

AICP STUDY GUIDE

Podcast

Episode 30: It's All Pretty Standard

And welcome! To the 30th episode of the VERY UNofficial AICP Study Guide Podcast. I'm Jonathan Miller, and thank you so much for joining.

Well, hopefully everyone got to enjoy some 4th of July weekend activities: grillin' out, whatever. Even if you're in the west and had to forego some fireworks this year, but hey, it's for the best.

Anyways, for your deadline update, the due date for applications that include planning experience essays is over. So, if you need that part too, well, you missed the boat. Don't worry though, you still have until October 4th for the application for the exam part. So, you might as well do the exam, and just do the essay portion next go-round.

Last week we talked about how Wisconsin stepped up in a big way and created the first state planning enabling act in 1909, and a bit about some other states who were their firsts in other planning related state legislation. Like New Jersey making the referral of subdivision plats mandatory in 1913, Massachusetts making planning mandatory in 1913 as well, and California making extraterritorial plats mandatory in 1915.

That all really sets up some pretty big milestones in planning: The State Zoning Enabling Act (or SZE), and The Standard City Planning Enabling Act (or SCPEA).

So to start, let's head back to 1921 when Warren Harding was President, and more importantly, Herbert Hoover was the Secretary of Commerce. Yes, Commerce.

(01:53)

The year? 1921. Warren Harding is elected President and appoints future President Herbert Hoover to serve as the Secretary of Commerce.

Now I know, this is all like, 'I didn't sign up for American History class,' but unfortunately, understanding this stuff is part of understanding these little tidbits for the AICP exam.

So, Herbert Hoover is appointed Secretary of Commerce in 1921. Mostly because of the notoriety he had received from his resume. You see, Hoover - at least at this point in his life - was a real go-getter. He headed up WWI relief commissions like the Commission for Relief in Belgium (he had worked in Europe as a mining engineer) and the American Relief Administration, and led the Food Administration.

As the Secretary of Commerce though, he took this philanthropic standpoint, but also combined it with an effort to help and improve businesses as well. His standpoint was more along the lines of, 'if people have more money, they'll spend more money. So, how can we do both?'

And with that, he decided that housing was going to be the key to it all.

(03:09)

One of his first orders of business then, was to create the Division of Building and Housing - held within the National Bureau of Standards. And the head of the Division? Mr. John Gries, a housing expert from the Harvard University Business School.

Hoover's overall plan - communicated to Gries - was to find a way to increase the number of homeowners, make improvements to the system of mortgage financing, standardize building materials, and use zoning as a way of separating residential properties from commercial and industrial uses in order to shield the homeowner.

Hoover related housing, planning, and commerce in the following way. He said:

"The enormous losses in human happiness and in money, which have resulted from lack of city plans which take into account the conditions of modern life, need little proof The lack of adequate open spaces, of playgrounds and parks, the congestion of streets, the misery of tenement life and its repercussions upon each new generation, are an untold charge against our American life. Our cities do not produce their their full contribution to the sinews of American life and national character. The moral and social issues can only be solved by a new conception of city building."

And with that, Hoover created the Advisory Committee on City Planning and Zoning (ACCPZ). We do love our acronyms.

(04:53)

So, John Gries then set out to put together this committee by taking charge of the appointments. He ended up reaching out to - and getting commitments from - sanitary engineer Charles Ball, an expert of real estate Irving Hiett, John Ihlder (housing consultant), engineer Morris Knowles, J. McFarland (a conservationist), Nelson Lewis (Chief Engineer for New York's Board of Estimates), housing guru Lawrence Veiller, two lawyers with expertise in zoning - Edward Bassett (the guy that wrote the 1916 New York City Zoning Resolution), and - not until later - Alfred Bettman, and none other than Frederick Law Olmsted Jr., of course.

And what was this committee's job? To create model planning and zoning statutes for states to use.

You see, like we talked about last week, Wisconsin - and by this time, other states as well - had already passed zoning enabling acts. And cities - like New York - were passing zoning codes without any enabling legislation. And that means of course: scrutiny, scrutiny, and more scrutiny. And the committee wanted to hurry to put something together that states could pass, so that the enabling acts and zoning codes could pass legal challenges of constitutionality.

So, this Advisory committee did what advisory committees do, and created a subcommittee - of course - for "laws and ordinances."

The subcommittee then - consisting of Bassett, Knowles, Lewis, and Veiller - were the ones tasked with writing up the draft legislation.

(06:43)

In December of 1921 - pretty quick work really - a first draft was completed; basically by Bassett. A second draft was worked up really quick in January of 1922 by Veiller. And a third draft appeared in February of 1922, and that's where we start to get to the good stuff like, "such regulations shall be made in accordance with a well-considered plan."

Sorry, did you think it was, "...in accordance with a comprehensive plan"? I mean it is. Fine little language and clarification details like that were worked out over the next two years, mostly because of some issues with the "Board of Adjustment," probably more commonly known as the Board of Zoning Adjustments, Board of Zoning Appeals, Board of Zoning and Building Appeals, etc., etc., etc.

The details with the Board of Adjustments though was the biggie that held everything up.

There was a lot of disagreement over the extent to which the Board of Adjustment could approve appeals with a final resolution/compromise that they could approve a variance (first time that terminology is used) if (and this might sound familiar), 'strict enforcement would cause a hardship, and the spirit of the ordinance is observed.'

The final version of the Standard State Zoning Enabling Act (SZA) was officially published in May of 1924 with a revised edition in 1926. So in like, 3 years we should have a big 'ole 100-year anniversary of the SZA.

Side Note, Lawrence Veiller still wasn't happy with the language about the Board of Adjustment, arguing that the powers given to it would lead to an abuse of their power. If he meant variances being given for things that really shouldn't be given variances, he had a really good point and was totally right.

(08:58)

With the Standard State Zoning Enabling Act passed, the committee turned their attention to a city planning enabling act.

This is when Alfred Bettman joined, though he must have been a pretty busy guy around this time because he would have also been working on the first city-wide comprehensive plan - Cincinnati's 1925 Comprehensive Plan - and then in 1926, he was busy writing the amicus brief for the Euclid v. Ambler case too. Sheesh.

Finished in 1928, The Standard City Planning Enabling Act had 6 sections.

- 1) The organization and power of the planning commission (including a directive to prepare a master plan);
- 2) Contents for the master plan;
- 3) Provisions for a streets plan;
- 4) Provisions for the planning commission to approve all public improvements;
- 5) Control of subdivisions; and
- 6) The establishment of a regional planning commission and regional plan.

Another side note, both of these acts - The Standard State Enabling Act and The Standard City Planning Enabling Act - came with a lot of criticism. Mostly, it surrounded accusations that the Acts were communist. So, yeah. Ridiculous.

(10:29)

Well, we just dove into two of the major acts that shaped planning as we know it today. For your recap:

The Department of Commerce - headed by Herbert Hoover - created a committee who was charged with the promotion of zoning in order to protect residential properties from commercial and industrial ones.

This committee - The Advisory Committee on City Planning and Zoning - was created and assembled with a mix of leaders in real estate, zoning, planning, and engineering.

In 1924, they completed and published The Standard State Zoning Enabling Act, and this Act laid out the framework for states to use to pass their own enabling legislation. It wasn't mandatory, but it was prescriptive in that most states just copied the language over. The Act was meant to pave the way for legitimizing zoning, and essentially allowed states that used it to grant the power to create planning commissions and adjustment boards.

The committee then followed this up with The Standard City Planning Enabling Act, which basically did the same, but for municipality's which can sometimes need their own legislation outside of the State.

(11:48)

Well, thanks again for joining me! If you have any questions, feel free to reach out to me at theveryunofficialaicpguide@gmail.com and I'll do my best to help out if I can.

This week, we did two pretty important pieces of legislation, and hearing about how it started as a supportive effort of zoning to separate residential from commercial - it's easy to see how we got to where we are now with the suburbs, exurbs, and single-family zoning districts. Maybe it's time to revisit some of this, eh?

For those who tuned in last week, our question was, "How many people made up the Planning Commission, as outlined in the 1909 Wisconsin legislation, and who/how were they selected?"

And that's not a short answer: The 1909 Wisconsin State Enabling Act specified seven members of the planning commission; made up of the mayor, the city engineer, one member from the common/city council, the president of the park board, and three at-large citizens. The three citizens were appointed by the mayor for terms of 1, 2, and 3 years, and if the jurisdiction didn't have a park board, then the mayor appointed a fourth citizen for a 1 year term.

If you want to play along this week, our question is, "In what year were the Standard State Enabling Act and Standard City Planning Enabling Act passed?"

As always, don't forget to subscribe to this podcast on whatever platform you use for podcasts, and feel free to sign up on the show's website so you can follow along with future episodes, help prepare for the exam and supplement all of your other study regimens. And share this out with any planners you know, and don't forget to leave a review either.

Tune in again next week. It's going to be a long one – probably - I haven't worked on it yet. But, I think we'll end up rewinding a tad and talking about three early court cases that set the tone for zoning and land use regulations and takings: *Hadacheck v. Sebastian*, *Pennsylvania Coal Co. v. Mahon*, and *Village of Euclid v. Ambler*.

Thanks again everyone, 'till next time.

Links:

Herbert Hoover:

https://en.wikipedia.org/wiki/Herbert_Hoover

Standard State Zoning Enabling Act (SZA):

<https://www.planning.org/growingsmart/enablingacts/>

https://en.wikipedia.org/wiki/Standard_State_Zoning_Enabling_Act

https://en.wikipedia.org/wiki/Zoning_in_the_United_States#Origins_and_history

https://planning-org-uploaded-media.s3.amazonaws.com/legacy_resources/growingsmart/pdf/LULZDFeb96.pdf

https://planning-org-uploaded-media.s3.amazonaws.com/legacy_resources/growingsmart/pdf/SZEnablingAct1926.pdf

Standard City Planning Enabling Act (SCPEA):

<https://www.planning.org/growingsmart/enablingacts/>

