey. The social science research group at the University of Chicago, whose studies of the city have already been mentioned, played a leading part in arousing interest in the matter. The obvious need for rezoning the city and the increasing interest in housing created by the federal housing program generated additional support for an adequate land-use survey and real property inventory. To obtain federal assistance for the project an official sponsor had to be found, and the application itself was prepared with the co-operation of the Department of Public Works. The Plan Commission's failure to take the initiative in this matter heightened the feeling against it. This was particularly true in housing circles, and in the summer of 1937 a joint meeting of the Chicago Housing Authority and the Metropolitan Housing Council heard Mr. Alfred Bettman of Cincinnati outline the possible organization and duties of a new commission.

Meanwhile, interest in planning was spreading. One factor in this renascence was the discussion revolving around the Chicago subway project and the widespread interest in the transit problem—a problem carefully avoided by the Plan Commission because of its political implications. Another factor was concern over the "blight" which is steadily encroaching upon business properties at the fringe of the Loop area and over the general decline of property values within the city. Local improvement associations were actively interested in these problems, as well as in superhighway and other projects affecting their

interests. The West Central Association was particularly active, contributing to the agitation for a reactivated plan commission by linking its special interests with a demand for the revival of the lost glory of the Chicago Plan. In the central area the Chicago Association of Commerce was influential in arousing interest in planning, while the long quiescent Plan Committee of the Commercial Club was revived and retained Mr. Robert Kingery, director of the Chicago Regional Planning Association, as its consultant. Finally, the medical-center program, the work of the recreation commission, and the program of the Chicago park district were helping to bring the need for comprehensive planning to a focus.

PROPOSALS FOR REFORM

Before pursuing the later steps in the agitation for reform, we may pause to observe the nature of the proposals being advanced. It was felt that the first necessary step was to put the Chicago Plan Commission upon a firm legal footing. It will be recalled that the commission was originally created only by council resolution, not by ordinance. It remained on a precarious legal basis throughout its career despite the city's regular appropriation for its support. A state planning enabling act was passed in 1921, but the commission had never been brought within its provisions. Many of those interested in the matter were of the opinion that a commission with more specific functions and more authority was one prerequisite to effective planning. In October, 1938, the Metropolitan Housing Council issued a mimeographed booklet outlining the relatively stringent provisions of the New York City, Cincinnati, and model National Municipal League charters. In general, the

group seeking more binding authority for the new commission would have placed in the ordinance at least a provision for compulsory reference of certain projects to the commission for report and recommendation, perhaps buttressed by a requirement that such recommendation could be overruled by the council only by a two-thirds vote. These proposals, however, were somewhat unrealistic in that Chicago is not a charter city, and the council could not be bound by an ordinance it itself enacted as it would by a charter provision.

With reference to the duties of the commission, the housing groups wanted housing and slum rehabilitation mentioned explicitly as being among the primary concerns of the planning agency. On the organizational side one of the important changes sought was a reduction in the size of the commission in order to make of it a working body with definite terms of office. They also desired a commission controlled by its appointed members rather than by its ex officio members in keeping with accepted practice in other cities. Finally, the poor record of meetings established by the old commission prompted a demand for required meetings at specified intervals.

With such proposals as these in the air, the Plan Committee of the Commercial Club began, during 1938, to review the standard planning ordinance recommended by the Regional Planning Association to the outlying communities with which it deals. This ordinance follows closely the language of the Illinois planning enabling act. This fact made it subject to criticism from interested parties outside the Commercial Club, for the Illinois act is now considered outmoded by developments in the field of planning since 1921 and by the more recent enabling legislation passed in

other states.[66] Thus the proposal to adhere closely to the language of the Illinois act aroused opposition from those who were seeking a broader range of activities for the commission. The Housing Council had continued to promote the idea of revitalizing the Plan Commission and suggested to the Commercial Club's committee that a joint meeting be held to discuss the proposed ordinance. A meeting was held, but shortly thereafter the Commercial Club submitted its ordinance to Mayor Kelly in a form which was not satisfactory to the council.

At the first meeting of the new City Council in January, 1939, the proposed ordinance was referred to the Committee on Judiciary and State Legislation. The initial meeting of this committee to consider the matter was postponed when opponents of the measure requested that sufficient time be allowed to give the matter careful consideration.[67] During the following weeks of debate and discussion some changes were made, notably the specific mention of housing and slum clearance (though as subsidiary to the commission's main function of preparing a "comprehensive plan of public improvements"), a requirement that meetings be held at least quarterly, and a residence requirement for members of the proposed City Planning Advisory Board, from which members of the Plan Commission itself were to be selected. On the whole, however, the ordinance was reported out of committee substantially as submitted. It would have created a commission of thirty-two members, nineteen of them high officials serving ex officio, and it was

[66] Parenthetically, it may be remarked that the State Planning Board had shortly before this time called a state-wide meeting of planning authorities to discuss the question of revising the Illinois planning legislation, but no action has as yet been taken.

[67] *Chicago Daily News*, January 20, 1939.

not satisfactory to the dissident group in its statement of functions.

ORGANIZATION AND POWERS OF THE NEW COMMISSION

At its July twelfth meeting the council passed an ordinance which differed from the one reported by the committee in several respects, the most important change being in the more comprehensive language used to describe the scope of the commission's activities.[68] A provision requiring monthly meetings had also been added. The council accepted two amendments from the floor, one fixing the size of the commission at twenty-two members,[69] the other specifying that it was the council's intention to make the functions of the Plan Commission "advisory, investigatory, and recommendatory" only.[70] At the same time the council adopted the resolution creating a City Planning Advisory Board consisting of two hundred members appointed for four-year terms, the entire City Council, and eleven other ex officio members.[71] To this resolution was

[68] Steps in the progress of the ordinance through the council are reported in the *Journal of Proceedings* for May 10, 1939, p. 219; June 14, p. 428; July 12, pp. 643–45.

[69] The twelve ex officio members of the commission are as follows: the mayor, the president of the Board of Local Improvements, the president pro tem of the City Council, the commissioner of subways and traction, the president of the Chicago Park District, the president of the Board of Cook County Commissioners, the president of the Board of Trustees of the Sanitary District of Chicago, and the chairmen of the following standing committees of the City Council, viz., Committee on Local Transportation, Committee on Buildings and Zoning, Committee on Judiciary and State Legislation, Committee on Traffic and Public Safety, Committee on Housing.

[70] *Journal of Proceedings*, July 12, 1939, pp. 643–45.

[71] The ex officio members of the Advisory Board are the members of the City Council, the corporation counsel, the commissioner of buildings, the commissioner of public works, the city engineer, the chairman of the Board of Zoning Ap-

added an important provision not appearing in the committee's original draft requiring that all major proposals of the Plan Commission shall be referred to the Advisory Board before being submitted to the council. The Advisory Board is given thirty days to make its suggestions, and the Plan Commission is required to submit these reports and suggestions to the council along with its proposal.[72]

The size of the new Plan Commission was altered once more on October 30, 1939, when the City Code was amended to read that the commission shall consist of twenty-six members.[73] The increase this time was in the number of appointed members, putting them once more in the majority with a chairman, vice-chairman, and twelve others. The provision for monthly meetings remained in the ordinance as passed, while the Advisory Board is required to meet at least quarterly. The residence requirement for members of the Advisory Board and of the commission (since the latter must be appointed from the membership of the board) remained. This was allegedly advocated by the opponents of the Commercial Club's version of the proposed ordinance, for the purpose of disqualifying many of the club's members residing in suburban towns. This requirement is perhaps unfortunate, for in excluding all but residents of the city from the Advisory Board the ordinance deprives the commission of the advisory services of many highly qualified persons with a substantial stake in

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peals, a representative of the state of Illinois to be designated by the governor, the president of the Board of Education, the president of the Public Library Board of the City of Chicago, the president of the Art Commission of Chicago, the chairman of the Chicago Housing Authority, and the chairman of the Chicago Recreation Commission.

[72] *Journal of Proceedings*, July 12, 1939.

[73] *Ibid.*, October 30, 1939, p. 1153.

Chicago's future. It is possible also that the Advisory Board, if it included representatives from outlying towns, could be utilized to help bridge the gap between planning for the city and planning for the region of which it is an inextricable part.

One of the important differences between the ordinance as finally adopted and as originally proposed was the language descriptive of the comprehensive plan to be prepared by the new commission. In its original form it was stated that the Chicago Plan Commission shall have power

to prepare and recommend to the City Council a *comprehensive plan of public improvements* looking to the present and future development of the municipality, such plan after its adoption by the City Council to be known as the official plan of the City of Chicago.[74]

As adopted, this section was re-worded to read:

To prepare and recommend to the City Council a *comprehensive plan for the development of existing property, the rehabilitation of depreciated areas and of public improvements* looking to the present and future development of the municipality, such plan. . . . . [etc., as above].[75]

A later section (*c*) found in both versions provided that the commission should have power

to co-operate with the local Housing Authority and the City Council in the location of housing projects and the elimination of substandard housing conditions for the promotion of the official plan, and to conduct such surveys in connection therewith as may be requested by the City Council.[76]

It was evidently felt, however, that it would greatly strengthen the possibility of broadening the scope of the commission's work if slum rehabilitation were made part of the comprehensive or official plan it was obligated to prepare.

[74] Chicago City Council, Pamphlet No. 5 (1939), p. 2 (italics mine).

[75] *Journal of Proceedings*, July 12, 1939, p. 644 (italics mine).

[76] *Ibid.* and Pamphlet No. 5, p. 2.

Once the ordinance had passed, discussion shifted to the persons to be appointed to the Advisory Board and to the Plan Commission. The mayor took no action until October, 1939, when he made the initial appointments to the Advisory Board. Vacancies were left, however, until the members of the commission had been decided upon. On January 11, 1940, Mayor Kelly sent to the council the names of eleven nominees to the new commission without designating the chairman or vice-chairman. These were confirmed by the council as members of the commission,[77] but as this is written (March, 1940) neither the chairman and vice-chairman of the commission nor the president and secretary of the Advisory Board have been appointed.[78]

CONCLUSION

The history of planning in Chicago is one of remarkable achievement in one direction, darkened by narrowness in others and by stagnation in its later phases. There is no doubting the fact that the *Plan of Chicago* prepared by Daniel Burnham was an outstanding piece of work. Not only was it advanced for its time, but for many years it was unequaled by any of the many plans made in imitation of it. Nor is there much question that Chicago went further toward carrying out its plan than did the great majority of American cities. This is a tribute to the plan, to the civic spirit which prompted its creation, and to the skill of those who originally "sold" the plan to the people of the city. Together these carried Chicago planning to a remarkable achievement in the twenty years between 1910 and 1930.

[77] *Chicago Daily News*, January 20, 1940.

[78] At its March eighth meeting the City Council authorized remunerating the chairman of the commission to the extent of $5,000 per year on a per diem basis.

A weakness of planning in Chicago, however, was the failure of those who had the custody of the Burnham Plan to see that it was not all embracing. As changes took place in technology, in standards of urban living, in the scope of urban government, and in city planning generally, the leaders of the Plan Commission failed to re-examine the plan and to keep abreast of the times. It steadfastly rejected concern with public housing until a real property inventory was fairly forced upon it. It took only mild interest in zoning and, on the whole, failed to grasp the view that planning is a matter of directing the use of private property as well as of sponsoring public construction activities. The *Plan of Chicago* was a plan for public improvements, and public improvements remained the end and all of planning to the leadership of the old Plan Commission. Gradually and with considerable apathy, the staff of the commission undertook the supervision of recreation and real property surveys, but the center of initiative for these projects was not within the commission itself.

The interest in planning which has given rise to a rebirth of the Plan Commission is based largely on emerging new ideas concerning the scope of planning and may mark the beginning of a new era. The new commission is given a more definite organization, is assigned broader and more clear-cut responsibilities than the old. It is doubtful, however, whether these will prove the crucial factors in its future success or failure. This will depend in part upon its leadership, as did the successes of its predecessor. It will depend in part upon the social attitudes and economic conditions of the period during which it functions. But it will depend, above all, on the role which the new commission plays in the city's governmental life. The writer is of the opinion that planning in the future will depend much less

upon widespread public enthusiasm, as has Chicago planning in the past, and more upon bringing considerations of systematic planning to bear upon the daily decisions of public officials; less upon sponsoring projects which would not otherwise be undertaken and more upon guiding activities that must be constantly carried on. There is little in the ordinance creating the new plan commission to indicate what its position in the governmental structure will be. Thus practice alone will determine whether it will endeavor to orient itself as an advisory and research agency or whether it will follow the footsteps of the old commission in the direction of promotion and execution of spectacular projects. With the strong tradition in the latter direction to overcome, much depends on the attitudes of the mayor, the chairman of the commission, and the head of the technical staff.

A new kind of planning is needed in Chicago. The Chicago Plan built an attractive and useful façade upon the lake front; the planning of the future will have as one of its first tasks the reclamation of the deteriorated areas lying behind this façade. To plan effectively for the future city, there will have to be an integration of the planning now taking place in various fields of government activity. Political conditions may not be ripe for this kind of planning, but with the proper leadership the new commission may have an opportunity to prepare the plans which will be needed when political reform comes to the city.[79]

[79] The City Council in January, 1941, appropriated for the regular operations of the Plan Commission during the year 1941 the sum of $135,000. The twenty-six members of the Commission, who now meet regularly twice a month, have designated an Executive Committee of six members. Mr. Theodore T. McCrossky, formerly head of the Master Plan Division of the New York City Planning Commission, has been appointed executive director. The Commission is now engaged in completing its staff and developing its program.

CHAPTER IX

STUDIES ILLUSTRATING CURRENT PLANNING ACTIVITY

As we have seen, the functions of the planning agency are properly twofold—advisory and co-ordinating. In this chapter it is intended to take these as our point of departure and to examine the manner in which they are implemented through the intergovernmental relations obtaining in the cities studied. The advisory activity of the agency is primarily a matter of relations between the planning office, on the one hand, and the chief executive and the council on the other; co-ordination involves relations with the departments and independent boards. The planning function is peculiarly one calling for finesse and skill in the cultivation of harmonious relations with other agencies. It is, consequently, a governmental activity which cannot depend for success upon formal procedures or legal provisions alone. This renders the network of informal contacts which are found in any administrative organization of particular importance to planning. Thus L. Urwick in his paper "Organization as a Technical Problem" points out that "the importance of these personal contacts as supplementing and expediting official procedure is emphasized in all staff work. If there are no officials whose specific function it is to secure such liaison, misunderstanding and friction are almost inevitable in any large organization."[1]

[1] In Luther Gulick and L. Urwick, *Papers on the Science of Administration* (New York: Institute of Public Administration, Columbia University, 1937), p. 67.

Municipal planning agencies have been handicapped by the frequent absence of an official "whose specific function it is to secure such liaison." The full-time planning engineers, where that position exists, have most frequently approached this status; but, as was pointed out in the preceding chapter, past practices in the selection of engineers have in some cases meant that even they are not qualified to function as liaison officers. This common lack of a responsible administrative head to deal with mayors, councilmen, and other municipal officers has been a handicap to effective planning and has undoubtedly contributed to the misunderstanding of planning which is found in some places.

In any case the formal arrangements designed to secure close working relationships with the other divisions of municipal government do not appear to have been adequate for the purpose. Ex officio membership on the planning commission is the most important of these, but this is not a solution to the problem. Only twelve of the thirty-seven cities studied have the mayor or city manager on the planning commission, and only seven have representatives from the council. As was indicated in chapter v,[2] ex officio membership has not provided the necessary contact with the executive, the council, or the departments in many of the cities where it has been used. By and large it does not, and probably cannot, provide sufficient interaction between the planning commission and the remainder of the governmental structure properly to implement the former's advisory and co-ordinating activities. A great deal must depend, therefore, upon the informal contacts and extra-legal procedures which are developed to supplement official channels of com-

[2] See above, pp. 160–62.

munication. That this is true even where the latter, as in Cincinnati, are well developed was indicated by City Manager Dykstra of that city when, after affirming the value of having the manager on the Planning Commission, he said:

> Such a set-up may produce friction or it may minimize it, depending upon personalities, individual convictions, or the time of day! But there are informal ways of reaching conclusions, of discussing differences of opinion, of ironing out difficulties. There are ways of finding out how to avoid the rocks in the path of a plan or a new zoning ordinance before action by the commission or the legislative body which has authority to put it into effect or prevent its being carried out. I think we have been successful here in doing this kind of thing.[3]

In this chapter a series of case studies will be presented for the purpose of noting the success of a number of the planning offices studied in cultivating informal procedures and otherwise making themselves a part of the fabric of municipal government. The total situation for any one city can be shown in no better way and perhaps a proper sense of the administrtaive role played by the city planning agency at the present time will be obtained best by the examination of a number of such studies. The cases have been chosen primarily for their illustrative value in terms of the observations made in preceding chapters and particularly with an eye to those planning agencies which have been most successful in implementing the planning function. One or two less successful examples are included for comparison, but illumination of the road ahead is more important than contemplation of the pitfalls behind. In the following case studies names, revealing titles, and other

[3] C. A. Dykstra, "The Functioning of the Plan: Public Works and Uses," *Planning for the Future of American Cities: Proceedings of the Joint Conference on Planning, Cincinnati, 1935* (Chicago: American Society of Planning Officials [1935]), p. 57.

identifying information have been deleted as far as possible to permit objective discussion of the situation.

CITY A

There are no ex officio members on the Planning Commission of City A, nor are there any committees upon which city officials are asked to sit in any advisory capacity. Hence all relations with the mayor, the City Council, and operating departments must of necessity be either through formal communications or through informal personal contacts. It was found that relations with the mayor were not close at the time this study was made, despite the fact that the incumbent of that office was a former member of the Planning Commission. Most of the present members expressed the sentiment that he had been completely un-co-operative and did not appreciate their work. Hence, the morale of the commission was very low. The resignation of a prominent member after being rebuffed by a preceding mayor was pointed to as an example of the attitude of the executive office generally toward planning, and several members stated that the commission had never had the whole-hearted support of any mayor. The mayor's point of view toward both the incident mentioned and the commission is, however, of equal interest. He told the writer:

> Some men, like ———, grow impatient when the city does not follow the Planning Commission's recommendations, but it is hard for outsiders to see the importance of a dollar in times of crisis. The Mayor has to ask where it is coming from and which use is the most important.

As far as could be ascertained, the "rebuffs" to the commission had occurred when it was pressing for an expenditure of funds. In the eyes of the Planning Commission

such expenditures were eminently justified; in the eyes of the mayor they were not.

The mayor's use of the word "outsiders" in the above quotation is perhaps the key to the situation here. It was quite clear that he did not look upon the commission as an important part of the city government and in any case not as an agency that might be of use to him in ordinary administration. It was equally clear that both present and past members of the commission have a pronounced feeling that their function is to advocate policies and move elected officials to action. This gap was not bridged here, as in some places by the planning engineer, for he is himself a former member of the commission and shares substantially its point of view. His effectiveness in dealing with the chief executive was also somewhat restricted by the fact that he had been asked by the incumbent mayor to resign from another of the city commissions for a difference of opinion on a current political issue just prior to his selection as engineer by the Planning Commission. Relations between the two were said to be improved at the time this study was made, toward the end of the mayor's term, but the engineer's contacts with the executive office were tenuous, nevertheless. The attitude of the planning engineer is reflected in the fact that he spends much of his time preparing a weekly clip-sheet and relatively little of it in the city hall.[4] His formula for securing results in planning is an appeal to "civic spirit." The mayor stated that he saw little of anyone from the Planning Commission, although the planning engineer came in "with some little thing" perhaps once or twice a month and was occasionally accompanied by a member.

[4] The commission's offices, like those of several other departments, are outside the inadequate city hall.

Relations between the City Council and the planning office hinge largely on the public hearings held on commission recommendations. Reference of proposed public works to the Planning Commission is not mandatory, and the sentiment of the commission was that many things which should be referred to it were not being referred. Hence members were of the opinion that there is need for greater authority in their hands, with mandatory reference as a minimum requirement. A few instances were advanced in which the council had taken action on matters which the commission thought within its purview without consulting it, and in one case a project with important consequences for the flow of traffic in the downtown area was referred to the Planning Commission at the last minute only because the planning engineer chanced to overhear a discussion of it in the council chamber. With respect to this and other cases the engineer expressed the opinion that failure to recognize the Planning Commission was a matter of oversight rather than of malice. At the same time, he took the position that he should not "hang around" the council chamber to see that the commission was kept in mind. As far as could be determined in interviews with councilmen, oversight appeared to be the basic difficulty, for at least two of them remarked that they had not thought about the Planning Commission in connection with a particular project until reminded later that the commission should have passed on it. It was evident that councilmen possessed no clear idea of what should be referred to the commission, aside from street or alley vacations and street projects. Nor were commission-members themselves specific in indicating what kind of questions, aside from public works, should be sent to them.

The co-ordinating activities of the planning office were

extremely circumscribed at the time this study was made, for intercourse with the other city departments was negligible. The city engineer's office reported that it had little contact with the planning staff, and there was an easily perceptible feeling that there was no need for any. It was stated that matters involving street changes were sent over "for the Planning Commission to O.K." when the engineer's office was told that they were "supposed to send them," but the assistant engineer added that "it is a formality and we usually go ahead and do a job without the Planning Commission."[5] With regard to street planning it was felt that the commission is superfluous, the same person volunteering that "we did it before, and could do it again." The history of planning in this city reveals instances both of co-operation and of conflict with the city engineer and the Department of Public Works. In one instance a parkway was secured in connection with a sewer development by working together; in another an important street in the highway plan was improved only over the vigorous opposition of the city engineer. By and large, however, relations between the two offices did not appear to have been particularly close at any time.

In former years there had been considerable interaction with the law department in connection with condemnation proceedings for street improvements. One of the most interesting examples of informal co-operation between city departments and the planning office is found in a three-cornered understanding involving the legal department, the building department, and the planning office. This arose from the discovery that the great volume of construction and the extensive program of street improve-

[5] The city engineer had been in office only two weeks at that time, and hence the interview was with the assistant engineer.

ments being carried on in City A during the twenties were creating numerous situations in which new buildings were put up after it was known that the property affected was to be condemned and purchased by the city but before the council passed a formal resolution of condemnation. Payment from public funds for the damage done such buildings was unduly increasing the cost of street improvements. In order to meet this problem, the counsel's office suggested that, as soon as a preliminary resolution of intent to condemn had passed, the building-permit clerk stamp all building permits on property likely to be condemned as follows: "This property has been condemned for public purposes and any improvements made thereon will be at the owner's risk." No legal authority for such a restriction existed until the council had passed an actual resolution of condemnation, but the stamp was used over a period of about seven years. It was applied as soon as any action was taken to condemn property for a street widening, and in some cases the department secured plans for a projected improvement directly from the planning office and began using the stamp before the council had taken any official action whatever. The practice was finally stopped by council order after a projected improvement did not take place as anticipated; but while used it restricted building operations between the time condemnation proceedings were reasonably well assured and the time the case reached the courts—a delay which local officials felt highly desirable as a means of protecting the public interest. It should be noted here that when condemnation cases growing out of street improvements reach the courts the planning engineer and assistant engineer are called as expert witnesses by the city attorney.

There appeared to be an unusual amount of informal

personal contact with the park commissioner, apparently due in part to the location of offices in the same building. It was said that he dropped into the planning office frequently to discuss events of common interest with the staff, and an instance was cited in which he and the planning engineer had got together to persuade the Police Department to change its plans for a broadcasting station in one of the city parks. After some negotiations between the planning office and the Police Department, during which the possibilities of a site outside the park were explored, the station was moved to a less objectionable part of the park as a compromise satisfactory to all concerned. This was one of the few instances of direct co-operation between the Police Department and the Planning Commission, although both the Police and Fire departments consult the staff on the exterior architecture and the landscaping of their stations. This arises from the charter provision that all landscaping for the city departments shall be done by the Planning Commission. The skeletonized staff of the past few years has prevented the planning office from doing this work, but it is interesting to note that a landscape architect was one of the first persons re-employed when the planning budget was increased, and it is anticipated that much of this work will once more be done here.

The only independent boards with which any relations were reported were the School Board and the Housing Authority. The School Board, like the Police and Fire departments, does not consult on the location of buildings or future population growth, but it does discuss the manner in which the street system will be affected by a proposed school location. The original plans and application for one of the early federal housing projects were prepared in the planning office; and the state enabling act, under the

terms of which the Housing Authority was created, was drafted by the former planning engineer. The latter was for a period a member of the authority; but this arrangement was of short duration, and by the time this city was studied relations between the two agencies had grown cool, and little or no interaction was taking place despite the proximity of the offices. The breakdown of co-operation appeared to be traceable to interpersonal conflicts with the secretary of the authority.

A great deal has been accomplished in the past in carrying out the master highway plan in City A in other ways than through the condemnation courts. The most important tool of use in this connection has been the power of the commission to approve subdivision plats. By requiring dedication to the city of the land to be used as streets before accepting a plat, the Planning Commission has been directly instrumental in obtaining many miles of highway and boulevard right-of-ways in accordance with the highway plan at no cost to the city. This was, of course, possible only during a real estate boom, and nothing much has been accomplished in this direction during the last ten years. More unusual are the number of extra-legal exchanges and agreements which have been made with private persons and corporations looking toward the accomplishment of objectives set forth in the highway plan. Many of these have occurred in connection with requests for street and alley vacations. In one outstanding case a corporation petitioned for the vacation of a street running between two of its plants. Since the street was not essential to traffic flow, the Planning Commission agreed to recommend it, but only on the condition that the company dedicate to the city a strip of its property needed for the impending widening of another street. After some initial

resistance from the company an arrangement was concluded whereby the latter obtained the vacated street and the city received a twenty-foot dedication, plus the cost of paving it and of moving the utilities under the vacated street. Another interesting example of extra-legal negotiation to smooth the way for a highway improvement arose from the desire of the city and of the Planning Commisison to keep the property of a large outlying department store out of the condemnation record, since the value thereof was created by the store and was not applicable to other properties on the street. If it had been entered, however, the owners of the latter would have claimed equivalent compensation. To avoid this, the Planning Commission, through its engineer, proposed to the company that the city vacate a street between the store's two parking lots, in return for which the company would deed to the city the necessary frontage on the street to be widened. The arrangement was agreed to, and the property did not appear in the condemnation proceedings, while the city both obtained the property and eliminated an undesirable intersection with the vacated street.

Yet a third instance involved a telephone substation for which a corner site was desired. The city owned a small strip of land between this and the corner which it was free to sell for any use. In order to protect itself the telephone company purchased the land and immediately re-deeded it to the city with the restriction that it could be used only for street widening. As a final example the case may be mentioned of a new commercial building to be constructed on a street marked for future widening. Here, the Planning Commission asked for a five-foot setback from the street line to allow for the widening. The company agreed only on the condition that the property-owner on the ad-

joining corner would agree not to build to the street line. The planning engineer undertook to talk with the owner and after exercising some persuasion secured the necessary agreement.

The foregoing examples are presented as having special interest from the point of view of planning administration, but it must be stressed that they are drawn largely from the past and are not strictly representative of the current work of the commission and its staff. The reasons for the decreased activity and diminished importance of the planning office in terms of its past record as a significant agency of government seem to be twofold. The first is a matter of personality, for the present planning engineer is undoubtedly more retiring and less energetic in developing ties with the other governmental offices than was his predecessor. His is avowedly a philosophy of "let the facts speak for themselves." The significance of this factor was everywhere in evidence.

The second reason for the present sluggishness of the Planning Commission here, particularly as it relates to the difficult situation in dealing with the mayor and council, appears to stem from its identification with extensive and expensive public works during the twenties. It concerned itself particularly in this period with far-reaching park- and thoroughfare-development programs, and, while the value of this work is not questioned, there is little doubt that this association was the basis of the threatened abolition of the planning staff when retrenchment put an end to public construction. Only the timely lobbying of commission-members and supporters preserved even a skeletonized staff when the then large planning force was slashed. Despite the curtailment of public works, however, commission-members appear to continue to think of

planning almost solely in these terms, and there seems to have been relatively little effort to discover new spheres of usefulness in an era of new municipal problems. It did, to be sure, initiate public housing; but the evidence indicates that this was largely the work of the former planning engineer, and little has been done in the past few years to broaden further the work of the commission. As was pointed out by the mayor, the city's major problems are now in the fields of unemployment relief and municipal finance. Hence there would seem to be a real opportunity for the planning office to undertake needed research in population and industrial trends, taxation problems, and similar subjects, the utility of which would be readily apparent to public officials. But there is little indication of interest in these subjects in the planning office at the present time, and the failure of the mayor and councilmen to perceive the immediate use to be made of the commission and its staff is not surprising.

CITY B

This city operates under the city-manager form of government and the manager frequently attends meetings of the Planning Commission. With but one exception, commission-members indicated that they valued the contact which this gave them with the chief administrative officer. It was stated that through this association the commission was "in" on all major events. One of the leading members of the commission asserted, however, that the manager is nevertheless inclined to follow the recommendations of the city engineer when there is a division of opinion, since the latter is one of his own appointees. The city manager spoke highly of the Planning Commission and its work, his only criticizm being that he thought it tended to delve too much

into matters of detail rather than to set forth broad perspectives.

There is a certain amount of informal contact between the manager and the planning engineer, although less perhaps than in one or two other cities. On the other hand, this city is exceptional in that one of the commission-members plays a leading part in cultivating informal relations with the executive and the council. The prestige of this member has undoubtedly played an important part in bringing the Planning Commission to its present position as one of the accepted governmental agencies.

The chairman of the City Planning Committee of the council is always an ex officio member of the Planning Commission. In years past the chairman has been quite active, but the incumbent at the time this study was made was not regular in his attendance at commission meetings. When interviewed, he passed off his interest in planning with the statement, "I don't know what that stuff [planning] is all about." He added that he relied upon the planning engineer in "such matters." The members and staff of the Planning Commission were agreed, however, that having an ex officio member from the council had been an asset to planning. Practically all matters referred to the council from the commission go to the Planning Committee, and in the great majority of cases the recommendations of the Planning Commission have been accepted. In one year the council voted to override the commission on only two cases, involving zoning changes, both of which were passed in accordance with the original report of the planning engineer.

Considerable emphasis is put upon careful procedural requirements in dealing with the council, and one of the commission-members has played a part in the drafting of

council rules. The stipulation that a recommendation of the commission can be overridden only by a two-thirds vote of the council is in the charter and has been invoked once in the recent past. On the other hand, there is an active awareness of the importance of working informally behind the scenes to secure results. It was pointed out that the commission has to be discreet in claiming credit for projects if it is to avoid antagonizing elected officials. Thus, a good deal of informal advocacy is carried on which does not appear in official records. A typical example involved the development of an arterial highway in which the planning office felt the recommendation of the Street Department was too limited in scope. In order to clarify the situation, the planning engineer took the chairman of both the Highway and the Finance committees of the council on a field trip to look over the situation.[6] As a result, the project was materially increased without the commission's publicly fighting the issue with the Highway Department. Less dramatic and more common are the numerous consultations held with councilmen individually and at meetings of council committees. On the day these committees meet, the planning engineer remains in the city hall and is in and out of the council chamber for informal advice on the questions coming before them which may relate to planning. The engineer attends the meetings of the Planning Committee as a matter of course to interpret the action of the Planning Commission.

The relations between the several city departments and the Planning Commission are theoretically directed to co-

[6] The chairmen of the Highway and the Finance committees had been the two additional members of a three-man City Planning Committee for a considerable period, but the shift of political power in the council had forced abandonment of this arrangement.

ordinating the planning efforts of these departments in terms of an over-all, or comprehensive, view of governmental activity. In actual practice departmental relations have been all but limited to the Public Works Department and the city engineer's office. This has been perhaps a little less true in City B than in most of the other cities studied, but the generalization is applicable. The thesis that this is a result of current concepts of the scope of planning, as was suggested in chapter ii, was lent weight by the statement of a prominent commission-member that planning is so closely allied with the work of the city engineer's office that the two cannot be clearly separated. Most of the contact between the Department of Public Works and the planning office in City B was with the city engineer rather than with the director of the department. The latter stated that there is very little actual contact between himself and the planning office, adding that he talked with the planning engineer perhaps once a month on matters to be referred from his department to the Planning Commission or vice versa.

Relations between the planning office and the city engineer have been of the best during recent years. The predecessor of the present engineer was described as having been "raw" in his opposition to the Planning Commission, frequently charging openly that the latter was preventing a "practical" solution of a problem. At present, however, the planning engineer described relations with the city engineer as "what they theoretically ought to be." The former asserted that the two of them were working smoothly behind the scenes on a current major problem in that city and had even gotten their heads together to move the city manager to action. The relations between these two offices in City B are all but unique in that subordinate

members of the staff sometimes work informally together on such matters as design. Despite this co-operation on detail, however, the city engineer stressed that in his opinion planning should look ahead "to the long period," while the carrying-out of specific projects within set financial limits should be the job of his office. He pointed out that the Planning Commission sometimes thought that his office was "murdering the baby," but that it could not be helped. His comments in this connection were in effect a restatement of the city manager's criticism that the planning office tended to pay too much attention to detail. On the other hand, the planning engineer pointed with some satisfaction to the concrete results of this attention to "detail," noting particularly a conspicuously placed bridge which had been redesigned by a draftsman in the planning office after the Engineering Department had submitted a steel-truss design without artistic merit. After some discussion the bridge was built substantially in accordance with the new design. It was brought out that differences of opinion between the engineer's office and the planning office were not uncommon but that for the most part they were worked out informally by the city engineer and the planning engineer, sometimes going through public hearings, conferences, and discussion without permitting the real issue to come to a vote or a fight. On both sides a spirit of compromise was evident.

Contacts between the planning office and the other regular city departments are quite limited. There is occasional intercourse with the city attorney's office on zoning matters, and there had been a great deal of contact with an assistant attorney in charge of land purchase in connection with the federal housing project. This is a continuing relationship on a smaller scale, inasmuch as the same person

purchases all land for the city, including park areas, much of which goes through the Planning Commission before the decision to acquire property is reached. There is relatively little contact with the Department of Safety and the Department of Public Utilities, although both co-operated with the Planning Commission in a traffic survey a few years ago.

Relations with the Park Board are more than ordinarily extensive in City B. There is something of a tradition of co-operation with the Park Board, for in the early years of planning several members of this agency were on the Planning Commission, while the executive officer of the Park Board served also as secretary to the Planning Commission. The president of the Park Board continues as an active member of the commission. There is now no overlapping between the staffs of the two agencies, but the closest informal relations are maintained. Practically all projects of interest to the planning office, involving the selection or selling of park sites, highway layout within the parks, etc., are discussed informally between the park executive and the planning engineer before they are formally submitted for action. The acquisition of park sites goes to the Planning Commission through normal channels once the Park Board has taken formal action. An example of the extent to which the boards work together occurred in connection with the federal housing project mentioned above. The Park Board allowed the Planning Commission full discretion in the selection of the sites of two park developments as part of the project, although it was to purchase and maintain them.[7]

[7] The Housing Authority disapproved of the recommendations of the Planning Commission and appeared at a meeting to express its dissent. Officially, however, the authority abided by the decision of the commission and the Park Board, and it agreed in advance to do so.

The Planning Commission in City B has taken an unusual interest in school affairs. A complete survey of the present and future needs of the school system was made under the direction of the planning engineer, including spot-maps of the entire school population and the mapping of a building program for a fifty-year period. It was asserted that the survey had been a revelation to the School Board, which had not taken a long-time view of its needs. Informal intercourse with the School Board is not extensive, however. On the other hand, there have been very close interpersonal relations with the Housing Authority, the latter having been created as a result of the energetic work of the Planning Commission in instituting the housing project. The arrangement here is unique among the cities studied in that the planning engineer sits with the authority in an advisory capacity. The authority was then unstaffed and looked to him as consulting engineer, and, despite the fact that there have been a number of disagreements, his work is held invaluable by the leaders of the public housing movement. The Housing Authority is now working to continue the rehabilitation of the worst blighted section of the city in accordance with plans prepared by the Planning Commission.

There is overlapping membership between the Planning Commission and the Zoning Board of Appeals, but the staffs of the agencies are separate. There was some difference of opinion as to how well the work of the two agencies is being interwoven. The member who serves as liaison between them expressed the opinion that the device has worked well and that planning principles are invoked in relation to cases coming before the board. On the other hand, a leading member of the Planning Commission stated that the Zoning Board appeared to be "chipping away"

at the principles of zoning without realizing it. This represented a difference of viewpoint which could not be evaluated. It was generally agreed, however, that, even though the work of the Zoning Board might not be wholly satisfactory, the staff work should not be done in the planning office since the volume would mean the complete subordination of planning to zoning. It is interesting to note that the Zoning Board in City B is exercising a good deal of influence in the staff phase of its work through informal consultations on preliminary sketches of buildings which seem to call for adjustment. Frequently, a satisfactory arrangement that avoids the legal difficulty is worked out by the architect or builder and the zoning engineer in the early stages of a building plan.

Although the Planning Commission of City B has a staff somewhat larger than the average, the assistant engineer nonetheless stated that "routine work on land use [zoning] and the subdivision of land keeps us busy." A great deal of the time of the planning office is absorbed in handling applications for a change in the zone classification of a given piece of property. By far the greater share of such applications request that residential property be put into a business zone so that it may be sold to a prospective commercial buyer. Applications are numerous, and upon each one the planning engineer prepares a report for the information of the Planning Commission. One of the members of the commission stated that its most important work was passing upon such cases at its weekly meetings. Before making its recommendations as to whether the zoning ordinance should be changed or not, the Planning Commission holds courtesy hearings on each application. The total consumption of time is considerable, and here as elsewhere it seems to detract greatly from the possibility of

the Planning Commission's devoting any substantial part of its meetings to other aspects of planning.

The control of subdivision plats is more thoroughgoing in City B than in most other cities, and plats must be approved by the Planning Commission before they are accepted by the city. Utilities must be installed, and the streets paved at specified grade before the plat is accepted. A map of the subdivision is submitted for the consideration of the Planning Commission, but in actual practice considerable control over the design of the plat is exercised informally by encouraging the submission of a preliminary rough sketch or blueprint. In this stage developers are more amenable to persuasion and to changes which can be shown to be to their advantage. Thus bad designs are frequently altered to conform to accepted principles of planning without invoking legal considerations of any kind to the satisfaction of both the planning office and the subdivider.

Despite the amount of time consumed by zoning and subdivision control, the planning staff of City B has carried on one of the most well-rounded planning programs found in the cities studied. It was at the forefront of the agencies making housing and rehabilitation studies with the aid of relief workers and submitted one of the early applications for a Public Works Administration housing project. As was pointed out above, it is one of the few cities in which the planning agency has taken an active interest in planning school construction. Of perhaps greatest significance, however, is the active participation of the planning office in all the major problems affecting the future of the city whether within the accepted purview of city planning or not. Much of this is in the form of informal consultation, but this is perhaps the essence of its

success in having achieved a recognized position as an advisory and co-ordinating agency. Whether that position can survive the withdrawal of the personalities upon which it seems largely to depend remains to be seen.

CITY C

The Planning Commission here was appointed some years ago at the instigation of the city manager, shortly after that form of government was adopted. Following the practice of the time, it immediately concentrated its efforts on having a plan prepared and retained one of the outstanding planning consultants for the purpose. The plan was published, but no staff was retained thereafter to continue the work. In this instance the failure properly to staff the commission once the plan was completed was apparently due to a shift in political power in the interim, which turned the city government back to the political machine and caused the resignation of the manager who had inaugurated planning activity.

At the present time the building inspector exercises the responsibilities of the planning engineer. That this in practice means little or nothing he cheerfully admitted, and questions concerning the background of planning in the city were answered only by constant reference to a copy of the city plan. The inspector evidenced only the most superficial knowledge of planning and stated that the pressure of other work made it impossible for him to do more than attend commission meetings and present petitions for zone changes. At the time he lacked even a stenographer to assist him. Throughout the interview this person evidenced the greatest anxiety over the possibility of any of his statements being conveyed to his superiors, and it was quite clear that he lacked the status necessary

for dealing with any of the more important city officials other than in the most obsequious manner.

The Planning Commission does practically nothing at its meetings except consider matters relating to zoning. When interviewed, the incumbent city executive expressed himself as completely satisfied with the work of the commission. Pressed for a comment with respect to the more active utilization of the commission, he said that he did not think that it could be much more useful in the city administration than it is at present and that it is "doing a good job." The chairman of the Planning Commission was fully cognizant of the situation but said that he had been unable to do anything about it. His solution was to find, if possible, a man of independent means who could devote most of his time to planning to serve as chairman, although he added that he knew of no one who would do it. The chairman maintained, however, that such street improvements as had been made had been in "practical conformity" with the street plan. One instance was presented in which the commission had been notably successful in securing adherence to its recommendations. This involved the width of a highway bridge which had been decided upon without consulting the Planning Commission. Since the commission held the proposed width wholly inadequate, it sought to persuade the executive and the council to make a change. Failing this, the commission took the matter to the newspapers and made it an issue in the following election, achieving the desired width when several of the incumbent councilmen were defeated. As far as could be determined, however, this was a spurt of activity on the part of the commission which was not followed up, and all spirit had been sapped by the time this study was made.

Relations between the Planning Commission and the various city departments are confined almost entirely to ex officio membership on the commission. These officials were reported to attend frequently, but this is of limited importance in the light of the commission's complete absorption in zoning. There is reason to believe that the primary incentive for official attendance here is the political importance of decisions on zone changes, for the planning engineer (or building inspector) made it pointedly clear that he avoided taking any position whatever on applications for change. The attitude of the council was reported to be "satisfactory" in that it accepted most of the recommendations of the Planning Commission with respect to matters pertaining to zoning. This, however, was due to the fact that high city officials dominated the commission on zoning questions. A park board had been created as an outgrowth of a recreation study made in connection with the original city plan, but the board has never been really active. The traffic study also prepared as a part of the plan had been used by the Department of Safety in the regulation of traffic. Recently, however, an independent research group has prepared a traffic study with no participation from the Planning Commission whatsoever. As far as could be determined the School Board has not made use of the original planning studies, nor has the county placed its one recently constructed building within the proposed civic center.

The discouraging lack of planning activity or accomplishment here appears to be the result of a bad political situation, the lack of a separate planning staff, and the demoralization of members of the Planning Commission. In these circumstances the only profitable mode of approach would seem to be through improvement in local standards

of government. The first effort at reform collapsed after achieving an initial success, and here, if anywhere, an aggressive citizens' organization is needed. Concentration of citizen effort upon planning will be of little value, however, unless it is coupled with general political reform.

CITY D

The Planning Commission here has been notably successful in implementing its advisory function through the development of informal relations both with the mayor and with the council. The chairman of the commission was enthusiastic in asserting that the chief executive had backed them completely, to which there was no dissent either from other commission-members or from the staff. Most contact with the mayor's office is through the commission's secretary and its engineer. Relations with the secretary are close, and the mayor seems to seek his advice on broad questions of policy, while he confers with the planning engineer on specific questions from time to time. The mayor is scrupulous in not interfering with the several departments and boards in their routine work and in referring current questions to the appropriate agency, including the Planning Commission, before taking action. He does not sign amendments to the zoning ordinance passed by the council, for example, until he has cleared with the planning office to see if they have been approved. The council has usually followed the recommendations of the Planning Commission in zoning matters, but in a few instances when it has not the planning engineer's report to the mayor has been submitted to the council as the latter's veto message.

The planning engineer in this city has been particularly active in cultivating friendly relations with members of the

City Council. He views his part in planning as primarily a sales job and makes it a point to be as helpful to individual councilmen as possible. He encourages them to come to the planning office for information and endeavors to fulfil requests whether he has needed data on hand at the moment or not. Thus, the planning office here is exceptional in that aldermen frequently drop in to inquire about a matter in which they are interested. The situation is unusual also in the prevailing high opinion of the planning office among councilmen. The president of the council stated that all but very few councilmen thought well of the planning engineer. He explained that "there isn't a day goes by that he doesn't see a couple of them, and they know ——— can be relied on, that what he says is probably so, and that he is practical with his feet on the ground." Despite the generally high esteem in which the commission is held in this city, the president of the council expressed himself as very much opposed to separate boards and stated that it would be "no loss whatsoever" if the Planning Commission were abolished and the planning engineer retained.

There are various kinds of interaction between the Planning Commission and the council supplementing the excellent informal efforts of the planning engineer. Also on the informal side is the fact that the chairman of the commission mingles socially with some of the aldermen. This is, no doubt, of some importance in increasing the receptivity to the commission's recommendations, but interviews with councilmen indicated that the activities of the engineer were more significant. The planning engineer frequently attends meetings of council committees, particularly those concerned with streets, land purchases, and subdivision plats. The secretary of the commission is occa-

sionally called, and one or both may appear before the council as "Committee of the Whole" to explain a particular recommendation. On special occasions the entire Planning Commission has been asked to attend a meeting of the council or one of its committees. One city official commented that the council tended to put the Planning Commission on the defensive since it sometimes interfered with the distribution of political favors. This observation was encountered in several cities, but as far as could be determined there was as little opposition to the commission and its work here as in any city studied.

Departmental relations begin with the ex officio membership of the commissioner of public works and the city engineer on the commission. Both attend quite regularly, but the chairman, the secretary, and the planning engineer of the commission were in agreement that their presence is not desirable from the planning point of view. It was pointed out that they could be reached informally when necessary and that subordinate officials of the Department of Public Works now consulted regularly with the planning office. The secretary went so far as to say that he thought it a "serious mistake" to have them on the commission. He stated that the prestige of the commissioner's position led him to exercise an undue influence and the fact that the city engineer is a subordinate in the Public Works Department caused him either to go along with the commissioner or to say nothing. It was further brought out that the latter is identified with the real estate interests in the city, giving this group a representation of two on a commission of five. With respect to the ex officio members it is of interest to note that the head of one of the unrepresented departments expressed disapproval of a commission setup which included city officials. It is believed that the com-

mon ex officio representation of public works departments frequently has the effect of causing the heads of other departments to look upon planning as being concerned more or less exclusively with public works.

There is a good deal of informal contact with officials in the Public Works Department, the Sewer Department, and the Water Department. As regards the first, there is little contact with the commissioner of public works outside commission meetings, but the city engineer frequently consults informally with the planning engineer, in addition to his attendance at meetings. This official went out of his way, however, to make it clear that he was not interested in zoning and left that to the staff and the chairman. The engineering and survey work of the planning office is done by the staff of the city engineer. The planning engineer asserted that the latter's men cleared with the planning office on the details of all street and other improvements, although the city engineer independently stated that his office did not discuss all street widenings and improvements with the planning department. The Sewer Department and the Water Department both check with the planning office on zoning (future land use) and on future streets in laying their mains. The head of the Water Department stated that consultation with the planning office, including discussions between subordinates of these agencies, took place at least weekly. In expanding upon this relationship, however, it is interesting to observe his further comment that he was under the impression that "planning is in disrepute these days" and that he "didn't hear much about it any more." The Water Department in this city had its own Bureau of Research and Planning, which concerns itself with future needs as well as with technical problems relating to pressure and installations.

The head of this section said that they obtained the future plans and the zoning of a section from the planning office before making water installations but that these were used only as "one criterion." He continued by saying that those in the planning office were only "guessers" and that they often guessed wrong, calling attention to an instance in which they had followed the Planning Commission's plans by installing a water main suited to the future street width there indicated. The street had never been widened, and he asserted that the oversize main has to be blown out occasionally to prevent stagnation.

Relations with the building inspector were reported good at the time this study was made, although there had been difficulties with the previous occupant owing to his refusal to enforce the zoning ordinance in dubious cases except in accordance with the wishes of the alderman from the ward affected. The same inspector had also neglected to enforce the occupancy provisions of the zoning ordinance. The present building inspector is much more acceptable to the planning office, and there are frequent consultations with him on questionable cases. In City D, as in many other cities, numerous home industries were started during the depression which were in violation of the zoning ordinance. A survey recently completed with Works Progress Administration workers showed a great amount of this type of violation, but it has now reached such proportions that the home industries cannot be removed because of the political implications of such a move. It is feared that a rigid enforcement of the occupancy provisions of the zoning ordinance would lead to agitation in the council to declare a "moratorium" on the ordinance. The present building inspector is, however, enforcing these provisions of the ordinance in the business district.

Relations with the controller's office other than in the preparation of the annual budget did not appear to be particularly close. The interview was with the deputy controller, who is also the secretary of the Board of Estimate —the finance agency for the city. He was of the opinion that the Planning Commission did not work closely enough with the Board of Estimate and decried the fact that there was no representative of the commission on that board, although it is a composite agency including the mayor, the Finance Committee of the council, the city treasurer, the city attorney, the commissioner of public works, and the deputy controller. This statement, in light of the fact that the commissioner of public works is actually on both agencies, would seem to indicate rather clearly that the latter is not an effective liaison between the two. That this is the case is reflected also in the fact that when, a few years ago, the commissioner of public works was directed by the Board of Estimate to prepare a seven-year public works program, the Planning Commission was not involved until the completed program was laid before them for comment. In the several comments made by city officials upon this program it was presented as the work of the commissioner of public works, the Board of Estimate, the council, and the City Club. The participation of the Planning Commission was at best termed "incidental" when the question was pressed.

The only relations between the planning office and an independent board which are of any consequence are those with the School Board. The secretary of the commission is a member of the School Building Sites Committee, and all land purchases for the city, including those for the School Board, are reviewed by the commission. The first does not mean a great deal at the present time inasmuch

as the future plans for school buildings are well ahead of immediate needs. The review of land purchases has been an important tool in the hands of the commission in invoking planning considerations in site selection. A recent case was cited in which the Planning Commission had recommended a larger and cheaper site in place of the one proposed by the School Board. Another instance in which these two agencies had differed was settled as the commission desired only after outside forces had been "marshaled" in support, to use the language of the chairman.

The city has no park board at the present time owing to the consolidation of the city and county park systems under the supervision of the County Park Board. Before that event the planning office had prepared an extensive park plan which is being gradually carried to completion. It had also made a comprehensive survey of play areas some years ago, as a result of which three million dollars have been spent upon the development of recreation areas. It was stated that political difficulties in the execution of the program had been avoided because of the fact that at least one playground was needed in each ward.

City D has no housing authority at the present time, although it has a Public Works Administration housing development and a state housing enabling act. The latter contains a provision requiring a housing authority to submit any proposed housing project to the Planning Commission before final action is taken thereupon. Despite the leading part played by the Planning Commission in securing this legislation, however, the council has refused to sanction the appointment of an authority, ostensibly because the federal government had failed to pay a service charge in lieu of taxes in accordance with a prior "understanding." The Planning Commission instituted a com-

ehensive housing survey with Civil Works Administra-
on labor in 1933, carried out under the nominal super-
sion of a special housing committee of which the chair-
an of the Planning Commission was chairman and the
anning engineer was a member. The report of the com-
ittee was written by the staff of the commission and was
e basis of a successful application for a Public Works Ad-
inistration housing project.

The foregoing are the only departments found to have
y significant relations with the Planning Commission or
staff. There is no overlapping and little interaction with
e Board of Zoning Appeals. On the whole, however, the
tergovernmental relations of the planning office are as
tensive here as in any city studied, and the planning
aff functions unmistakably as an integral unit of the city
vernment. Much of this position is dependent upon in-
rpersonal contacts maintained by the secretary and the
gineer of the commission. It depends also upon the pol-
y followed by the planning engineer of stressing the re-
arch functions of the planning office, which enables it to
useful in furnishing information to the departments and
en to councilmen. The office does not, however, func-
on as a true staff agency to the executive, and contacts
th him are largely dependent upon a particular personal
. Little of its research work appears to be instigated by
e mayor, and most of his consultation with the planning
gineer would seem to be on matters well within the tra-
tional scope of zoning and public works. Nevertheless,
e planning engineer has carried his work well beyond
ese bounds and is one of the planners pioneering new
lds of social investigation in the name of planning. The
anning staff here, fortunately, has not been swamped by
plications for zone changes as in some cities, and it en-

deavors to settle difficulties involving the zoning ordinance informally whenever possible, particularly by calling the applicant's attention to other factors in the situation (deed restrictions, etc.) which will prevent his purpose from being achieved by the change requested. Subdivision plats have been submitted infrequently during the past few years. Hence the planning staff in City D, supplemented by a continuous series of projects utilizing relief workers, has managed to carry on a well-rounded program and is one of the offices well in the forefront of the trend toward broadening the scope of planning and bringing it within the governmental family.

CITY E

In this city the manager form of government has been in operation for about eight years, and the evidence all points to a greatly increased importance of the Planning Commission in that period. Previously, all boards and commissions were reported to have changed with each change of administration, and there was little indication that the Planning Commission had been particularly active before that time, other than in zoning. Thus, the highway plan prepared in the late twenties was financed and sponsored by a private citizens' committee rather than by the Planning Commission.

At the present time, however, the planning engineer is an accepted member of the administrative family, and the planning office has considerably broadened its field of interest. The present planner has been with the city a relatively short time, but he was working on intimate terms with the city manager and was characterized by the latter as a "very good man." In the Spring of 1938 the city was agitated over the question of public housing, and the planning engineer and the manager were conferring daily on

the problem of council opposition to the newly established Housing Authority. The close working relationship of which this is representative would seem to arise from the attitude of the manager, on the one hand, and the conscious cultivation of the association by the planning engineer, on the other. The former planning engineer had also been successful in working harmoniously with the manager, although he pointed out that during the depression years he had been primarily occupied with supervising data-gathering work-relief projects and had had little time to do any real planning. This is not different from experience in a number of cities during this period, but as was often pointed out by city planners, many planning officers now have available vast amounts of otherwise unobtainable information to draw upon in the future.

An effective but more formal link with the executive in City E is the fact that, in the absence of a council committee on planning, all matters are referred first to the manager to secure his opinion as to the timeliness of introducing them into the council. Relations with the latter body were on the whole good. There was (perhaps more in the past then at present) considerable direct contact with the council Committee on Transporation and Committee on Traffic. These had been appointed by request of the manager, following studies of these subjects, in order to strengthen his hand in dealing with the utility companies and affected parties. Off the record it was said that a working arrangement prevailed between the Planning Commission and the council whereby the latter avoided voting the commission down without referring the matter back for further study. The agreement was observed, and some matters had been returned twice to the commission before final action was taken. An apparent aid to the unusually

good co-operation from both the manager and the council is an informal meeting of the council together with the manager and department heads, normally held prior to the regular meetings of the council. The planning engineer has participated in these precouncil meetings a number of times and had recently appeared when the subject of housing was up for consideration.

The only ex officio member of the Planning Commission is the highway engineer. This official was found to be most co-operative in his dealings with the planning office. As has already been indicated, housing was the question of the hour when the writer was in City E, and an example of co-operation may once more be drawn from that field. In this instance the planning engineer had been requested to select tentatively those areas most likely to lend themselves to public housing projects. He had, in turn, asked the Street Department to prepare assessed-valuation statements, which had carefully and promptly been furnished him. In general, it was felt that the highway engineer was becoming increasingly "planning minded" in anticipating the future street needs of the city. Two work-relief studies of mass transportation and of the traffic situation had been sponsored by the Street Department, but the traffic study had been under the immediate direction of the former planning engineer. As a result of these surveys an interdepartmental committee was set up to study canalization of traffic at bad intersections. This committee is composed of a representative from the Police Department, the city electrician, the planning engineer, and three representatives of the Street Department. Despite the fact that the committee was relatively new and had held not more than half a dozen meetings at the time, it had already been instrumental in getting construction started on a canalized

intersection. One of the Street Department representatives is the employee who serves as traffic engineer, although he does not bear that title. This official stated that he had found it more useful to work with the planning engineer than with any of the other members of the committee and that he had, therefore, kept in very close touch with him.

The city engineer and the planning engineer work together closely on street abandonments and dedications as well as on subdivisions and traffic. There is also consultation on such matters as bridge approaches and similar street modifications. The city engineer reported that the planning engineer comes in frequently to talk with him or with his deputies. One of the latter attends all meetings of the Planning Commission, and the city engineer thinks it worth while to attend himself except when the commission is having hearings on zone changes, which, he added, take up more than half its time. An excellent co-operative arrangement exists with regard to subdivision plats. Upon receiving a preliminary plat, the planning engineer confers at once with the city engineer's office and the Street Department to determine their requirements in that case. In this way the subdivider can be advised at one time of all necessary modifications and a scheme worked out which will embody the requirements of all interested departments. The city engineer also follows the helpful practice of sending persons with problems relating to the physical layout of the city down to talk with the planning engineer, frequently sending along an explanatory memorandum. An instance of co-operative effort between these offices involved a utility company which was desirous of constructing a conduit in such a way as to interfere with a projected street widening. The city engineer invited a representative of the company to talk the situation over with himself and

the city planner. After some discussion the company was persuaded to bring in new and satisfactory plans.

Relations with the Legal Department are rather limited, although a representative of that department usually attends meetings of the Planning Commission in an unofficial capacity to advise informally on the legal aspects of zoning cases. Beyond this the only point of contact with the department is in turning over zoning matters involving nonconforming uses for prosecution after removal notices have been ignored. The city attorney recently rendered an opinion of special interest when he held that a member of the Planning Commission cannot at the same time be a member of the Housing Authority, inasmuch as an officer of the city is prohibited from holding two posts. This is perhaps unfortunate in that it handicaps the close correlation of the work of these agencies. In this connection it may be noted that the consideration of the housing problem by the Planning Commission has had the effect of broadening the commission's sphere of interest to include at least parks, recreation, and highways, thus breaking down its earlier preoccupation with zoning alone. The real property inventory directed by the commission and its staff was acknowledged by council resolution to be the basis for creating the Housing Authority, and the planning engineer was acting temporarily as secretary and adviser to the newly appointed authority.

With respect to the Building Department and the Park Department, the planning engineer reported that he had found poor co-operation upon assuming office the previous year. He had, however, been endeavoring to improve relations with the officials involved and had reached a working arrangement whereby the building commissioner referred applicants for building permits on certain streets to the

planning engineer, who, in turn, negotiates informally for setbacks and dedications. Quite a bit has been achieved in acquiring such dedications through "swapping" agreements, whereby needed land is deeded to the city in return for the equivalent in city-owned property adjacent to the property involved or elsewhere. In one such instance the city vacated an alley to permit setting a house farther from the street line and acquired needed property at the front of the lot. In this manner the local setback ordinance is being enforced by persuasion and negotiation, and test cases in the courts have been avoided. By keeping in close touch with the building commissioner, the planning engineer feels that he is securing good administration of the zoning ordinance. All building permits with respect to which the zoning requirements are doubtful are sent to the planning office for checking. This office has a form stamp indicating approval of such applications, and in this manner it is exercising a degree of architectural control by granting approval subject to certain changes of design.[8] Building inspectors are definitely charged with the responsibility for reporting violations of the zoning ordinance, and both the Fire and the Police departments cooperate in securing enforcement. Once a week the secretary of the Planning Commission inspects reported violations involving fire hazards with the chief of the Fire Department; every two weeks he visits those affecting health with the health commissioner.

Hence, the poor co-operation previously obtaining with the Building Department has been largely rectified, but progress with the Park Department has been slower. The most important development in this direction has been the creation of an interdepartmental committee for this pur-

[8] This is being done in a number of cities.

pose of joint land acquisition, which had just begun to function under the chairmanship of the city planner. This committee brings together representatives of the Recreation, School, and City and Regional Park departments, as well as of the Planning Commission. This committee will recommend a land-purchase program to the city council. The creation of this committee would appear to be a substantial accomplishment in the light of a statement by the former planning engineer to the effect that they had "avoided fooling around with schools, parks, and playgrounds" because the Planning Commission was new and did not have funds to complete studies needed as a basis for recommendations. Nor had there been informal "in the hall" consultation with the agencies affected because of what he described as the "cynical" attitude of officials in these departments and their fear that the Planning Commission would trespass upon their prerogatives. In so far as such an attitude may have existed, it appeared to be crumbling before the efforts of the incumbent planner, although progress is not rapid.

The recreation director occupies offices adjacent to those of the Planning Commission and asserted that he considered the location fortunate. There has been for some time a co-ordinating council for recreation including representatives of the Recreation Department, the School Board, and social service agencies, but it has never had any direct connection with the Planning Commission. The recreation director did, however, cite a few examples of recent cooperation between his office and the planning office, notably one case in which he had cleared with the commission on a park location before the purchase was made. That this was "notable" indicates the extent of past participation of the Planning Commission in such matters.

Nonetheless, there are at present frequent talks between the recreation director and the city planner, and an effort is evidently being made to clear all matters of interest to the Planning Commission before action is taken.

Perhaps least co-operative is the Regional Park District, which is financially independent of the city. The former planning engineer was of the opinion that this agency had carried on its work without regard for the advice of official planning agencies and that it had not spent its money wisely. The park director agreed that there had been no co-operation worth mentioning with the Planning Commission, nor did he see any occasion for any. On the other hand, he pointed out that he had consulted the planning engineer to see how much architectural and landscape consulting service the planning office could furnish them. Most optimistic was his added comment that this was the "preliminary stage" of this kind of co-operation and that there would probably be more consultation between the two offices in the future than there had been in the past.

City E is notable for the rapid progress which has been made in implementing the co-ordinating phases of planning within a short period under an alert and aggressive planner. There is perhaps too great concern with matters best described as administrative, but much of this is handled by the nontechnical secretary to the Planning Commission; and, if viewed over a period of several years, it seems evident that substantial progress is being made in breaking away from purely administrative matters and in broadening the sphere of planning activity. The advent of housing and the supervision of a real property inventory have been a great stimulus to breaking through the maze of detail relating to zoning, and the way seems clear for a well-

rounded planning program for the future. Relations between the city manager and the planner here approximate those to be expected of a staff officer in the sense elaborated in the earlier chapters of this report, though with some reservations. It is believed, however, that his ready access to the chief executive has been a significant factor in enabling the planning engineer to secure co-operation from heretofore recalcitrant department heads. In this connection the interdepartmental committees which have been established to implement such co-operation are of special interest and represent a still limited development used most successfully in Los Angeles County. This will be discussed in the following case study.

LOS ANGELES COUNTY REGIONAL PLANNING COMMISSION

It is not possible to discuss the situation in Los Angeles County without disclosing the specific agency under consideration. Nevertheless, the extent to which the Regional Planning Commission has worked its way into the fabric of county government is of particular interest to the student of administration and should be considered in a study of this kind. The distinctly urban character of large areas under the jurisdiction of the county and the consequent complexity of its governmental structure make the situation comparable with that found in the larger cities. Hence, the procedure adopted heretofore in this chapter of avoiding revealing names and titles will be abandoned in this instance to permit an examination of the procedures utilized by this agency.

The county is governed by a Board of Supervisors which functions both as an executive and as a legislative body. Members of the Planning Commission are appointed by

the board under a working arrangement whereby each of the five supervisors designates one member of the commission from his district and one is selected at large. There are in addition three ex officio members—the county road commissioner, the county surveyor, and the superintendent of recreation camps and playgrounds. Whether because of the method of appointment or otherwise, it was reported that the Planning Commission always had one or more "friends" on the Board of Supervisors, and its continual growth, pointed out in chapter viii, would seem to bear out the assertion. In any case there is little question that the supervisors think well of the Planning Commission.

Members of the Planning Commission play some part in maintaining the existing good relations with the Board of Supervisors, but by far the greater part of the interaction between the planning office and the board is through the chief engineer, who is also the chief engineer of the Building Department. Despite the divided attention necessitated by this arrangement, it appeared to be working reasonably well at the time, and it may be, as a matter of fact, that planning has benefited by the additional status the chief engineer enjoys as the head of a long-established department. In any case there is no doubt that he does rank with the heads of the other departments in the eyes of the Board of Supervisors. The ever increasing amount of work referred to the planning department seems to be due largely to the active part which the chief engineer plays in keeping the usefulness of the department before the board, particularly by his being readily available during meetings of the board and encouraging reference to problems within the sphere of planning to the department for study and report.

The most important aspect of the work of the planning department in Los Angeles County from the point of view of this study is in co-ordinating the work of the several departments through the use of interdepartmental committees. Among the active committees at the time this study was made were the following: the Public Works Cabinet, the Subdivision Committee, the Interdepartmental Engineering Committee, the Special Assessment Committee, the Special Assessment Relief Committee, the Grade Crossing Committee, the Street Naming Committee, and the Interdepartmental Committee on Housing.

The Public Works Cabinet is composed of representatives of all county departments and agencies with an interest in public works. It was created in recognition of the evident desirability of correlating the requests made by the county for federal aid from the Works Progress Administration and the Public Works Administration. The chief engineer of the Regional Planning Commission has been designated as public works co-ordinator for the county and has devoted a great deal of his time to this work in the past few years. Reporting on the co-ordination of public works in 1937, the Regional Planning Commission said:

> In July, 1935, the Chief Engineer of the Regional Planning Commission was appointed Public Works Coordinator for the County of Los Angeles, and the detail work of coordinating all projects under County jurisdiction was handled in the Subdivision Division. This involved an immense amount of clerical work in checking, tabulating, scheduling, and mapping departmental applications into a practical six-year program. Applications were considered and forwarded to the Public Works Administration. Nine meetings of the Public Works Cabinet were supplemented by numerous conferences with County, State, and Federal Officials. That this work was of considerable value to the county as a whole is unquestioned.[9]

[9] *Annual Report, 1937*, p. 6.

The importance to planning of the Public Works Cabinet and of co-ordinating through the head of the planning department the projects being carried out with federal aid could scarcely be overemphasized, for as the office engineer of the planning department pointed out: "Things are so wound in together at the present time that all the expansion work of each of the departments is being done by making use of federal aid in some form."[10] The net result of having the chief engineer of the commission appointed public works co-ordinator for the county has been the review of all proposed Public Works Administration and Works Progress Administration projects by the planning department.

The Interdepartmental Subdivision Committee is composed of representatives of all those departments with an interest in proposed subdivisions, including the surveyor's office, the county engineer's office (both storm-drains and sanitary-sewers sections), the County Road Department, the Flood Control District,[11] the Regional Planning Commission, and special representatives interested in any unusual feature which may be involved in a particular plat. The Subdivision Committee functions as a technical advisory committee to the Regional Planning Commission to pass on technical details which the members of the commission are not competent to handle. At the same time, of course, it serves to bring about agreement among the variout interested departments before any official action has been taken. It was asserted that the Planning Commission accepted the recommendation of the Subdivision Committee without change in at least 70 per cent of the cases and

[10] Interview, April, 1938.

[11] The governing board of the Flood Control District is composed of the county supervisors themselves.

that in another 20–25 per cent changes were of a minor character designed to safeguard the law further. In the remainder of cases the commission may disagree with the Subdivision Committee on major points. The departments involved in the work of the committee participate actively, and representatives placed considerable emphasis upon the value of ironing out difficulties before official action had been taken.

The Interdepartmental Engineering Committee is composed of representatives from the offices of the County Surveyor, the Road Department, and the Regional Planning Commission. It is called together to discuss planning projects which involve a highway alignment, an engineering survey, or some other engineering consideration. At such time the heads of these departments, or their representatives, and subordinate officials who may be particularly concerned meet as a technical committee and submit their recommendation to the Planning Commission, sometimes after having referred the project to the appropriate agency for further study. In this way misunderstanding and conflict before the Board of Supervisors is avoided at the outset.

The Special Assessment Committee consists of representatives of the three departments participating in the Engineering Committee with the addition of a member of the county counsel's office. The committee meets to review proposed improvement and construction projects which involve a special tax. Originally organized in 1927, the committee was inactive during the depression and in 1938 was only getting started once more as petitions for special-assessment improvements were again increasing in number. The committee does not hold hearings, but it functions as a committee of experts making recommendations for or

against a petition in terms of conformity to plans for the area, adherence to standards, ability to stand the added debt load, the size of the assessment district, and the matters of law involved. Recommendations of the Special Assessment Committee are made directly to the Board of Supervisors which then holds public hearings and makes the final decision with the committee's report before them.

The meeting of this committee which the writer attended was held in the office of the county surveyor. It was of particular interest to note that the highway plan prepared by the Regional Planning Commission hung prominently on the wall and was repeatedly referred to during the discussion of assessment petitions. The spirit of co-operation existing among the members of the committee was shown in the suggestion made by one of the members, other than the planning department representative, that all projects be referred to that department before the formal petition was drawn up. Thus it was decided at this meeting that an informal sketch of a proposed project would in the future be prepared for preliminary examination and discussion by the committee, after which the formal petition could be prepared and brought up a second time for final action.

The Special Assessment Relief Committee evolved from the defaults and threatened defaults on special-assessment bonds since 1930. It is composed of the heads of the following departments or their representatives: county auditor, county treasurer, county road commissioner, county counsel, county surveyor, and the Regional Planning Commission. Meetings of the committee are held in the office of the county auditor, and property-owners and bond-owners' representatives are usually heard at some stage of the proceedings. As its name indicates, it functions to discover and recommend methods of amortizing bonds and

determining where the county as a whole should assume part of the assessment burden on the basis of general, as against strictly local, benefit. The committee has devised a yardstick for the determination of the latter, and an important part of its work is recommending where funds from the gasoline tax should be expended to afford the most justifiable relief to property-owners.

In addition to the more or less permanent committees discussed above, the planning department participates on numerous committees created from time to time for special purposes. Some of these include persons drawn from other political units and from private organizations, as well as representatives of the interested county departments and agencies. The Grade Crossing Committee, for example, is composed of spokesmen for the following: the City Engineering Department, the County Road Department, the Automobile Club of Southern California, each of the railroad companies operating in the county, and the Regional Planning Commission. This committee has under way a comprehensive study of grade crossings in the county. The Street Naming Committee, of which the office engineer of the department is secretary, has called meetings in various communities throughout the county to solicit the aid of postmasters, mayors, councilmen, and civic leaders in ameliorating the confusion of street names within Los Angeles County.[12]

Of more recent origin among the active committees is the Interdepartmental Committee on Housing, which at the time this study was made was beginning to gather information in anticipation of the creation of a housing authority.

[12] In 1936 some 1,495 street names in a total of 14,200 were repeated at least once, and some were repeated many times—bringing the total of repetitions to 5,883.

The committee is widely representative of social welfare agencies in the city and county, including the County Health Department, the County Probation Department, the City Health Department, the Coordination Council of Social Agencies (unofficial), the Municipal Housing Commission, the Statistical Division of Work Projects Administration, and the Regional Planning Commission. The committee's work was under the technical direction of the housing and research engineer of the Regional Planning Commission. Other committees have been utilized for special studies in the past, becoming inactive with the completion of their work.

At only one point have the efforts of the department to secure informal co-operation among county agencies been conspicuously unsuccessful, that is, in the fields of parks and recreation. It has been mentioned that the superintendent of recreation camps and playgrounds is an ex officio member of the Planning Commission itself. His attendance is, however, markedly less regular than that of the other two ex officio members. There was at one time an interdepartmental committee on recreation representing the County Forestry Department, the Department of Public Camps and Playgrounds, and the Regional Planning Commission. This committee has now been inactive for some time, due in part to a shortage of funds for recreation during the depression and in part to friction between the departments involved.

By and large, the Los Angeles County Regional Planning Commission has gone far beyond the other local planning agencies studied in its use of interdepartmental technical subcommittees as a means of securing both expert advice and co-operation from other government agencies. These committees appear to have been quite successful in

co-ordinating the planning activities of the several departments and would seem to be well adapted to use in other municipalities. Perhaps the relative success of the Regional Planning Commission is largely attributable to the care which has been taken to cultivate friendly relations with the other county departments. Orders from the chief engineer to the staff typically carry the notation "study this and confer with the Road Department," or such other department as may be affected. Conversely, the other departments call the planning office regularly to ask questions concerning the physical plan of the county as it bears on everyday matters coming before them. There is, consequently, a constant running contact between the staffs of the several departments and the staff of the planning department in addition to the interaction afforded by the interdepartmental committees. It is believed significant that the personnel of other county departments habitually refer to the planning office as the "Planning Department" rather than as the "Planning Commission." There is, in other words, a definite feeling that the planning department is on an equal plane with the older county agencies. This undoubtedly accounts for much of its success in securing ready co-operation.

Attention may be called to certain kinds of co-operation taking place outside the interdepartmental committees. A representative of the county counsel's office sits with the Regional Planning Commission at its weekly meetings, advising informally on legal questions which arise with respect to zoning and other matters. He is not, however, an ex officio member of the commission. As would be expected, having a chief engineer in common has meant excellent co-operation with the Building Department. All building permits for the county, including those sent in from out-

lying offices, are checked by the planning department as to zone and setback line. This has meant careful enforcement as regards these matters. It has also meant, however, a great deal of duplication of effort and the involvement of the planning department in a large amount of administrative routine.[13] Co-operation between the two departments extends to informal suggestion by the building-permit clerk that applicants for permits set their structure back in anticipation of future street widening on those streets without setback lines. It was reported that this is producing results, although there is no way of coercing those who refuse for any reason to set back.

Probably the most frequent interdepartmental contact is with the Road Department, principally through the various committees discussed above. More specific in character, however, is the co-operative effort between the Highway Section of the planning staff and the staff of the Road Department in estimating the county's share of the gasoline-tax revenue a year ahead in order to permit a more careful planning of highway work by the Highway Section, the Road Department, and the Board of Supervisors. The results of traffic surveys made by the Planning Commission have been used as a basis for determining the priority of road construction, the limits of special-assessment districts, and the distribution of revenue from the gas tax, as well as by the sheriff's office in the location of crossing guards.

Attention has already been called to the fact that the planning department does a great deal of administrative work in handling all building permits. It has as well the responsibility for administering subdivision control, and it

[13] In 1937 the department handled some 15,905 building permits—an average of 51 each day on the basis of a six-day work week.

is of interest to note the procedures which are followed. The subdivider is requested to submit a tentative map of the proposed development, which the planning department sends to all affected departments, including certain city and state agencies, for their suggestions. The proposed plat is then discussed along with other business at the weekly meeting of the staff cabinet, consisting of the heads of each of the several sections of the planning department and their immediate assistants. The Interdepartmental Subdivision Committee usually meets immediately thereafter to consider plats. In practice the latter uses the recommendation of the staff cabinet as its point of departure in making its own recommendation to the Regional Planning Commission. The subdivider brings his final map to the surveyor's office for acceptance after supposedly meeting the requirements of the Planning Commission. The final plat is then sent again to the interested departments to see if their requirements have been met. The latter check the final map against their original recommendations and report back to the surveyor in writing. When all these reports are in, the surveyor signs the map as complying with the state act, county ordinances, and the requirements of the Planning Commission, after which it is accepted and recorded by the Board of Supervisors.

In this case study, the procedures adopted by the Regional Planning Commission of Los Angeles County have been elaborated at some length because they represent perhaps the most significant effort to implement a planning agency's function of co-ordination. The interdepartmental committee has proved an effective device for bringing together departmental representatives for informal discussion and an early determination of viewpoints, thus avoiding much of the misunderstanding and irritation found in

some places. At the same time, the planning staff and the Planning Commission have the benefit of qualified technical advice. The possibilities of interdepartmental technical committees, both in bringing expert advice and information to bear on the work of the planning agency and in securing the co-operation of the several departments, have not been generally exploited, but their successful use in Los Angeles County should encourage experimentation in this direction elsewhere. In Los Angeles County itself it is to be hoped that such committees as the Interdepartmental Committee on Housing, bringing the planning department into closer contact with those departments concerned more directly with social welfare, will be encouraged in the future to counteract the existing tendency toward preoccupation with zoning, subdivisions, and highways.

PART IV

THE STATUS OF URBAN PLANNING, 1940

CHAPTER X

FINDINGS AND CONCLUSIONS

1. *Failure to plan in the past has placed a tremendous burden of social and physical regeneration upon urban governments.*—Unchallenged application of the principle of laissez faire in the building of our cities has created a number of critical problems based upon obsolescence of the physical plant, congestion, industrial dislocation, and poverty.[1] Urban governments have been forced to assume an ever increasing responsibility for the welfare of their citizens, while municipal income has been threatened by decreasing property valuations and tax receipts. To meet their responsibilities, consequently, it is imperative that municipal officials plan their activities with the objective of eventually resolving the conditions from which their problems emanate. This means essentially that they must exercise intelligent foresight in dealing with the specific questions which arise from day to day, and in doing so they will need the best available assistance from persons who can devote their primary energies to study, thought, and planning.

2. *Planning has been widely accepted in principle in American cities.*—The modern city planning movement has sought to counteract the unsightliness and intolerable living conditions accompanying the rapid industrialization of the past century. The ideals and energy of the public-spirited citizens, planning consultants, commission-members, and far-sighted public officials who led and supported the city planning movement have made an invaluable con-

[1] See the summary statement of "Emerging Problems," p. 43, above.

tribution to the improvement of urban living and better municipal government. Their work has been the incentive for countless public improvements and has secured general recognition of the need for planning, as is shown by the thousand-odd official city planning commissions now in existence.

3. *Urban planning agencies have in practice fallen far short of their potential usefulness.*—Two factors have combined to limit severely the work of local planning agencies: (1) the planning commissions have been set up as independent unpaid boards at the periphery of the urban administrative structure, frequently for the sole purpose of producing a zoning ordinance or a "city plan" and (2) planning has been too narrowly restricted to elements of the physical pattern of the community. The first has caused many officials to look upon the planning commission as something outside the sphere of day-to-day administration, as a group of laymen whose job is finished when a plan or zoning ordinance has been presented. The second factor is a result of the standardization of plans and planning to include only the six elements of zoning streets, parks, transit, transportation, and civic art. Of these, zoning has been the predominant concern of most city planning commissions. These considerations have meant lack of interest and of financial support from busy officials, who tend to look upon the planning agency as a zoning body or, at best, as an agency concerned with public works. Hence they ordinarily think it of little value in dealing with the social and financial problems which now occupy much of their attention.

4. *The scope of urban planning activity has expanded sharply in some cities since 1930.*—The past few years have seen an important extension of planning in some cities

to include an interest in the social and economic as well as in the physical development of the community, notably through plans based upon real property inventories, housing surveys, and the tax-delinquency studies carried on with the aid of workers from relief rolls. The permanent influence of this work on the future program of the commissions cannot yet be determined, but it will no doubt be considerable. For the most part it represents a significant advance on the part of planning agencies into fields which they had not studied systematically prior to 1930 but which have become matters of greater public concern since the depths of the depression. It has been shown that acceptance of the view that planning should be a staff function attached to the executive office involves a potential extension of the concept to include all aspects of local government activity. The planning agency should take a truly comprehensive view of the future of the community and should aid directly in integrating the necessary planning work of all departments, including those concerned with public health, welfare, and finance. This does not, however, imply that land planning and public works planning should be abandoned. What is important is that plans for physical development should be closely related to plans and prospects for the industrial, social, and financial future of the urban community.

5. *The courts have adopted an increasingly liberal attitude toward the exercise of zoning as a part of comprehensive planning.*—Recent decisions show a significant shift in judicial thinking with respect to zoning and planning. Whereas zoning was formerly upheld almost entirely on the basis of nuisance considerations, there has been a strong trend toward the view that comprehensive city planning is itself of such importance to municipal government as to warrant

public control of private property under the police power. There is in the most advanced decisions a strong implication that cities might today extend the use of zoning with the approval of the courts, although as yet little has been done to take advantage of this change.

6. *Intermittent contract planning cannot adequately meet modern planning problems.*—The system of consultant planning which has characterized city planning in the past has not been effective in establishing planning on a continuing basis. Both civic groups and public officials have tended to regard the plan prepared in this manner as the end-product of the planning process. The fallacy in this point of view is apparent if it is recognized that planning is in the first instance the responsibility of the officials charged with formulating public policy. They are forced to plan their operations and activities from month to month and from year to year. The function of the planning agency is to assist them in handling this aspect of their work. Planning in this sense is obviously a continuing function, and the planning agency cannot serve its purpose adequately if it confines its major efforts to intermittently contracting with an outside consultant to prepare a city-plan report. It was found that officials do not often refer to a consultant-made plan, and in a number of instances they were unaware of the existence of such a plan even though it was readily available. Another consequence of the dependence upon consultant services rather than upon an adequate permanent staff has been the general failure of planning agencies to co-ordinate and integrate the planning being done by various units of urban government. This is not to say that a general or master-plan is undesirable. On the contrary, such a plan is a useful device for the broad guidance of the planning agency, but it is best en-

visaged as providing the background for the agency's activities rather than as the goal to be achieved. Thus it can be developed over a period of time by a staff which will at the same time be available to study particular problems and make recommendations regarding them.

7. *The independent, unpaid, citizen planning commission is not satisfactorily executing the planning function at the present time.*—The great majority of city planning agencies are now inactive. Even in the larger cities many of the commissions confine their interest to zoning and public works. Planning technicians are pushing forward to a broader range of activities in some places, but with a few exceptions commission-members have not played an important part in recent developments. Planning commissioners are drawn primarily from business executives and from those professions closely identified with construction —realtors, architects, and engineers. The influence of zoning has also drawn a fairly high proportion of lawyers to the boards. Persons identified with labor, social welfare activities, education, etc., are rarely found. In general, commission-members have a limited social outlook and a wholly inadequate grasp of planning. Many of the original pioneers in the field have passed on, and later appointees frequently lack the basic interest and enthusiasm of those leaders.

On the basis of his observations the writer is of the opinion that the autonomy and the amateur character of the commissions militate against the best interest of planning in the larger cities today. The watchdog role which many of the commissions appear to have adopted in lieu of a spirit of co-operation has been a source of friction and antagonism to public officials, interfering with the wholehearted acceptance of the planning function. At the same

time, officials do not tend to value highly the advice of an unpaid, part-time board. This has meant simply that they do not seek the advice of the commissions on innumerable matters seriously affecting the future development of the community. The independent status of the commission has also thwarted the cultivation of easy informal channels of communication with important officials—a deficiency which is only rarely and partially compensated for by having officials serve as ex officio members upon the commission.

8. *Planning is one of the staff functions and should be attached to the executive office.*—The movement toward greater integration of administrative responsibility and authority in the hands of the chief executive has influenced all levels of government in recent years. This has meant that the urban executive has assumed a position of ever increasing importance in city government, whether he be mayor or city manager. As the one focal point of current business and departmental responsibility the chief executive more than any other one official has the responsibility for taking an over-all view of urban government, for co-ordinating its various activities, and for planning an integrated future program. Consequently, the planning agency will be most likely to perform its function satisfactorily if it is made immediately responsible to the executive. It is, in fact, exercising the executive's obligation to investigate, think, and plan before he acts. The mutual confidence which this relationship presupposes has seldom been realized in the past, and the failure of many planning agencies to find an active role in urban government is undoubtedly due to the emphasis which has been placed upon guaranties of independence from political influence as distinguished from a more relevant emphasis upon usefulness and co-operation.

Recognizing that urban politics has often been such as to justify setting up an independent citizen planning commission, we must today take cognizance of the fact that the trend has been toward more efficient and more responsible local government. There is reason to believe that this trend will continue. It will, however, be most likely to continue if public interest is directed toward the selection of competent officials rather than toward reliance upon independent boards set up outside the governmental structure.

9. *Planning agencies have been severely handicapped by the prevalent lack of a full-time executive head.*—The consultant, who played a leading role in city planning until 1930, has by the coincidence of municipal retrenchment with the expansion of state and national planning been largely withdrawn from the local scene. As a result the work of urban planning agencies has come largely under the direction of the resident planners during the past decade. The professional status of this group is not yet clearly defined, but through their professional affiliations they are participating in a common body of knowledge and experience which may be expected gradually to raise the standards and augment the prestige of the occupation. Nevertheless, in only a few cities does the resident planner have the professional standing, salary, and status to enable him to deal with high administrative officials on their own level. Such status is essential to the proper implementation of the planning function.

10. *Present technical planning staffs are altogether inadequate.*—A very small proportion of city planning commissions have any appropriation whatsoever for technical assistance. In 1936 only sixty-four had budgets totaling $1,500 or more. This is in part a consequence of the con-

sultant tradition in planning and in part a reflection of the fact that many commissions were created for the sole purpose of preparing a zoning ordinance. Where technical planning staffs exist, they are composed almost entirely of persons trained in engineering, drafting, and the architectural professions. Persons trained as statisticians and in the social sciences are conspicuously absent from all but the exceptionally large staffs. Planning cannot assume a place of importance in municipal administration until adequate and balanced staffs are available. The staff situation is aggravated by the fact that present meager staffs are more often than not absorbed in administrative detail in connection with applications for changes in zone classification and for approval of subdivisions plats.

11. *The extra staff assistance which planning agencies have obtained from the relief rolls has played a vital part in the development of recent planning programs.*—The federal government has been spending more for urban planning during the past few years than have the cities themselves. This rather surprising fact is the result of the extensive series of planning projects carried on with the aid of relief workers. To January 1, 1939, some one hundred and eight separate studies in thirty-seven cities and two counties had been completed by local planning commissions in co-operation with the Works Progress Administration. A number of others have been made with state and local relief workers, most of them before federal relief was instituted. The availability of this aid, together with the stimulus for real property inventories and housing surveys provided by federal interest in housing, has greatly broadened the work of the commissions and has to some degree compensated for the inadequacy and one-sidedness of permanent staffs. In some instances, however, the vast array of facts gath-

ered through work-relief projects has been presented only in the form of barren statistical compilations and has not yet been used in the preparation of plans and recommendations for the future.

12. *Local planning has not been well integrated with planning at other levels of government.*—The rise of planning at the state, regional, and national level has occurred more or less independently of local planning. Metropolitan planning is older and has been closer to the city planning movement than has planning at other levels, but plans for the city have nonetheless tended to stop at the political limits, and metropolitan planning agencies frequently avoid problems of the central city. It is obvious, however, that many urban problems involve factors beyond the control of any one municipality, and if planning for the city is to be realistic it will have to be related to more general plans for the region, state, and nation. State and national planning have tended to concentrate on resources outside the city, although the report of the Urbanism Committee of the National Resources Committee is important evidence of an awakening federal interest in urban problems. The integration of city planning with planning at other levels of government implies aid and guidance from planning and research agencies at these levels, as the Urbanism Committee has pointed out. It necessitates also careful consideration locally of the activities of such federal agencies as Works Progress Administration, United States Housing Authority, Federal Housing Administration, and others which directly affect the cities. There is need for a federal agency which will deal sympathetically with urban problems and supply services to cities in much the same manner as agricultural problems, including rural planning, are already being dealt with.

PART V

THE STATUS OF URBAN PLANNING, 1950

CHAPTER XI

DEVELOPMENTS DURING WORLD WAR II AND ITS AFTERMATH

When the material for this study was originally gathered, the effects of the depression dominated the urban scene. This fact is so deeply imbedded in the preceding portions of this book that it would be impossible to eradicate it without spending another year on a wholly new study and completely rewriting the text. It has not been possible to do either one. It has been possible, however, to visit a number of cities, examine the recent literature on city planning, and carry on discussions with a substantial number of persons concerned with the field of planning. During the intervening years, also, the writer has had an opportunity to observe certain governmental planning agencies at close range and to participate actively in several planning programs. It is the purpose of this and the next chapter, therefore, to do two things: to examine some of the principal developments in urban planning during World War II and the postwar years and to re-evaluate the conclusions drawn in the original study in the light of these developments and of the writer's personal experience.

THE WAR YEARS

As the bulk of this book was being written, the ominous rumble of war in Europe was heard but faintly, and the early beginnings of defense preparations at home had yet to influence the thinking of most planning agencies. The crescendo of defense activity, however, was soon to drown out the waning themes of depression years. Mounting fed-

eral expenditures and industrial employment pushed the problems of work relief and local tax revenues into the background. Housing remained a dominant concern, but with a new emphasis as war industries and military installations brought a tremendous influx of new families to cities unprepared to cope with them. Finding shelter, locating new industrial plants, moving workers between home and work, providing adequate water and sanitation facilities, educating the children, dealing with increased juvenile delinquency, and maintaining protective services imposed a host of new problems upon practically every department of local government.[1]

Here, if ever, was the time when available plans for community development would have been cheerfully utilized by harassed municipal officials, not to mention federal military and other authorities who had the task of getting war production into high gear. Here indeed was the time for planning agencies to provide a pattern, to co-ordinate the efforts of administrative agencies, to minimize waste, and to maximize the permanent value of emergency developments. But old city plans, prepared before the depression wiped out consultant budgets, were largely outdated, and local planning commissions with nonexistent or undermanned staffs were scarcely in a position to leap into the breach. To the plea that they make use of local planning agencies, therefore, federal and local officials replied that the agencies were not ready with needed information and that they could not wait for them to get ready. The proponents of planning were reduced once again to arguing the case for adequate planning and calling upon public of-

[1] See "Impact of War on Localities," *Proceedings of the National Conference on Planning, 1942* (Chicago: American Society of Planning Officials, 1313 E. Sixtieth Street, 1942), pp. 27–47.

ficials to establish and make use of functioning planning agencies.[2] Meanwhile, new factories were built, emergency housing constructed, highways laid out, and utilities installed. Observing the situation at the time, the usually sympathetic editors of the magazine *Public Management* were forced to conclude editorially that city planning had yet to achieve the maturity to cope with the problems of the emergency and its aftermath.[3]

Unquestionably, many cities made use of highway, transportation, and similar studies which had been prepared in advance by planning agencies. It is equally certain that planning officials rendered a great deal of spot assistance to operating officials in meeting emergency problems. Since work of this kind does not result in published reports, it is impossible to know how extensive it may have been.[4] It is fairly certain, however, that aid of this kind, which is largely dependent upon permanent planning staff, was confined to relatively few large cities. Only 33 of the 320 cities between 25,000 and 100,000 population reported such permanent staffs in 1942. Of the 37 largest cities (over 250,000), on the other hand, 31 reported at least one full-time person attached to the planning agency.[5]

Despite the limitations which the war emergency revealed, urban planning was to be greatly influenced by the

[2] See American Society of Planning Officials, *News Letter*, March, 1941, p. 17; and Victor Jones, "Local Planning Services in Wartime," *Public Management*, XXIV, No. 5 (May, 1942), 131–34.

[3] *Public Management*, XXIII, No. 2 (February, 1941), 34.

[4] There are numerous references to such activity in the *News Letter* of the American Society of Planning Officials, the *Proceedings* of the annual National Conference on Planning, and other publications during the war years.

[5] See "City Planning Data for Cities of over 25,000 Population by Population Groups: 1942," *Municipal Year Book* (Chicago: International City Manager's Association, 1942), p. 365.

industrial and population trends which it set in motion. The industrialization of the South and of the West Coast was sharply accelerated. Workers and draftees began shifts from one part of the country to another which were to relocate millions of people within a decade. Perhaps it was prophetic of later trends that these shifts provided the setting for one of the brighter aspects of city planning during the early war years. This was the continuing concern with housing and the contribution which a number of planning agencies were able to make to war housing projects by reason of the basic housing data they had gathered during the years when work-relief assistance was available.[6] At the outset, however, the long-range impact of these industrial and population changes was obscured by immediate concern for widespread urban unemployment if the war suddenly ceased. Probably the major activity of planning agencies during the war itself, therefore, was the preparation of plans for an anticipated postwar employment crisis.

POSTWAR PLANNING

The National Resources Planning Board led the way in urging upon federal, state, and local governments alike the importance of having specific and tangible plans ready in the event that an abrupt end of war production and military service might combine to create a grave shortage of jobs in private industry.[7] Even before Pearl Harbor, the board and the Federal Works Agency announced creation

[6] See above, pp. 36–47.

[7] Cf. the brochure, *After Defense—What?* issued by the National Resources Planning Board in August, 1941 (Washington: Government Printing Office). Public works planning is related to the broader economic and social program of the board in an address by Charles E. Merriam, its vice-chairman, to the National Conference on Planning in May, 1942 (see "Post-War Planning," in the *Proceedings*, pp. 1–18).

of the Public Work Reserve. The purpose of P.W.R. was to stimulate the preparation of detailed plans for public works construction by state and local governments. The goal was a "shelf" of detailed working drawings for public works projects, paralleling the six-year program of federal works being developed under the guidance of the National Resources Planning Board and the Bureau of the Budget.[8] An atmosphere of hurried preparation for a crisis expected to arrive momentarily hung over the activities of P.W.R. from the outset, and it came under some fire from planners for its alleged failure to stress sufficiently the importance of relating specific work projects to long-range plans for community development.[9] In August, 1942, the project was abandoned. It had, however, carried on a vigorous promotional campaign during its short life and had served to focus a substantial amount of attention, among planners, upon postwar planning for public works.

Federal efforts to develop such plans continued throughout the war period, and a number of bills were introduced into Congress to make funds available to assist state and local governments in preparing detailed plans for public works projects. The Demobilization and Reconversion Act of 1944 authorized $75,000,000 for this purpose, and a program was immediately launched, again under the direction of the Federal Works Agency.[10] Meanwhile, a num-

[8] Responsibility for programming public works was given the board in the Reorganization Plan of 1939. For a discussion of the operation of the program see Robert A. Walker, "The Relation of Budgeting to Program Planning," *Public Administration Review*, IV, No. 2 (spring, 1944), 98–107.

[9] See the adverse action of the Board of Directors of the American Society of Planning Officials reported in the *News Letter* for December, 1941, p. 101.

[10] In order to expedite the program, an appropriation under this authorization was promptly inserted in the Independent Offices Appropriation Bill for the fiscal year 1946 and was made available for immediate obligation. Thus $1,325,716 were actually obligated before June 30, 1945. Obligations for the

ber of cities and states also had appropriated sizable amounts for such planning. Notable among these were New York City ($25 million), Philadelphia ($600,000), and California ($10 million for cities and counties on a matching basis).[11]

It would be impossible, without a detailed study, to evaluate the work done by cities and states with the money appropriated for public works planning. However, the most important consequence of these efforts, from the standpoint of this study, is not difficult to discover. They served to direct attention among planners once again to the planning of physical improvements—an activity for which they were admirably equipped by training and tradition.[12] As one notes a steady series of capital improvement reports published during and since the war, there is reason to think that the movement tended to detract from some of the progress made earlier to broaden the scope of local planning. Even if it had this effect locally, however, the national setting in which postwar planning was carried on suggests a new orientation which merits further attention.

The incentive behind the public works planning programs of the war and postwar periods was the possible need for government to provide jobs. From the early efforts of the National Resources Planning Board to the Demobilization and Reconversion Act of 1944, postwar planning proceeded on the assumption that government has a

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fiscal year 1946 were in excess of $29 million and for 1947 were estimated at over $34 million. Thus $65 million in federal funds were available for state and local public works planning in the period just before, and immediately following, the end of World War II (see the *Budget of the United States Government, Fiscal Year 1948*, p. 251).

[11] American Society of Planning Officials, *News Letter*, January, 1944, pp. 5–6; February, 1945, p. 16.

[12] See above, chap. vii.

responsibility for the economic security of its citizens. Thus it was planning for human welfare first and the physical improvement of local communities second. To be sure, it is doubtful whether this distinction was carefully weighed by all the state and local officials who hastened to qualify for federal grants, but it is quite certain that many of them were aware of the orientation of the programs. Many states and communities were themselves concerned about the employment problem which demobilization might present, as the state and local appropriations for public works planning amply testify.

Postwar planning, from this point of view, was concerned with more than new highways, improved bridges, and impressive public buildings. These would be the practical results, but the reasons for undertaking them were a far cry from the "city beautiful" movement or the "bigger and better" era of the twenties. Walter H. Blucher, executive director of the American Society of Planning Officials, has stated the changed approach to planning (of which postwar planning was a part) as follows:

> In the early part of this century, the emphasis in city planning was on the city beautiful. During the twenties, it was on the city practical. Today, the emphasis is on the human beings who populate a community. The city is intended to serve humans; humans are not intended to serve the city (although they do have a duty and a responsibility to the city as a governmental unit). With these changes in attitudes, could the theory and practice in planning have stood still?[13]

The answer is, of course, that they have not stood still. The climate of thinking about the role of government in society has changed perceptibly in recent years. This change, in turn, is a reflection of the increasingly complex problems with which governments have had to deal. There are a

[13] See his editorial, "Has the Technique of Planning Changed?" in the *News Letter*, April, 1949, p. 33.

number of signs that urban planning, as it is emerging today, must be seen in terms of a changing political consensus and changing national problems if it is to be properly understood.

To illustrate the changing orientation of planning, we can recall the tide of industrial and population change which World War II unloosed. One consequence of this has been to make more clear to local communities that useful physical planning can proceed only on the basis of adequate information about the economic and industrial foundation upon which they rest. Thus a number of cities have undertaken studies of this economic base within the last few years, including Philadelphia, Detroit, and Chicago. Another effect of the changes brought about by the war has been to highlight the need for improved urban housing and for redeveloping blighted areas. Despite the difficult social and economic questions which these subjects present, there has been a burst of activity in these fields, both locally and nationally, with planning agencies taking the lead in advancing relevant proposals in a number of cities. With the increasing amount of attention being given to problems of this kind, there has also been a tendency for at least the larger planning agencies to add social scientists to their staffs.

Another consequence of postwar shifts in population which deserves mention is the tremendous impetus given to planning in California, where a phenomenal population increase of 45 per cent in eight years has stimulated a new wave of planning activity. Some thirty-one new city planning commissions were established in California in the two years 1947–48. The Department of City Planning in Los Angeles, as reorganized in 1941, has risen to an outstanding position as it has grappled with probably the most

acute problem of urban growth and decentralization which the automobile age has produced. In San Francisco the Department of City Planning has likewise achieved growing importance as metropolitan transportation and related problems have forced concern for the future upon civic and political leaders.[14]

URBAN REDEVELOPMENT

"Urban redevelopment" became the catch-phrase, shortly before the war, for a new approach to replanning and rebuilding the blighted and deteriorated areas of major cities. Its origins were probably twofold: (1) the surveys of housing conditions and urban land use carried on with W.P.A. assistance during the thirties and (2) the discovery that major housing projects to replace slum dwellings could be made attractive to private capital under certain conditions. The latter fact made the subject of interest not only to planners but to real estate boards, businessmen, civic leaders, and local officials.[15]

In its essentials, urban redevelopment contemplates the use of the public power of eminent domain to acquire private property in sizable blocks. It is then resold or leased to privately financed redevelopment corporations to enable them to carry out large-scale planned develop-

[14] In both Los Angeles and San Francisco the city planning departments have risen greatly in importance since these cities were first studied by the author. Both cities have enjoyed able leadership from the heads of these departments, but there is little doubt that the very urgency of the problems facing the two metropolitan centers has created an atmosphere conducive to vigorous and imaginative planning.

[15] For a brief summary of the background of urban redevelopment, and the best analysis to date of the problems which it presents, see *Rethinking Urban Development* (Chicago: Public Administration Service, 1949). The selected bibliography in this publication (pp. 25–26) is a useful guide to the relevant literature.

ments. The purpose and nature of these developments remains somewhat indistinct, since a variety of measures and programs is finding its way into the field. There is a fairly high degree of agreement that urban redevelopment is concerned primarily with rebuilding "blighted" central areas. The problem of moving people out of built-up areas, however, is difficult to handle in the face of a housing shortage. Hence there has been some inclination to turn attention to outlying metropolitan areas as well. Here dead or decaying subdivisions, with perhaps only scattered built-up areas, may prove to be much easier to handle for redevelopment purposes, since they avoid the complex problems of relocating families in the face of a housing shortage and of clearing large blocks of built-up land.[16] Another possibility is that public housing projects in outlying areas, if developed in conjunction with central redevelopment plans, can be used to relocate families while clearing and rebuilding is under way. In any case, outlying vacant land is likely to play a continuing part in housing and redevelopment plans. Only if such land is used to avoid the relatively more difficult political, economic, and social problems involved in replanning central blighted areas will it thwart the basic purpose of urban redevelopment as presently conceived.

Potentially, urban redevelopment is a promising tool for community rehabilitation in accordance with a planned program. Through the use of public authority it is possible to overcome one of the principal handicaps to slum clearance and private developments of this kind, i.e., the tendency of many individual landowners to demand excessive prices for their holdings or to refuse altogether to sell them. Such land, as already noted, is frequently on the fringe of

[16] *Ibid.*, p. 7.

business or industrial areas and is held in the hope of speculative gain. Any proposals to use the land—whether for housing or otherwise—look to its holders like the long-awaited bonanza, and the resultant price demands tend to make purely private development impracticable. Thus public intervention, to assist both legally and financially in acquiring the land, is vitally important.

The resale or lease of land required for redevelopment purposes is likely to be at an immediate financial loss to the public, on the plausible theory that the public interest is adequately served in the long run. Among the public benefits accruing from projects of this kind is the clearing or reactivation of blighted areas, the provision of badly needed housing units, the reduction in cost of police protection and other services where slums are removed, and increased income from taxes. The resale or lease provisions are expected to contain appropriate restrictions on the future use of the land, net returns to the investor, and other matters closely related to the public purpose for which the land was acquired.

Urban redevelopment legislation normally includes authority for municipal governments to set up a new corporate agency—a redevelopment authority, a city realty corporation,[17] or a land-acquisition commission—to handle land purchase and to supervise the program. Thus a new unit of government is introduced to take its place alongside the planning commission, the housing authority, and other local agencies in planning community rehabilitation. A majority of the twenty-seven states which have enacted

[17] This was the title suggested by the Federal Housing Administration in its valuable and pioneering publication, *A Handbook on Urban Redevelopment for Cities in the United States* (Washington: Government Printing Office, 1941). This is an excellent reference book, although the field is moving so rapidly that it must be used with caution.

urban redevelopment legislation requires that approved projects be in accord with a planned program for community development. The National Housing Act of 1949 carries a comparable stipulation. The problem, of course, is to bring about co-operation among several semiautonomous governmental agencies and to achieve a continuity of action from initial planning through to the completed project. Bringing about this result, which would mean carefully ordered and well-understood relationships among the numerous agencies involved, is a herculean task. It challenges the whole confused structure of most municipal governments—a confusion typified by the anomalous status of the planning agency itself[18]—and will not be solved by legislative admonitions that planning is desirable in a redevelopment program.

In tackling the problem of planning and determining which agency should take the lead in urban redevelopment, the conference report in the brochure, *Rethinking Urban Redevelopment*, which brought together an outstanding group of leaders in the field, was forced to take refuge in "various makeshift collaborative efforts."[19] It was agreed that the responsibility for planning lay with the planning commissions and departments, but (as had happened during the war) even those most sympathetic to the planning movement were forced to conclude that "admittedly, many of them were not now in a position to discharge this responsibility." To the suggestion that the impending confusion of plans and agencies might be met by the planning commission's making its proposals and plans in sufficient detail to bring about a substantial amount of co-ordination, serious doubt was expressed concerning "the

[18] This is discussed at greater length below, chap. xii.

[19] P. 4.

feasibility, as well as the wisdom, of this proposal, particularly because of the current position of most planning agencies."[20]

At best, the rise of urban redevelopment seriously complicates the problem of urban planning. Planning agencies have taken the lead in formulating redevelopment proposals in a few cities, but there is an obvious and immediate danger that the center of gravity in planning these projects will move outside these bodies. If this happens, a major tool in planning and carrying out a comprehensive plan for the physical regeneration of our cities is likely to be lost to the agency which has theoretical custody of the planning function. This problem has been greatly intensified by the enactment of the National Housing Act of 1949.[21]

The National Housing Act affirms the principle that federally aided housing developments, whether undertaken as publicly owned units or semiprivate redevelopment projects, should conform to a planned program for the entire community. Clearly, however, neither the criteria for judging whether or not plans are adequate nor a decision on the role to be assigned the planning commission can be made by federal statute. This will have to be detemined locally. In this connection it is useful to recall that real estate and related interests supported the redevelopment provisions of the bill, while vigorously opposing the public housing sections. This may mean that labor organizations and other groups sympathetic to public housing will oppose turning the planning phases of the program over to the planning commissions as they are now constituted in many cities. This will be particularly true where real es-

[20] *Ibid.*, p. 5.

[21] Public Law 171 (81st Cong., 1st sess.), approved July 15, 1949.

tate, construction, and other normally conservative interests are heavily represented. If the commissions are dominated by those of more liberal preferences, the groups concerned primarily with real estate and investment gains may be expected to take the opposition. Thus it seems safe to predict that the role of city planning agencies in carrying out the provisions of the National Housing Act, and in redevelopment generally, is going to be a slowly evolving one, influenced heavily by local political alignments. The process of bringing order out of the present confused relations among planning, housing, and redevelopment authorities will, however, be hastened if the nature of the problem is more widely understood.

RECENT TRENDS IN FINANCE AND METHOD

With municipal finances somewhat improved over the hectic days of the depression, there has been some increase in funds available for planning. Professional city planning consultants are again busy, and a substantial number of reports prepared with their assistance has been issued in the past few years.[22] There has also been some increase in appropriations for permanent staff, although the great majority of planning commissions continue to exist and function, if at all, without staff assistance.

It is difficult to compare the budget and staff statistics available today with those gathered for the year 1936 by the National Resources Committee and used when this book was originally written.[23] The best source of such in-

[22] See the review of planning developments published annually in the *Municipal Year Book* (Chicago: International City Managers' Association, 1313 East Sixtieth Street), and the "Review of the Planning Year," found each year in the January and February issues of the *News Letter* of the American Society of Planning Officials.

[23] See above, pp. 185–87.

formation at present is the annual compilation published in the *Municipal Year Book*. While comparisons must be made with care, it is interesting to note that 210 of the 935 cities reporting for 1948 had appropriations over $1,000, whereas only 116 of these reporting for 1936 fell in that category.[24] Total expenditures for city planning in 1948 were reported at $4,140,300, whereas those reported in 1936 for city planning alone totaled only $1,636,700.[25] But, since only 153 of the cities reporting had full-time employees on planning staffs, it would seem clear that the large increase was due principally to very sizable appropriations in a few of the larger cities.[26] What percentage of the total appropriations for city planning went for consultant services, rather than permanent staff, it is impossible to know.

There has been an interesting development with relation to financing and permanent staff in the New York City Department of City Planning, which appeared to hold considerable promise in 1940.[27] The New York City Planning Commission and its staff has been embroiled, for the past several years, in a political and personal turmoil which has revolved around such vigorous personalities as former Mayor La Guardia, Robert Moses, and Rexford G. Tugwell. Of these, Moses—city plan commissioner and holder of seven other important public jobs[28]—is the key figure

[24] Data for 1948 appear in the 1949 edition of the *Municipal Year Book*, pp. 260–73.

[25] See n. 11, p. 193, above. An additional amount, totaling $5,891,931, from federal W.P.A. funds was expended for local planning in 1936 (see Table 7, p 194).

[26] Among them, New York City ($310,700), Los Angeles ($313,900), Philadelphia ($286,900), and San Francisco ($281,900).

[27] See pp 198–99, above.

[28] The others, as reported in the *New York Post*, April 25, 1946, were: chairman, the New York Bridge and Tunnel Authority; city park commissioner;

today. It is not possible to delve into this highly interesting study of the influence of personality upon administration, but it is clear that the New York City Planning Commission has been rather effectively immobilized for the past several years. Appropriations were reduced during the war, and key staff members were lost to the armed services or to other cities. In April, 1949, there was only one trained professional planner on the staff (excluding the commissioners themselves), and he was a young man who had been on the staff only a few months.[29] The permanent staff, which is maintained with the appropriation of $328,205 (1949–50), is devoted almost entirely to routine operations growing out of maintenance of the official map, required referrals of proposed construction projects from other departments to determine conformity with the "master-plan," and preparation of the annual Capital Improvement Budget. The last, to which a good deal of importance was attached when the present charter went into effect, seems to lack vitality in practice. The writer was told by a member of the staff that, as far as he knew, no project had ever been entirely removed from the six-year capital improvement program by the commission, although priorities had been altered by shifts from the first year to succeeding years. In any event, experience has made clear the extreme difficulty encountered in exercising an advisory and veto function over the political "hot pota-

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city construction co-ordinator; president, the Long Island State Park Commission; chairman, State Council of Parks; chairman, Jones Beach Parkway Authority; chairman, Bethpage Park Authority.

[29] It should be noted, however, that a new chairman had been appointed shortly before this writer's visit and there were signs that resuscitative measures were being applied. A Division of Research and Planning was set up on January 1, 1949, with the avowed purpose of devoting its energies to the more creative aspects of planning.

toes" which commonly take the form of proposed public works projects.

While the New York situation is complex, it seems evident that an important part of the difficulty is the requirement that elected officials are subject to review and veto authority from a commission which is beyond their immediate control.[30] The overlapping terms of the commissioners meant, for example, that Mayor O'Dwyer did not have a single appointment open to him for the first two years of his term. Theoretically, however, this commission was able to prevent any specific public improvement project from being undertaken, unless its adverse action could be overridden by a three-fourths vote of the Board of Estimate. While this power has been exercised most limitedly, observers seem agreed that it has played an important part in the obvious reluctance of the Board of Estimate to permit the commission to build up a permanent staff of competent planning personnel. On the contrary, it has held appropriations to a bare minimum for maintaining the routine operations of the department while funds for "planning," as that term is generally understood, are made available only in the form of appropriations for specific projects. These are limited to the use of consultant or other nonpermanent staff services. Thus the department, while it has been able to do a number of specific studies, including a major rezoning survey, has been effectively prevented from building up its own professional staff. It follows that the experience and staff development attendant upon such work accrues to the benefit of private consultant organizations, for resale to other cities, rather than to the city of New York.

[30] The powers and status of the New York City Planning Commission are discussed in detail in chap. vi, above, pp. 181–83.

The situation in Chicago, which was examined in some detail in chapter viii, is less clear-cut than that in New York. A professionally competent planning staff is presently employed, but somewhat more tenuous political and personal factors than those obtaining in New York appear to have impaired its effectiveness over the past several years. The war disrupted the excellent staff employed following the 1940 reorganization of the City Planning Commission.[31] For obscure reasons the prewar head of the staff, T. T. McCrosky, did not return after his tour of duty in the armed services. Interviews with a sizable number of competent persons, directly interested in planning in Chicago and conversant with the present situation, indicated a widespread dissatisfaction with the type of work now being done.

Aside from personalities, the focal point of recent criticism has been the "Preliminary Master Plan," which the Chicago Plan Commission released shortly after the war. This plan came under immediate and heavy attack from individuals and groups interested in Chicago planning. The principal charge was that it was not, in fact, a plan at all, but a device for preserving existing land uses, population groupings, and other aspects of the status quo. One observer, a former member of the staff, termed it a "travesty." The Metropolitan Housing and Planning Council, a vigorous citizens' organization, has been highly critical of both this plan and other recent activities of the commission. It was this group which prepared a map of existing land uses in order to demonstrate publicly their contention that the plan merely crystallized present land uses and their attendant problems. A sharp critique of the plan was likewise prepared, under the auspices of the council, by

[31] See above, pp. 270–72.

Professor Louis Wirth, of the University of Chicago. This became the basis of formal protests to the chairman of the Plan Commission and to the mayor.[32]

It is impossible, in the space available here, to attempt an evaluation of the specific charges and countercharges presently surrounding the Chicago Plan Commission. Certainly, those in charge of its work can point to the rather impressive professional qualifications of present members of the staff, and there is no doubt that it is a far more active and able organization than it was before the reorganization of 1940. Nevertheless, it is clear that the organizations and interested persons that were most active in bringing about the reorganization of the Plan Commission ten years ago are today highly displeased with its work. In the writer's judgment, the principal factor underlying this sentiment is the apparent domination of the commission by conservative business and political interests. This has meant the avoidance of the more potent economic, racial, and political problems incident to a frontal attack on rehabilitating the deteriorated areas of the city. The need for such an attack, on the other hand, loomed large in the thinking of those who were agitating a decade ago for a new deal in Chicago planning.

A more dynamic approach to planning in Chicago is the highly interesting rehabilitation program now going forward on the South Side lake front. Here two large private institutions, Michael Reese Hospital and the Illinois Institute of Technology, have taken the lead in promoting a

[32] Professor Wirth, former director of the Illinois Post-war Planning Committee, is a long-time student of Chicago social problems. In 1945 he collaborated with Ernest Grunsfeld in the preparation of a plan for Chicago which took second prize in a major contest sponsored by the *Chicago Herald-American*. He is currently chairman of the Planning Committee of the Metropolitan Housing and Planning Council.

major redevelopment project as an alternative to moving out of the area and abandoning their existing investments in plant. The hospital set up a Planning Department in 1944 and allotted $50,000 for a study of the area immediately surrounding it. Shortly thereafter a South Side Planning Board was set up, under the chairmanship of the president of the Illinois Institute of Technology, to concern itself with the larger area of which the two institutions are a part. In collaboration with the Land Clearance Commission and the Chicago Housing Authority, a specific program for rebuilding an area of three square miles has been developed, and work is under way. In part, it will be a redevelopment project, with the Land Clearance Commission acquiring the land. The New York Life Insurance Company will finance the construction of one group of new apartment units. Additional units for Negro families, probably financed by Negro insurance companies, are under consideration. One section will be developed as a public housing project by the Chicago Housing Authority, which will also handle the relocation of families displaced by the destruction of existing buildings. The hospital and the institute will both construct new buildings on land acquired by them adjacent to their existing facilities. Hence a substantial area is being converted from hopelessly rundown slums to what promises to be a highly attractive dwelling area.

The Chicago Plan Commission has not been wholly out of this development. It prepared a compilation of land-use data of the area involved for the Land Clearance Commission. Some years ago, also, it issued an interesting report, *Rebuilding Old Chicago*,[33] which proposed plans for rebuilding three blighted areas of the city and helped lay the

[33] Chicago: Chicago Plan Commission, 1941.

groundwork for such projects as this. But the commission has not been very active in housing and redevelopment recently, the director indicating to the writer that the commission had stayed "pretty much" out of the housing picture. On the other hand, the Housing Co-ordinator, a special post created by the mayor during the war housing crisis, has been highly active in consolidating the efforts of planning, housing, and urban redevelopment agencies into specific and tangible projects of this kind. This office has been the answer, in Chicago, to the problem of growing complexity in this field, which was discussed above. Under rather vigorous leadership, it appears to have functioned effectively in the Chicago situation.

CHAPTER XII

THE NATURE OF THE PLANNING FUNCTION—A REAPPRAISAL

The experiences of the war and postwar years seem to reaffirm certain strengths and weakness of planning agencies that were observed when this study was originally made. These are summarized in chapter x. City planning agencies are strong in the field of public works and capital improvements and responded well to the federal stimulus to public works planning. Their status and staff resources remain basically weak, however. This was revealed when they were called upon to aid in meeting war-created crises, and it is manifest in the present confusion of agencies concerned with urban housing and redevelopment.

It would seem to be obvious (although it apparently is not) that both public housing and urban redevelopment are simply means of carrying out a program and plan for making the urban community a more satisfactory place for humans to live and work in. The same can be said for public works and improvements of all kinds. It can be said for all community services provided by public agencies, including protective, health, and welfare services. The function of planning is to determine goals and to devise patterns of action for achieving those goals. It follows that community planning is of a higher order and must be more inclusive than any one of the operations just mentioned. Planning is not one among equal public services. It must be all-inclusive as to content, and it must precede operations in order of time. Finally, it must have direct access

to the authority which determines policy and directs operating agencies. This statement of the nature of the planning function is not new. It has been stated by individual planners and students of administration for some time.[1] The problem is one of a tradition and a set of attitudes toward city planning that prevent the proper role of a planning agency from being either clearly perceived or acted upon. Among the obstructions, as noted in earlier portions of this book, are: (1) too narrow limitation of planning in practice to zoning, public works, and the strictly physical aspects of community development; (2) use of semiautonomous citizen boards, many members of which are amateurs in both government and planning; (3) undue emphasis upon marshaling public opinion for particular proposals rather than working closely with elected and appointed public officials; (4) too great reliance upon consultants, with consequent failure to build up experienced permanent staffs; and (5) lack of clear-cut responsibility to the chief executive in the administrative hierarchy, making for uncertain relationships and failure to use the planning agency in over-all policy planning.

In the ten years since this book was first written and the foregoing conclusions drawn, the author has played an active part in several planning programs and has observed at first hand the more or less successful operation of a number of planning agencies. He has also had an opportunity to

[1] Cf. John M. Gaus, "Planning Process in Government," in T. C T. McCormick (ed.), *Problems of the Postwar World* (New York· McGraw-Hill Book Co , 1945), and *Reflections on Public Administration* (University, Ala.: University of Alabama Press, 1947), pp. 141–43, Walter H. Blucher, *A Mayor Has His Troubles* (pamphlet issued by the American Society of Planning Officials, undated); John D. Millett, *The Process and Organization of Government Planning* (New York: Columbia University Press, 1947), pp. 164–74. For additional references see the notes to chap. vi, above.

deal directly with the problem of citizen participation in government, including the development of adult education programs in areas of important public policy.[2] This experience has reaffirmed his conviction that planning as a governmental function cannot and will not fill its proper role until the obstructions outlined above are removed.

Many of the difficulties in which planning agencies find themselves stem from the uncertain status which they occupy between a private civic activity and a governmental function. The use of the unpaid citizen commission, overlapping terms to eliminate "political" influences, emphasis upon published reports and "selling" specific proposals to the public, and the ill-defined status of the planning agency in the administrative structure all point to a failure to resolve the question of whether planning is a private or a public function. The efforts of public planning agencies to operate as though they were private advocates of public policy has led them, haplessly, into the political arena. There they have suffered the fate of the early Christians among the lions.

This has been true not of the city planning commissions alone. It applies in varying degrees to such national planning efforts as the National Resources Planning Board and the Bureau of Agricultural Economics in the Department of Agriculture. The National Resources Planning Board, although it had definite status as a part of the Executive Office of the President, followed the prevailing pattern of carrying major policy proposals to the public in its own name through a very active publications program.[3] Its reports reflected a rather well-formulated philosophy of the

[2] See the Preface, p. x, above.

relation between the state and its citizens,[4] a point of view perhaps most clearly embodied in its widely debated report on a social security program for the United States.[5] The last-named report became the rallying ground for congressional opinion in conflict with the philosophy of the board and played an important part in eliminating all funds for the board's operations from the Independent Offices Appropriation Act in 1943.

In a somewhat different manner, the role of the Bureau of Agricultural Economics in guiding the activities of state and local agricultural planning committees was instrumental in developing hostile attitudes toward the bureau among the members of the House Committee on Appropriations. These planning committees were actively encouraging farmers to face the economic and related problems beyond the boundaries of their individual farms and to formulate suggested programs for dealing with such problems. Later the bureau became identified (somewhat unfairly) with advocacy of such controversial policies as the wartime agricultural subsidy program and conversion of the "Cotton South" to a more diversified type of farming. The net result was that it suffered repeated appropriation cuts, explicit language was written into the appropriation act prohibiting use of funds for state and local planning, and the Department of Agriculture was finally forced

[3] See Millett, *op cit*, pp 18–24.

[4] For the best statement of this philosophy see Charles E. Merriam, "The National Resources Planning Board: A Chapter in American Planning Experience," *American Political Science Review*, XXXVIII, No. 6 (December, 1944), 1075–88.

[5] *Security, Work, and Relief Policies* (Washington: Government Printing Office, 1942), see also "A New Bill of Rights," in *Our Freedoms and Rights* (1942).

under congressional pressure to relieve the bureau of its planning responsibilities.[6]

These experiences have been sketched here because of the striking similarity which they bear to the fate of many urban planning agencies. The problem which they present is common to all levels of government. Specifically, the common element in practically all public planning activity in the United States has been the use of published reports and direct recourse to the public in an attempt to shape attitudes on public policy.

Let it be said at once that stimulation of thought and interest in public policy is badly needed. Looking at the problem from the standpoint of civic education rather than planning, there can be no doubt on this point. The usual channels of public information and the political process as it is normally carried on are completely inadequate in developing an enlightened and sufficiently motivated interest in the issues of the day. The problem as it relates to planning, however, is whether or not a governmental planning agency which depends for its existence upon the annual or biennial budget process can hope to survive if it publicly advocates particular lines of future policy. It is highly doubtful that it can. To do so is to venture into the political arena and risk the vicissitudes of all who enter there.

If this analysis is valid, it presents three alternatives for the future of planning as a part of the administrative process: (1) planners can recognize the tenuousness of their position (as many of them undoubtedly do at present) and continue to advocate such lines of future development as they think best; (2) they can take refuge in giving atten-

[6] The political situation in which the bureau became involved is discussed in Charles M. Hardin, "The Bureau of Agricultural Economics under Fire: A Study in Valuation Conflicts," *Journal of Farm Economics*, XXVIII, No. 3 (August, 1946), 635–68.

tion to problems of relatively slight social or political consequence, such as attractive civic centers, a superficial type of zoning to protect property values, the design of particular public improvements, street layout, and related activities; or (3) they can reorient their efforts in the direction of serving as the confidential advisor and assistant of incumbent officials, letting such parts of their recommendations as may appeal to these officials become part of the latter's own policy and program. The National Resources Planning Board and the Bureau of Agricultural Economics, along with a number of aggressive city planning commissions, would fall into the first category. Most city planning agencies of the last twenty years fall into the second. There are isolated examples in urban planning of the third approach; there are numerous examples in other fields and levels of administration. In the long run, this third suggested orientation seems to be the only tenable one for a governmental planning agency.

The heads of major operating departments, as well as the President and other chief executives, are constantly being advised on future policy by their principal subordinates. In many cases this advice is founded upon the most careful and thorough advance planning. Thus such agencies as the Forest Service, the Soil Conservation Service, and the Rural Electrification Administration in the United States Department of Agriculture all have administrative subdivisions charged with responsibility for planning the future program. The plans of each of these agencies are important factors when specific decisions on budget estimates or other questions must be made.[7] But planning

[7] This aspect of planning is further explored in Robert A. Walker, "The Relation of Budgeting to Program Planning," *Public Administration Review*, Vol. IV, No. 2 (spring, 1944).

units of this type manage to survive and prosper. In fact, an agency is likely to be criticized, at the federal level, if it submits to the Bureau of the Budget or the appropriations committees an estimate of financial requirements which it is unable to relate to a longer-range plan for the program involved. The important point here, however, is that the type of planning relied upon in this context emerges only rarely in the form of public reports. When such reports are issued, they carry the approval of the entire agency. Thus the Forest Service may release a ten-year program for American forestry; the planning division of the Forest Service, on its own initiative, would not. It would not occur to such a division to carry such a plan to the public, in an effort to bring pressures to bear on the chief forester.

The same kind of observation may be made about the advice which the director of the Bureau of the Budget gives the President or a departmental budget officer gives his secretary. This advice may be, and often is, based on the most careful study and weighing of alternatives. It is, however, rendered in the highest confidence. When the results reach the public or the legislature, they are incorporated into the program of the responsible executive. Thus policy proposals enter the political process through channels appropriate to them. It is primarily the role of the politician, rather than of the administrative official, to gauge the limits of political feasibility.

All that has been said above applies to urban or state government quite as well as to federal administration. Planning agencies at any level are miscast when they assume the function of political leadership. Administrators must plan their activities. Mayors and city managers have the responsibility for planning the futures of the commu-

nities they serve. They must co-ordinate and integrate the planning being done by their respective operating departments and agencies. To do this well, they need assistance. The municipal planning agency is the appropriate agency to render that assistance. It will not be acceptable in that capacity, however, until its responsibility to the chief executive is clear-cut; until it abandons the independent advocacy of public policy; until it rises above preoccupation with the narrower aspects of physical improvements to encompass all phases of community development which find expression in governmental activity.

There remains, then, the question of what can be done if public officials refuse to assume the responsibility for community planning or if the plans proposed are incompetent. The answer must be sought in planning, as in other areas of governmental activity, in an alert and informed citizenry. Interested citizen groups are an essential part of the planning process. The Committee on Economic Development, at the national level, was and is a sound endeavor. So also are such groups as the Metropolitan Housing and Planning Council and the South Side Planning Board in Chicago. From these and their counterparts in other communities must come the advocacy of long-range plans and the critique of inadequate proposals. The decay of those citizen groups which were originally instrumental in securing an "official" status for city planning has greatly weakened the activity in most communities. This interest will have to be reawakened, for planning to be fully effective. Civic groups, seriously concerned with the future of their communities, can perform valuable public service by presenting thoughtful and understandable programs for fellow-citizens, as well as candidates for public office, to debate. But here again the proposals of such groups should

be directed to the public and those in responsible policy-making positions. Efforts to gain direct control of the planning function itself, through independent citizen boards, will never gain the end sought. These boards will not be used, once the political pendulum has swung away from the views they represent. Effective democratic control consists in holding those elected to public office responsible for the proper discharge of their duties. Planning for the better community of the future is one such duty.

We return, consequently, to the suggestion originally made in this report that it is high time that planning agencies were established firmly within the administrative hierarchy of municipal government. The heads of such agencies should be appointed by and be responsible to the chief executive. Along with this must go a long-time process of education for planners, administrators, and civic groups alike on their respective roles in governmental planning. Only as these distinctions are perceived and understood can city planning be expected to achieve the maturity for which contemporary observers seek in vain.

APPENDIXES

APPENDIX I

PRINCIPAL RECOMMENDATIONS OF THE URBANISM COMMITTEE[1]

ECONOMIC INSECURITY OF THE CITY WORKER

Since a very large proportion of the American people with low and uncertain incomes is found in the cities, since the city worker has little to fall back upon when unemployed, and because many of the most acute and persistent problems of the city cannot be solved until the fundamental issue of adequate and secure income is met, the Committee urges that the efforts already made by Government, industry, and labor toward the raising of family incomes and the increasing of economic security be continued and intensified.

DEPRESSED CITIES AND INDUSTRIES

In order to decrease the dangers to family, community, and national life inherent in decadent communities and chronically depressed industries, the Committee recommends that the Federal Government periodically undertake an appraisal of the standards of life in urban communities and, based on such appraisal, formulate the requisites of an acceptable minimum standard of urban life. If private enterprise cannot or does not solve the problem of submarginal communities, then Government should supplement in appropriate cases the local resources or opportunities for employment, as it is doing in the case of depressed rural areas, in order to raise the standard of life in these urban communities to an acceptable minimum. Where, because of a disappearing economic base, the conditions seem to be chronic and appear to offer no promise of self-support at an acceptable minimum standard, the reorganization of the community or a program of resettlement will have to be undertaken jointly by the several governmental units involved.

[1] These are the recommendations of the Urbanism Committee of the National Resources Committee as set forth in Part III, "Statements of General Policy and Recommendations," *Our Cities: Their Role in the National Economy* (Washington Government Printing Office, 1937), pp. 73–85. They are italicized in the original text.

QUALITY OF URBAN LIFE VERSUS BIGNESS OF CITIES

Because of the marked slowing down of our population growth, the Committee recommends that all national and local policies, public and private, pertaining to cities, which have proceeded on the expectation of continuous and unlimited growth, be reexamined in the light of this approaching stabilization of our population.

EQUALIZATION OF OPPORTUNITIES BETWEEN COUNTRY AND CITY

Better to equip the future urban citizen reared in the country and to satisfy the just claims of rural areas, the Committee recommends the equalization between country and city of all possible material and cultural opportunities. This can be accomplished through the equitable distribution of public revenues as is being advocated and to some extent already practiced in the field of education.

SOCIAL WELFARE

Experimentation during the last 4 years in meeting the greatly expanded need for relief and social-welfare services in cities leads the Committee to recommend that:

1. In States having antiquated "poor laws" modern social-welfare legislation should be passed, taking into account the special needs of the cities.
2. Permanent county and State departments should be established. These should be responsible for administering all public-welfare functions including the public assistance provisions of the Federal Social Security Act.
3. Personnel for urban as well as all other public-welfare administration should be selected through the merit system, as is already the case in some communities. The social-welfare service should be protected from partisan politics and from the curbstone opinion that no experience or training is required for this kind of work.
4. The Federal and State financing of the social-welfare services should take into full account the varying ability of different regions and communities to bear the cost of local needs.

The Committee approves the policy of continuing the participation of the Federal Government in the financing of a broad public assistance program with recognition of the needs of those groups not at present included in the social-security program, and recommends a prompt in-

quiry into the methods for carrying out this policy. There should be a maximum decentralization of administration consistent with reasonable standards of personnel and services, preservation of the local interest and requirement for local participation.

CRIME PREVENTION AND CONTROL

The Committee therefore recommends, as a means of reducing urban crime, that:

1. Changes should be made in the organization and procedures of the local criminal courts to make them more effective agencies for crime prevention. The time is here to substitute on a wide front investigation for prosecution and treatment for punishment. State statutes and local charters should be amended to provide legal authority for the carrying out of this recommendation.
2. Encouragement should be given to local communities in the initiation and extension of broad positive programs for the prevention of juvenile delinquency and crime, through a more adequate recognition of the problems of youth.
3. The Federal Government should continue and extend its cooperation with local communities in crime prevention programs including, among other things, planned and supervised recreational projects, slum eradication, and programs of better housing for the low-income groups, particularly in areas with high delinquency and crime rates.
4. The Federal Government should continue to cooperate in the enactment and administration of uniform criminal laws and inter-State crime compacts.
5. Regional cooperation among police systems, Federal, State, and local, and other law enforcing agencies, including the judicial branch, should be encouraged and fostered.

URBAN LEISURE

Because leisure time is increasing, because the workaday tasks of modern industry, largely concentrated in cities, are becoming more and more mechanical, monotonous, and repetitive, the Committee recommends a national policy which will encourage the States, cities, and private agencies to provide, especially for low-income groups, adequate recreational and cultural opportunities for personal self-development, free self-expression, and group participation in play, art, literature, sci-

may well further these aims by cooperating with and giving aid to the States, local communities, and other public or private agencies in their efforts thus to raise the level of life in the urban communities and in the Nation as a whole.

ABOLITION OF THE SLUM

Convinced that the problem of slum eradication must be attacked promptly and vigorously by local urban government with the aid and cooperation of State and Federal Governments, the Committee recommends that:

1. Municipal authorities should modernize and aggressively enforce to the limit of their powers their building and sanitary codes and zoning ordinances; they should initiate the widest program of demolition possible thereunder; and, where existing building and sanitary codes and ordinances dealing with the demolition of unfit buildings are inadequate, these should be made more stringent in order to enable the community to rid itself of such structures. Where necessary, State laws authorizing such codes and ordinances should be enacted.
2. Local-urban governments should consider the adoption of a single standard for buildings, old and new, and the progressive, wholesale condemnation under the police power, after a reasonable period of grace, of all buildings that either for structural or sanitary reasons, or for reasons of inadequacy of light and air, do not measure up to an acceptable standard of use and occupancy.
3. All Government agencies should adopt the policy, when they are acquiring land for public works or housing, of not compensating the owners of buildings unfit for human use. Wherever necessary, State constitutions should be amended, and State laws and local ordinances should be passed, authorizing the carrying out of this policy.
4. Local planning and zoning commissions should rezone the decayed and blighted districts and housing authorities should formulate their programs with the view to facilitating the rehabilitation of these areas for stable, economically sound and socially desirable uses.

HOUSING

In order that a large proportion of American urban families should not continue to live in unfit dwellings, and in order to supply the urgent need for housing facilities conforming to an acceptable minimum standard for the low-income groups and thus to attack the serious problems

of health, welfare and order, which are directly related to inadequate housing, the Committee recommends that:

1. A national policy should be adopted for rehousing the low-income groups at acceptable minimum standards, as a cooperative undertaking among Federal, State and local Governments and private enterprise.

   This policy should be designed to stimulate local initiative, recognize local circumstances, and vest the control, save in exceptional cases, in the local authorities.
2. The Federal and State Governments should extend, in accordance with local needs, financial assistance to local authorities conditioned on the existence of a comprehensive city plan and housing program meeting satisfactory standards.
3. The recommended Federal credit agency should extend capital grants, long-term, low-interest loans or annual rent subsidies to States and cities in order to aid in carrying out this national housing policy.
4. The Federal Government and the States should provide long-term, low-interest loans, under proper safeguards, for housing purposes to individual home builders and building societies.
5. All Federal housing activities should be coordinated or consolidated in order to further the more effective functioning of all Federal agencies now engaged in the field of housing in urban areas. This should include continuous research into the problems of reducing housing costs.
6. A model State housing law should be prepared to enable States and local communities to take part in a national housing program and to carry out community rehousing programs in which public and private groups can cooperate. The States should be encouraged to enact legislation in conformity with such a model State housing law.
7. State and local authorities should consider the reduction of the rate of taxation on buildings and the corresponding increase of such rates on land, in order to lower the tax burden on home owners and the occupants of low-rent houses, and to stimulate rehabilitation of blighted areas and slums.

URBAN LAND POLICIES

Better to control urban development, to combat land speculation, and to have land available for low-rent housing, recreational, educa-

tional and other public facilities likely to be increasingly required in the future, the Committee advocates a more liberal policy of land acquisition by municipalities and accordingly recommends the liberalizing of the fundamental laws of the States in order to permit urban authorities to acquire, hold, and dispose of land with greater freedom and to allow a wider interpretation of the term "public use."

Since opportunities for land acquisition often are best when the urban community is least able financially to make such outlays, the Committee recommends that the suggested Federal credit agency should be authorized to make loans to urban communities for the acquisition of both improved and unimproved real estate for the purposes mentioned above.

ARTICULATION OF THE NATIONAL AND LOCAL INDUSTRIAL STRUCTURE

In order to further the development of a sounder national industrial pattern, and better balanced and more stable industrial structures in local areas, the Committee recommends that:

1. The Federal Government, in cooperation with private enterprise, should develop an industrial section in a permanent National Resources Board which should prepare broad plans and formulate policies and programs for industry and government designed to improve the national industrial pattern in the interest of both private economy and national welfare.
2. The National Resources Board, cooperating with State planning boards, should encourage the establishment of local industrial planning committees in industrial cities and regions in order to foster a selective and balanced program of industrial development in these areas. Such planning committees should be a part of the official city or regional planning agencies and should contain representation from and work in cooperation with industry, commerce, and labor.

   The programs of these local industrial planning committees should be directed toward the more effective use of man-power, the minimizing of seasonal and cyclical unemployment, and, through these, the maximizing of the family income; toward increased industrial efficiency through a proper relationship between industries; toward making the community less vulnerable to technological changes and to depressions; and toward a better balance between the cost to the community of services to its industries and the income of the

community from its industries—in brief, toward a stronger, more stable, and better balanced industrial structure and a more satisfactory community life.

To aid the local planning agencies in the organization and functioning of these industrial planning committees, grants of Federal aid or services should be made to such official local and regional planning agencies as may meet requirements to be set up by the recommended National Resources Board. An example of such aid might well be the assignment to such local industrial planning committees of an advisory representative of the suggested bureau of urban information (acting as a special agent of the Bureau of the Census), who would have access to the confidential census information concerning industry.

3. Since no sound industrial development on a Nation-wide scale is possible without a unified taxation policy and a uniform labor policy, such policies should be developed and pursued to combat exploitation of labor and inequitable taxation.

TRANSPORTATION AND OTHER PUBLIC UTILITIES

In the interest of a more prudent use of our national resources, material and human, and of a better balanced and more stable local urban structure, the Committee recommends that:

1. A prompt and thorough study should be made by the National Resources Board of our transportation facilities to:
   a) Develop the general framework of a coordinated national transportation system directed towards an economically more effective and socially more desirable distribution of economic activities and urban pattern;
   b) Determine the feasibility of creating a unified Federal agency for the regulation of all forms of transport.

Since the studies of this Committee have indicated that interconnection, coordination, and integration of the electric power systems will tend to encourage a wider distribution of industry and population, the Committee recommends that:

1. A further study be made by the National Resources Board or other appropriate Federal agency of the probable effect on urbanization of the transmission and distribution of electricity over wider areas.

2. A plan should be developed by the appropriate Federal agency in cooperation with State authorities and private companies for the coordination of all private and public generating, transmission and distribution facilities.

PLANNING

Recognizing the potentialities of planning as an effective aid in the better use and conservation of our resources, human and material, the Committee urges strengthening and extending the scope of planning on all levels of government and in regional areas, and accordingly recommends that:

1. The Congress should enact legislation to establish a permanent National Resources Board with the necessary authority to engage, among other things, in the following activities:
   a) To continue and extend encouragement, cooperation, and support to State, regional, and local planning agencies.
   b) To continue, systematize, and improve the long-range programming of public works in cooperation with State, regional, and local planning agencies.
   c) In cooperation with industry and labor to establish an industrial planning section which is to develop, in collaboration with State planning boards, a better balanced and socially more desirable national industrial pattern, possibly a national zoning plan for industry, and through such industrial planning section, to lend encouragement and cooperation to industrial communities and regions in their efforts to improve the soundness and stability of their industrial structures.
   d) To prepare, in collaboration with State planning boards, the broad, general plan of a coordinated national transportation system directed toward an economically more effective and socially more desirable urban pattern and distribution of economic activities.
   e) To make a further inquiry into the probable effect on urbanization of the wider distribution of electric power.
   f) To establish a section for urban research which should perform for urban communities functions comparable to those now performed for rural communities by the Bureau of Agricultural Economics and Agricultural Engineering.

2. The Standard City Planning Enabling Act should be revised to give official local urban planning agencies the same authority over projects in the areas within their jurisdiction which are constructed, authorized, or aided by any other local authority or State agency, as is provided for projects of their own local government. There should be included in such jurisdiction the proposals before State regulatory agencies over transport and utility matters when these involve the location, extension, or change in the use of facilities.
3. State legislation should be enacted in conformity with this revised Standard City Planning Enabling Act to permit the organization in all urban communities and metropolitan regions of an official planning agency vested with adequate authority effectively to guide and improve, through the instrumentality of a comprehensive city or regional plan broadly construed, the physical environment and social and economic conditions in these areas. Such State enabling legislation should give urban planning authorities effective powers over the quantity and quality of real estate subdivisions, and over the zoning of unincorporated areas in the urban regions. The functions of zoning agencies, where these bodies are separate, should be transferred to the official planning agencies.
4. A policy should be adopted by the Federal Government requiring that all Federal agencies submit to the official local planning body, if such exists, for its review and recommendation, the plans of all physical projects to be located in the area under the jurisdiction of such local planning body which are to be constructed, aided, or authorized by the Federal Government. These Federal agencies should consider such recommendations and should be guided in their actions by the same minimum requirement as apply under State laws or local charters to the local authorities. Included among the Federal agencies that are thus to submit their proposals to such local planning bodies should be the existing or future regulatory agencies for transportation and other public utilities when the proposals of these agencies involve the location, extent, or change in the use of facilities.

MODERNIZING URBAN GOVERNMENT

To enable urban government effectively to discharge its increasing responsibilities, the Committee recommends that State laws and constitutions should be revised and amended in accordance with the most advanced practices in order to:

a) Permit urban communities to exercise a wider range of home-rule powers not only over their own internal organization and management but also over the emerging problems of urban life;

b) Permit a more flexible classification of cities, and an appropriate distinction between the wider powers essential to urban or metropolitan communities and the less extensive powers required by the remaining local authorities of the State;

c) Facilitate the elimination in metropolitan areas of atrophied authorities like the township, and foster consolidation and cooperation among local urban governments.

METROPOLITAN DISTRICTS

In order to make the political and administrative structure of these metropolitan districts correspond more closely to their economic and social unity, and to solve the difficult problem of coordinating the activities of the great variety of independent authorities governing these urban areas, the Committee recommends that:

1. The Congress should pass legislation giving previous blanket consent to the adoption of interstate compacts enabling the several communities within the same metropolitan region but in separate States to deal jointly with the regional aspects of health, sanitation, industrial-waste regulation, the control of public utilities, planning, public safety and welfare, education, and other governmental functions of regional scope.

   As an experiment, the Federal Government should cooperate with the States of Maryland and Virginia and make use of the unique opportunity to devise a complete scheme of integrated metropolitan government for the District of Columbia and the urbanized outlying areas within this metropolitan district.

2. Special legislation should be enacted by the States which would permit a reduction or federation or consolidation of overlapping and suburban authorities, easier annexation of territory to the city, joint services among neighboring cities through contractual relations, and intermunicipal cooperation in the conduct of metropolitan problems of all sorts.

COOPERATION AMONG MUNICIPALITIES

Because of the significant services now being made available to urban and other local governments by various State and National associations of municipalities and of municipal officials, the Committee urges govern-

mental authorities on all levels, Federal, State, and local, to make the greatest possible use of the facilities of these associations.

FEDERAL-CITY RELATIONS

In order to clarify and formulate a Federal policy toward cities and to facilitate the administrative coordination of Federal services to cities, the Committee recommends that:

1. Immediate consideration should be given to the urgent necessity of coordinating both at Washington and in the field the related services and activities performed by the various Federal agencies operating in urban areas. A prompt and thorough study should, therefore, be undertaken by a division of administrative research in the Bureau of the Budget of the best methods and administrative techniques for bringing about the closer coordination of Federal activities in urban communities and for improving and facilitating collaboration between the cities and the Federal Government.

   The Committee further recommends legislation creating a Federal credit agency authorized to make loans and grants under adequate legislative safeguards to State and local governments for the purposes of public-works construction, acquisition or construction of public utilities, land purchases, and similar capital outlays, and for extending credit to these governments in periods of economic stress. At the same time, the Committee believes that direct Federal expenditures in cities should be reduced to a minimum.

PUBLIC PERSONNEL

The serious need of raising the competence and prestige of the urban public service leads the Committee to recommend that:

1. States and urban communities availing themselves of Federal grants-in-aid should be required by the Federal Government to conform with minimum personnel standards under the merit system.
2. The Federal Government should extend its present efforts in vocational training for public-service occupations.
3. The United States Civil Service Commission should furnish eligible lists to local authorities at their request and prepare model personnel standards applicable to the same classes of positions on all levels of government.
4. States and cities should foster the abolition of narrow residence requirements and other restrictive personnel practices and should en-

courage the development of a public career system in every city in the land.

5. All public authorities should encourage the interchange of public personnel among the various levels of government.

TAXATION

Believing that there is urgent need for a thorough study of the whole structure of taxation, to allocate revenue sources properly and to bring them into relation with the functions appropriate to each level of government, the Committee recommends that:

1. A comprehensive and thorough-going inquiry should be made by the National Tax Revision Council or other suitable agency of the entire subject of conflicting fiscal policies and taxation as practiced by the local, State, and Federal Governments. Special attention should be given to:
   a) The reconsideration of the policies which have resulted in arbitrary constitutional amendments or statutory limitations on the general property tax; and
   b) the elimination of duplicate taxes and tax collectors.
2. Such State laws or constitutional amendments should be passed as will enable cities to exercise incidental and excess condemnation in order to protect public improvements and to facilitate their financing.
3. A thorough study should be made of the problem of special district assessments and the place of such assessments in the fiscal policies of the city. A study should also be made of the increment tax on real estate in lieu of special assessments, to see whether such a tax would make possible the financing of public improvements more nearly through tax revenue derived from the increased values which these improvements create, and whether such a tax would aid in combating speculation in land.

PUBLIC WORKS PROGRAM

Since the Committee is convinced that if a public works program is to be brought into play as one of the means of minimizing the impact of business cycles on the cities and the Nation, such a program, in order to be most effective and of maximum social value, must be a part of a long-range, coordinated, Nation-wide program of public works; and, since

such a program must in turn be based on carefully drawn long-term city, State, regional, and national plans of development, it recommends that:

1. A Nation-wide, coordinated, long-range program of planned public works should be developed by the Federal Government working in the closest cooperation with the State and local authorities. In this effort the planning agencies on all levels of government should be given a primary role.
2. The Congress should establish a permanent Federal public works authority which should be directly responsible for the formulation and execution of a specific and detailed Nation-wide program of public works.

   This public works authority should administer any Federal loans and grants for public works to States and local agencies, negotiate the division of costs between the Federal Government and the other governmental bodies involved, and recommend the allotment of funds to Federal and non-Federal authorities. It should also be responsible for the approval of the engineering aspects of projects submitted by Federal, State and local authorities, for the preparation of standards and for the inspection necessary to safeguard Federal interests.

   In its policies and the preparation of any specific program of public works it should be guided by the more general long-term program to be developed and kept up-to-date by the recommended National Resources Board. The actual making of loans and grants based on the recommendations of this public works authority should be the function of the national credit agency recommended elsewhere in this report.
3. Local and State authorities should urge their departments and officials to cooperate with their respective planning agencies in the preparation of long-range public works programs in order to make effective the effort at a sound, Nation-wide, long-time public works policy.

URBAN REPORTING AND RESEARCH

A. The Committee believes that these deficiencies in the adequacy, consistency, and comparability of information about urban places can be and should be remedied. To this end it recommends that:
   1. A division of urban information should be created in the Bureau of the Census which would serve as a central depository and clearing house of all information about urban communities collected

by all governmental agencies on all levels and by authoritative private organizations.

It should be a part of this division's duty to assemble this information in such manner as to make it readily usable for studying individual communities as well as the actually urbanized areas and metropolitan districts as a whole. This division should have the further duty of performing such statistical reporting from urban places as does not seem more appropriately assignable to another Federal agency.

The division could also be charged with the duty of coordinating State and local statistical work with Federal fact-collection in those fields where this is not already done. The division might well assist State and local authorities by supplying standard forms. It might desirably encourage the collection of data about nongovernmental subjects not collected at present by municipal governments. In order to further the cooperative collection of data by the several levels of government on standardized forms and by uniform procedures, consideration might be given to the extending of Federal grants-in-aid to State and local authorities. State or regional offices of the recommended division of urban information should be associated, wherever feasible, with State leagues of municipalities.

It is suggested that the proposed division of urban information be created by expanding the functions of the existing Division of Financial Statistics of States and Cities, since this division of the Census Bureau already has well-established relationships with municipal governments, possibly by developing the program of the recently established municipal reference library and information service of the Bureau.

2. The Central Statistical Board, in the exercise of its present powers, should give special consideration to the above-enumerated inadequacies in the existing data and the shortcomings in the methods of collecting them.

This Board should draw up, in consultation with local public officials, their national associations, State leagues of municipalities, university research centers, and national research bodies, a program for extending and improving the reporting of urban statistics. Such a program should take cognizance of the suggestions of the interim report of this Committee in respect to data which

need to be collected from municipal governments. In addition it is desirable that such a program should include such important specific data as:

a) Census data on: Place of work or place of daily activity (in addition to place of residence); length of residence at present location; place as well as State from which last migrated; grade completed in school; rental paid per room and number of persons in families paying specified rents.

b) A continuous inventory of employment and unemployment.

c) Family income, cost of living, and the consumption of goods and services.

d) Complete data about industries located in urban communities and regions, such as would make possible a thorough analysis of the industrial structure of these areas and the preparation of selective programs of industrial development.

Without waiting for the reorganization of urban reporting along the lines above indicated, the following steps should be taken immediately:

e) The collection of financial statistics of cities of 30,000 and over should be resumed.

f) The collection of local documents, recently undertaken by the Bureau of the Census as an emergency project, should be made a continuing practice, the documents to be filed with the proposed division of urban information. A monthly check list of such documents should be published, covering at least cities of 30,000 and over.

g) The present decennial population census should be made a quinquennial census.

h) The method of collecting data in urban communities by permanent census tracts (instead of by the changeable wards and precincts), should be extended in its use to all of the metropolitan districts, covering in each case the whole metropolitan area.

B. With special reference to research in urban problems, the Committee recommends that a central agency for urban research should be established as a section in the proposed National Resources Board to perform for urban communities functions comparable to those now performed for rural communities by the Bureaus of Agricultural Economics and Agricultural Engineering. In addition to research

of its own, the program of the proposed research agency should include the stimulation of urban research in universities, research institutes, planning boards, and the furnishing of advisory and cooperative services for individuals and public and private bodies. Its program should include, more specifically:

1. More specialized studies of sufficiently wide scope to demand Nation-wide attention, such as the diagnosis of the factors of unusually well-adjusted and markedly ill-adjusted urban communities; the underlying factors contributing to the failure of the urban community to reproduce itself; studies of municipal land-acquisition procedure; effect of population movements and of various types of public improvements on urban land values and land prices; experience with various methods of financing public improvements by added site values or ground rents created by such improvements; blighting effects of major traffic routes on residential property.
2. A study aiming at a more realistic redefinition of the urban community and the metropolitan district for census purposes, and a more usable classification of cities into size groups for the more discriminating reporting of the essential facts about each class.
3. Periodic appraisals of the standard of existence in urban communities throughout the country; development, on the basis of such appraisals, of minimum acceptable standards for communities in different regions, of different types, sizes, etc.; and appraisal and evaluation, at specified intervals, of the conditions and the progress of urban life and the success or failure of policies and methods designed to deal with urban problems.

APPENDIX II

WORK-RELIEF PROJECTS CARRIED ON UNDER THE SUPERVISION OF LOCAL PLANNING AGENCIES[1]

ALLENTOWN, PENNSYLVANIA

1. "Real Property Inventory" (Dec., 1934, 22 pp., tables, typed, mimeo.) (3254)
2. "Survey of Child Health and Juvenile Delinquency, City of Allentown, Pennsylvania" (1936, 19 pp. typed) (3694)

BERKELEY, CALIFORNIA

1. "Final Reports, Berkeley Occupancy and Land Use Survey and Building Repair Survey" (1935, 49 pp., tables, charts, mimeo., blueprinted) (3195)

BOSTON

1. "Report on Alley Survey for the City of Boston, 1934" (Oct., 1935, 2 vols., mimeo.) (3205)
2. *Report on a Survey of Business and Industrial Buildings, City of Boston* (1935, xii+545 pp.) (3206)
3. "Housing, Engineering and Landscape Studies" (*Report on Civil Works Administration Project No. 3512*, March 31, 1934, 296 pp.) (3204)
4. *Report on the Income and Cost Survey of the City of Boston* (1935, 69 pp.) (3434)

   Data given for each of 127 census tracts. See also *Report of the Income and Cost of Six Districts in the City of Boston* (Dec., 1934, 44 pp.)

[1] Complete list of projects as compiled from Works Progress Administration, *Index of Research Projects* (Washington: Government Printing Office), Vol. I (March 1, 1938) and Vol. II (January 1, 1939). Vol. II, prepared in collaboration with the National Resources Committee and State Planning Agencies, contains most of the information found in Appen. II. The number in parentheses is the entry number, included here to facilitate referring to the original complete statements

5. *Report on Real Property Inventory for the City of Boston, 1934* (Aug., 1935, 49 pp. + tables, maps, 2 vols.) (3241)

BUFFALO

1. "Buffalo Real Property Inventory" (April, 1935), 266 pp. typed, blueprinted) (3249)

   Data given by councilmanic district.

CINCINNATI

1. *The Cincinnati Waterfront: Its Problems and Recommended Future Utilization* (Dec. 20, 1937, 25 pp.) (2899)
2. "A Survey of Housing Conditions in the Basin of Cincinnati" (Oct., 1936, v.p., typed) (3251)

COLUMBIA, MISSOURI

1. *A City Plan for Columbia, Missouri* (1935, 63 pp.) [Hare and Hare] (2886)

   "Recommendations are made for specific street adjustment and construction; a school building plan involving better distribution of elementary schools; development of a system of recreation areas, including parks, playgrounds and parkways; and a zoning ordinance. Legislative procedure for accomplishment of recommendations is discussed."

DAYTON, OHIO

1. *Housing Survey, City of Dayton, Ohio* (1934, 95 pp., tables, charts) (3252)
2. "Traffic Survey for Dayton, Ohio" (1936, viii+281 pp., mimeo.) WPA 65-42-17917) (1230)

   Jointly sponsored by City Planning Board and Metropolitan Area Traffic Commission.

DULUTH

1. "Real Property Survey: Vol. II, Maps" (Feb., 1936, v.p., maps, blueprinted) (3243)

ERIE, PENNSYLVANIA

1. "Traffic Survey" (Jan., 1937, 10 pp. typed + map) (3375)

GARY, INDIANA

1. "Real Property and Land Use Survey" (1936, xii+87 pp., mimeo., tables, charts, maps) (3222)

HARRISBURG, PENNSYLVANIA

1. "City Housing Survey" (March, 1935, 29+18 pp., typed, maps, blueprinted) (3255)

HAVERHILL, MASSACHUSETTS

1. "Real Property Survey, City of Haverhill, Massachusetts, 1935" (Sept. 18, 1937, 33 pp. typed + charts) (3242)

HEMPSTEAD, NEW YORK

1. "Housing and Population Survey" (April, 1935, 1 p. [table]) (3250)

KANSAS CITY, KANSAS

1. "Report of the Real Property Survey" (1936, 97 pp., typed, tables, charts) (3238)
2. "A Preliminary Report upon the Growth and Distribution of Population, Kansas City, Kansas" (July, 1937, 28 pp., mimeo.) (3676)

KOKOMO, INDIANA

1. "Real Property Inventory of Kokomo, Indiana" (July, 1936, 31 pp., typed + schedules, maps, charts) (3224)

LOS ANGELES COUNTY

(Regional Planning Commission)

1. "Land Use Survey, County of Los Angeles" (May, 1938, v.p., mimeo.) (3194)
2. *Report of a Highway Traffic Survey in the County of Los Angeles* (1937, 62 pp.) (3344)
3. *Report of a Highway Traffic Survey in the County of Los Angeles* (1934, 31 pp. + maps) (CWA 410-WR8100; ERA 1-E5-34) (1127)

LOUISVILLE

1. "General Summary of Real Property Inventory, 1934" (Oct., 1936, 54 pp. mimeo. + map) (3239)
2. "General Summary of Statistics from Real Property Inventory of 1934 by Totals and by Census Tracts Including General Census Tract Map and Street Index" (Oct., 1936, 54 pp. mimeo. + map) (3240)

LYNCHBURG, VIRGINIA

1. *Lynchburg City Plan* (1934, 17 pp.) (2906)

"Includes brief information on streets, schools, parks, and public buildings of Lynchburg."

MILWAUKEE

1. *Truck Traffic Report* (n.d., 11 maps + illus.) (ERA 40-F4-397) (1251)
2. "Hourly Traffic Count of Pedestrians Entering and Leaving Major Business Establishments." (WPA 65-54-250) (1923)

MINNEAPOLIS

1. "Survey of Building Permits" (n.d., 80 pp., typed, mimeo. + 19 charts, tables) (3208)
2. "Progress Report, Blighted Area Survey" (June 30, 1937, v.p., typed) (3209)

   "Charts and graphs present data on valuations, taxes, exempt property, and vacant land by ward."

3. Survey of Moved Buildings" (n.d., 32 pp., typed, mimeo.) (3210)
4. "Employables Survey of Minneapolis" (n.d., 312 pp. typed) (3420)

   "Tables present data on employed and unemployed by industrial groups, age, and sex by wards; and by occupations."

5. "Employables Survey of Minneaplois, 1935" (1935, 18 pp. typed) (3421)
6. "Survey of Fires" (June, 1937, v.p., typed) (3677)

   Fires 1912–35 "by month and year, by ward, per 1,000 population, per functional square mile, by amount of loss, by occupancy types, number of fatalities and injuries, and cost of protection and prevention."

7. "A Preliminary Report on the Harbor Facilities of the City of Minneapolis in Relation to the Commerce and Industry of this City" (Aug., 1937, 16 + 23 pp., mimeo.) (3383)
8. "The Minneapolis Property and Housing Survey" (June 19, 1934, 126 pp., mimeo., tables, charts, maps) (3244)
9. "A Report on the Extent of Tax Delinquency in the City of Minneapolis within the Period 1912 to 1934, Inclusive" (May 1, 1938, 145 pp., mimeo.) (3463)

MONTCLAIR, NEW JERSEY

1. *Master Plan of the Town of Montclair, New Jersey* (Parts 1–5, 7) (1933, 3 vols.) [Harold M. Lewis] (2889)

   "Includes data concerning population, transportation and traffic and plans for streets, business areas, railway transportation, and park and recreation facilities."

NATICK, MASSACHUSETTS

1. *A Survey of Traffic Accidents in the Town of Natick* (1937, 153 pp.) (3359)

NASHVILLE, TENNESSEE

1. "Land Uses in Nashville, Tennessee" (1934, 19 pp., mimeo.) (3218)

   "Amounts of land used and zoned for various purposes in Nashville, Tennessee, as compared with typical American cities."

2. "Low Standard Housing in Nashville, Tennessee" (1937, 37 pp., mimeo + maps) (3256)

   Data on seven areas of substandard housing including state of the buildings; also "data on births, infant mortality, tuberculosis, juvenile delinquency, truancy, family incomes by occupations and rentals, and dependent families are presented for the City and by area."

3. "A Traffic Safety Survey of the City of Nashville, Tennessee" (1934, 220 pp., mimeo.) (3378)
4. *Nashville Transportation Survey: Findings* (1937, 256 pp.) Listed as joint project of Tennessee Railroad and Public Utilities Commission and City Planning and Zoning Commission (3333)

NEW YORK CITY

(Mayor's Committee on City Planning)

1. "Zoning for the City of New York" (Aug., 1938, v+46 pp., mimeo.) (2896)

   Recommendations for revising the zoning ordinance and a building zone resolution are given.

2. "Program for Permanent Improvements" (1938, 65 pp., mimeo.) (2897)
3. "Water Supply and Sanitation" (March, 1938, 30 pp., mimeo.) (3508)
4. "Residential Area Analysis" (Aug., 1938, 46 pp., mimeo.) (3216)
5. "New York City's Highway System, Present and Future" (April, 1938, 32 pp. + 10 tables, mimeo.) (3372)
6. "Education and Parks" (Oct., 1938, 63 pp., mimeo.) (3778)
7. "Population Study of New York City" (Aug., 1938, 32 pp., mimeo.) (3684)
8. "Bay Ridge Community Study" (1937, 4+15 pp., mimeo) (3685)

9. "East Bronx Community Study" (1937, v+20 pp., mimeo.) (3686)
10. "East Harlem Community Study" (1937, 96 pp., mimeo.) (3687)
11. "Greenwich Village Community Study" (1937, v+20 pp., mimeo.) (3688)
12. "Riverdale Community Study" (1937, 43+9 pp., mimeo.) (3689)
13. "West Harlem Community Study" (1937, 49 pp., mimeo.) (3690)
14. "Financing New York City's Future Permanent Improvements" (Feb., 1938, 95 pp., mimeo.) (3444)
15. "Status and Trends of Industry in New York City" (Feb., 1938, ix+64 pp., mimeo.) (3300)

OAKLAND, CALIFORNIA

1. "Real Property Survey, 1936" (Nov., 1937, 55 pp. + tables, mimeo. + 20 plates, 2 vols.) (3219)

   "Covers cities of Oakland, Piedmont, San Leandro, and Eden Township."

2. *Report of East Bay Mass Transportation Survey:* Vol. I, *Analyses and Tabulation of Data* (1935–36, 39+17 pp.) (3312)
3. "Analysis of Board of Adjustments Cases, 1935–37, and Recommended Policies and Procedures" (May 1, 1938, 19 pp. typed) (3579)

PITTSBURGH

1. *Graphic Summary of Housing Conditions in Allegheny County Including Comparisons with Other Metropolitan Areas* (1937, 52 pp.) Joint project of Bureau of Business Research, University of Pittsburgh (Pamph. 3), and Department of City Planning (3253)

   Compared with thirty-six other metropolitan areas and "table of contents and selected tables and maps of the Real Property Inventory of Allegheny County are included."

PORTLAND, OREGON

1. *Summary of the Report on Public Recreational Areas: A Survey and Plan* (Aug., 1936, 26 pp. + maps) (3038)
2. "Report on Land Use Inventory and Property in Public Ownership" (Oct., 1936, v.p., typed, mimeo. + maps, charts) (3217)

RICHMOND

1. *Statistical Data Relative to Housing and Other Planning Matters* (Dec., 1935, 4 pp. + maps) (3692)

"Housing conditions in five selected areas are summarized and data on infant mortality, relief, tuberculosis, juvenile and adult delinquency and deaths are included."

ROCHESTER (MONROE COUNTY), NEW YORK

(Division of Regional Planning)

1. "The Winter-Kill of Apple Trees in Monroe County, New York, during Winter of 1933 and 1934" (Jan. 25, 1938, 27 pp., mimeo. + chart) (3180)
2. "Past and Current Finances of Monroe County, 1915–1933" (Feb., 1935, 197+21 pp., mimeo.) (3442)

   Comparison of population increase to assessed valuation increase, delinquent taxes, and bonded indebtedness.
3. "Current Finances of the Town of Riga" (Aug. 28, 1934, 44 pp., mimeo.) (3443)
4. "County Planning as Applied to Monroe County, New York" (April 27, 1936, 20 pp., mimeo.) (2865)

   "Description of mapping projects and population, traffic, water resources, finance, welfare, stream pollution, regional marketing facilities and subdivision development surveys undertaken by the Monroe County Regional Planning Board."
5. "Ground Water Resources of Monroe County, New York" (1935, 141 pp., mimeo. + charts and maps) (2709)
6. *A Survey of the Pollution of the Surface Waters of Monroe County, New York* (1938, 21 pp. + maps) (3722)
7. "Delinquent Tax Study of Town of Brighton, Monroe County, New York" (April 27, 1937, 113 pp., mimeo.) (3467)
8. "Delinquent Tax Study of Town of Gates, Monroe County, New York" (*ca.* 1937, 82 pp., mimeo.) (3468)
9. "Delinquent Tax Study of Town of Greece, Monroe County, New York" (*ca.* 1937, 109 pp., mimeo.) (3469)
10. "Delinquent Tax Study of Town of Irondequoit, Monroe County, New York" (*ca.* 1937, 196 pp., mimeo.) (3470)
11. "Delinquent Tax Study, Town of Pittsford, Monroe County, New York" (Aug. 27, 1936, 68 pp. + maps, mimeo.) (3471)
12. *Planning and Zoning Pursuant to Article 16, of the Town Law of the State of New York* (*ca.* 1937, v.p.) (2890)

    Résumé of existing laws and some fallacies upon which they were based making for unenforcement.

13. "An Inventory for Planning for the Village of East Rochester, Monroe County, New York" (1938 73 pp., mimeo. + maps) (2891)

    Survey as basis for future planning with "statistics on bonded indebtedness, utilities, age and movement of industries, schools, church activities, occupancy, vacancy and rental costs, police and property protection, commuting, recreational facilities, and banks."

14. "An Inventory for Planning for the Town of Penfield, Monroe County, New York" (1938, 45+40 pp., mimeo.) (2892)
15. "An Inventory for Planning for the Town of Perinton, Monroe County, New York" (1938, 89+41 pp., mimeo.) (2893)

ST. LOUIS

1. "Income from and Cost of Municipal Services for Selected Districts" ("A Year of City Planning," April, 1937, mimeo., pp. 43–92) (3436)
2. "The Distribution of Juvenile Delinquents and Criminal Court Cases in St. Louis, Missouri" (July 1, 1935, 73 pp. typed, blueprinted) (3705)
3. "Land Use Maps and Property Use Survey; Property Absorption Survey, 1915–1935, Inclusive" ("A Year of City Planning," April, 1937, mimeo., pp. 21–42); "Property Use Survey" ("Annual Report, City Plan Commission, St. Louis, Missouri, 1935–36," 1936, mimeo., pp. 13–17) (3213)
4. *Urban Land Policy, Saint Louis, Missouri* (Oct., 1936, 27 pp.) (3212)

    "The present zoning ordinance contains no population density regulations. Revision of the ordinance is recommended as well as provision for smoke nuisance elimination."

5. "Annual Report of the City Plan Commission, St. Louis, Missouri, 1933–34" (1934, 124 pp., mimeo.) (3247)

    Entire report deals with slum problems and "proposed slum clearance plans are included."

6. "Annual Report of the City Plan Commission, Saint Louis, Missouri, 1932–33" (10 pp., mimeo.) (3367)

    Study of street projects and "history of the legal provisions for condemnation procedure is included."

7. "Tax Delinquent Properties" ("A Year of City Planning," 1937, mimeo., pp. 109–13) (3464)

ST. PAUL

1. "A Zoning Survey, City of St. Paul, Minnesota" (Sept. 1, 1936, v.p., mimeo.) (2885)
2. "Census Tract Maps of the City of St. Paul, March 1, 1938," "Census Tract Block and Street Index for the City of St. Paul, Minnesota"; "Basic Data by Census Tracts for the City of St. Paul" (Census Tract Studies Nos. 1, 2, and 3) (1938, v.p., mimeo.) Listed as joint project of Department of Public Works and City Planning Board (3680)
3. "A Survey of Housing Conditions in Older Areas of Saint Paul, Minnesota" (March, 1937, 65 pp., mimeo.) (3245)
4. "A Traffic Accident Report of the St. Paul City Planning Board" (Feb. 12, 1935, 78 pp., mimeo.) (3364)
5. "Saint Paul Foreign Born Population Studies" (1934, 9 pp. typed + 26 pp. photostated) (3679)
6. "A Proposed Extension of Existing Market Facilities" (1935, 13 pp. mimeo. + 3 pp. blueprinted) (3404)
7. "Industrial Survey, City of St. Paul, Minnesota" (n.d., v.p., typed) (3403)
8. "Recreation Survey: Report of Settlement and Centers" (n.d., v.p., typed) (3017)

   Study of facilities in relation to delinquency.

9. "Recreation Survey of St. Paul, Minnesota" (1935, 26 pp. typed) (3018)

SAN DIEGO

1. *Long Term Program of Capital Expenditures* (May, 1938, 45 pp.) (3480)

SOUTH BEND, INDIANA

1. "A Comprehensive Real Property Survey of South Bend, Indiana" (Jan., 1936, 58 pp. typed + maps, tables) (3226)

SPOKANE

1. "Report on Street Parking Survey, Spokane, Washington" (May, 1935, 11 pp. mimeo.) (3380)

   "Comparison is made with the results of a similar survey in Washington, D.C., in 1930."

2. "1937 Traffic Survey, Spokane, Washington" (1937, 74 pp. mimeo.) (ERA 32-F2-33; WPA 165-93-6024) (1248)

SPRINGFIELD, MASSACHUSETTS

1. "Traffic Survey, Springfield, Massachusetts" (April, 15, 1938, v.p , typed + maps) (3360)

VALLEJO, CALIFORNIA

1. "Community Recreation Survey of the City of Vallejo" (Sept., 1935, 57 pp., mimeo.) [N. P. Neilson, Stanford University] (2985)

   Recommends establishing a recreation commission.

WICHITA, KANSAS

1. "Report of Traffic Survey in Wichita, Kansas" (1936, 109 pp. mimeo.) (3357)

WINNETKA, ILLINOIS

1. *Report of the Winnetka Plan Commission, 1935* (15 pp.)

   "A plan of development includes recommendations for zoning; a civic center; development of highways, and major and local streets, utilities, and parks."

YONKERS, NEW YORK

1. *Progress Report, 1934* (1935, 205 pp.) (2895)

   Data given on population increase, volume of retail and wholesale trade, industrial employment, railroad commutation, park area, and "data on traffic, street improvements, public education, public buildings and construction, and municipal finance are given. Recommendations for administrative and financial planning are included."

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