

City Planning in Houston, 1920-1930

Archie Henderson

Houston has long been considered an anomaly among U.S. cities for its lack of zoning and, until recently, its lack of a comprehensive subdivision ordinance. Defying the trend for zoning that swept the country during the 1920s, Houston relied instead on private deed restrictions, which apply predominantly to residential subdivisions, as the primary form of land use control.¹ In consequence, it has been widely assumed that the city was more or less oblivious to the planning movements of the 1920s. In fact, the aggressive promotion of city planning, while remaining a minority concern, always had its advocates in Houston.

In its early rejection of zoning, Houston found itself out of step with most of urban America. The comprehensive zoning ordinance, which had been developed in New York City as early as 1916, was soon adopted in many American cities.² By the summer of 1921, forty-eight cities and towns were reported to be zoned. This total had grown to 583 by the end of 1927. The cumulative population of these municipalities exceeded thirty-one million

Archie Henderson is an attorney and currently a research associate at the University of Texas Medical Branch at Galveston. In addition to his J.D., he holds a Ph.D. in English. His article "Land Use Controls in Houston: What Protection for Owners of Restricted Property?" appeared in *The South Texas Law Review* 29 (October 1987).

Many of the newspaper articles cited in these notes were found in scrapbooks in the following collections at the Houston Metropolitan Research Center, Houston Public Library: the River Oaks Collection, the Oscar Holcombe Collection, and the Houston Chamber of Commerce Scrapbooks (1928-1934). For the sake of convenience, articles from both the *Post* and the *Post-Dispatch* will be cited as the *Houston Post*. The citation "DPD" indicates material located in the Department of Planning and Development, City of Houston. I am grateful to Patricia Knudson of the Department of Planning and Development for granting me access to the Department's files.

¹See, for example, Bruce J. Weber and Charles Orson Cook, "Will Hogg and Civic Consciousness: Houston Style," *Houston Review* 2 (no. 1, 1980):29-30; Stephen Fox, "Public Art and Private Places: Shadyside," *Houston Review* 2 (no. 1, 1980):45-46; and Robert Fisher, "'Be On the Lookout': Neighborhood Civic Clubs in Houston," *Houston Review* 6 (no. 3, 1984): 107-108.

²On the New York zoning ordinance, see S. J. Makielski, Jr., *The Politics of Zoning: The New York Experience* (New York, 1966). For an early discussion of zoning, see B. Antrim Haldeman, "The Control of Municipal Development by the 'Zone System' and Its Application in the United States," *Proceedings of the Fourth National Conference on City Planning* (Boston, 1912), 173-188.

and represented more than fifty-seven percent of the country's urban population. In 1927, Texas joined the forty-four other states (plus the District of Columbia) which had passed state statutes authorizing municipal zoning.³

Because of its remarkable growth in the 1920s, Houston's need for city planning was at least as great as that of the zoned cities. During the decade, the city's population more than doubled, from over 138,000 to over 292,000, while automobile registrations in Harris County rose from 22,000 to 86,000. New construction pushed up the value of building permits from \$8,529,247 in 1920 to \$29,526,810 in 1929.⁴ On all of these indices of growth, it was a golden age for Houston. Along with the advantages of rapid growth, however, came the problems, recognition of which was widespread from an early date. In 1920, city streets and services were already showing signs of strain from the new demands being placed upon them. If the city's population were to grow as rapidly through the 1920s as expected, municipal improvements, local beautification projects, and the upgrading of city services would be the order of the day.⁵ Convinced of the need for action, some far-sighted Houstonians boldly suggested comprehensive city planning as an antidote to the city's growing pains.

Throughout the 1920s, interested city administrators, academics, private citizens' groups, and leading Houstonians worked to overcome political opposition and popular indifference to planning and to bring Houston's planning consciousness into line with that of other cities. By 1930, their actions had brought about no substantial change in citywide management or regulation of land use. This is not to say, however, that these early advocates of city planning did not leave their mark on the city. Some of their legislative proposals—in particular, the major street plan and subdivision regulations—were later amended and eventually adopted by the city government. In a broader sense, their efforts helped to turn the political spotlight on city planning for the first time.

The Need for a City Planning Commission

In the years before the First World War, Houston's physical layout was, in general, no different from that of most American cities. Almost any city at that time could be described as "a patchwork of individual plats, with different street widths and alignments, often with no connections between adjacent

plats, and showing numerous jogs and intersections of awkward and dangerous design."⁶ By 1920, the problems created by haphazard construction were already outstripping Houston's ability to solve them. Given the city's potential for explosive growth in the decade ahead, the time was ripe for new legislation to help the city address its planning problems. This was the view of J. C. McVea, who served as City Engineer from 1919 to 1929. In his annual departmental report for 1920, which he presented to Mayor A. E. Amerman in February 1921, McVea outlined three major deficiencies in local planning: the lack of a major street plan, the lack of a zoning ordinance, and the limited power of the city to review subdivision plats.⁷

Of these deficiencies, perhaps the last was most important to McVea, who, in his role as City Engineer, was charged with the responsibility for approving plats for the city. At that time, the City Engineer's power of review was minimal. To meet with his approval, proposed subdivisions had only to conform to the standards for streets, lot and block size, and drainage that prevailed in the immediate area.⁸ Property lying outside of the city limits, even if targeted for eventual annexation by the city, was exempt from all city standards. It was therefore not unusual to find subdivisions in the city's extraterritorial areas falling below Houston standards. Bringing those subdivisions up to city standards after annexation would put the city to considerable expense; failing to do so would aggravate traffic, sewage, and water problems. This lack of extrajurisdictional control over subdivisions plagued most American cities and usually called for state or local legislation to give cities control. For Houston, McVea proposed the legislative creation of a city planning commission. In McVea's words, "A City Plan Commission that can definitely recommend plans for future development and that will have sufficient prestige to compel compliance therewith, regardless of individual objections, should be created at the earliest practicable date."⁹

In the private sector, the Young Men's Business League was one of the first

³John W. Reys, "Why Control Subdivisions?" *Local Government Conference on Subdivision Control, University of Pittsburgh: Proceedings* (1957), 2, quoted in Leonard W. Nelson, "The Master Plan and Subdivision Control," *Maine Law Review* 16 (1964):107, 108 n.5; see also *Report of the City Planning Commission*, 35.

⁷*Houston Chronicle*, February 27, 1921.

⁸Houston, Texas, Charter art. I, sect. 3 (1922); Houston, Texas, Revised Code of Ordinances sects. 1079, 1080 (1922). In the charter amendment election of December 30, 1922, this charter provision was amended to give the City Council the power to pass subdivision regulations. Houston, Texas, Ordinance No. 652, Houston City Council Minutes, November 20, 1922. This power was never exercised.

⁹[J. C. McVea], "Engineering Department," *The Municipal Book of the City of Houston* (1922), 105-106; Herbert S. Swan and George W. Tuttle, "Land Subdivisions and the City Plan," *National Municipal Review* 14 (July 1925, supplement):444.

³"Zoning," *The Americana Annual* (1925), 789; John M. Gries, "Building and Housing Division of the Department of Commerce," *The Americana Annual* (1928), 117.

⁴*Texas Almanac 1974-1975* (1973), 190; *Report of the City Planning Commission* (Houston, 1929), 33; *Houston and Harris County Facts* (Houston, 1939), 327.

⁵As early as 1913, architect Arthur C. Comey, in a commissioned report, had predicted a sixty-three percent increase in Houston's population between 1920 and 1930. Comey, *Houston: Tentative Plans for Its Development* (Boston, 1913), 16.

civic organizations to take an interest in city planning. At a meeting of the League in January 1921, Professor William T. Lyle of the Rice Institute declared that Houston must and would have a modern city plan, and that much depended on participation by the public-spirited citizens of Houston. Lyle called for the establishment of a city planning commission to prepare a plan for streets, parks, and railroads, together with a comprehensive zoning plan. At the same meeting, newspaperman M. E. Tracy warned that what Houston failed to do then in terms of city planning, the city would pay for many times later on.¹⁰

It was left to Amerman's successor in office, Oscar Holcombe, to put some of these proposals into practice. Before taking office in April 1921, Holcombe stated that he believed in a city plan, but that he did not know whether a city planning commission or another city agency should administer the plan.¹¹ For Holcombe, the problem was "how to get some agency in the City Hall that is permanent and continuous to carry out a scheme of city planning." One possibility was that "a highly efficient engineering department could . . . be created and so removed from politics that it might carry on a great system of city building, unaffected by the whims and jerks of political change of administrations."¹²

With these concerns in mind, Mayor Holcombe organized a 100-member citizens' committee, whose purpose was to obtain the appointment of a temporary planning commission and, later, the election of a permanent commission.¹³ Lindsey Blayney, a professor of German at the Rice Institute, was named to head the committee. As Blayney was to recall years later, "Having persistently suggested that a fast-growing city should have such a commission, could it have been merely an efficacious way of His Honor [Holcombe] saying, 'Well, will this perhaps keep you quiet for a while?'"¹⁴ After eighteen months of preliminary work, Blayney recommended the names of four men to Holcombe, who promptly appointed them to the newly-formed City Planning Commission in late October 1922.¹⁵

Three more men were quickly added to the Commission, and in December

¹⁰Burt Rule, "City Planning for Houston," *Houston* 3 (February 1921):6. According to *Who Was Who in America I* (1943), 755, Lyle offered a general plan for the development of the city of Houston. In January and February 1921, Lyle gave a series of three lectures on city planning as part of the Rice Institute university extension lectures.

¹¹Burt Rule, "Oscar P. Holcombe, Mayor," *Houston* 3 (March 1921):8.

¹²Oscar Holcombe, "Slipshod Methods vs. City Planning" [letter], *Houston* 3 (April 1921):17.

¹³City Planning Commission Is Being Chosen," *Rice Institute Chronicle* 3 (November 3, 1922):5.

¹⁴Letter from Lindsey Blayney to Lindsey Blayney, Jr., and J. M. Blayney, February 10, 1959, 14, Blayney file, Rice University Archives, Woodson Research Center, Rice University.

¹⁵*Houston Post*, October 30, 1922.

1922 the city's first planning body held its first meeting. Expertise was to be supplied by chairman E. E. Sands, a former city engineer, and by McVea, the current city engineer. The Commission also counted among its number two newspapermen, a lawyer, and the director of the Houston Foundation.¹⁶ In drawing upon the city government as well as the general public for its membership, the Commission followed a practice which had led to favorable results in other cities.¹⁷ The Commission was charged with forming a major street plan, making plans for a civic center, planning the beautification of the city's bayous, and creating a zoning plan for Houston.¹⁸ In addition, the Commission was to coordinate efforts with H. F. Jonas, an engineer who had been hired in September 1922 to draw up a new city building code.¹⁹

Mayor Holcombe recognized, however, that the Commission, being a purely advisory body, lacked the authority to give its proposals binding effect. In this respect, the Commission resembled most of the two hundred such commissions across the nation, including Dallas's. Through a voter-approved amendment to the city charter, Houston's Commission could at some future date be given enforcement powers of its own.²⁰ But that date was at least two years off. A charter amendment election was held in December 1922, with no mention of the Commission on the ballot. Under state law, another such election could not take place until December 1924.²¹ In the meantime, nothing short of state legislation could give real powers to the Commission. With a view, therefore, to increasing its own authority, the Commission drew up three city planning bills for submission to the state legislature. Authored by McVea, the bills were designed to give cities the authority to pass and enforce zoning ordinances within their city limits, to permit cities to regulate the platting of property within their city limits and for a distance of three miles outside their city limits, and to provide for assessments for the cost of widening and improving streets.²²

¹⁶M. E. Tracy and George Bailey, R. L. Cole, and J. W. Slaughter, respectively.

¹⁷E. P. Simons, "The Value of a Planning Board for Houston," *Houston* 3 (April 1921):14.

¹⁸L. B. Ryon, Jr., "The City Planning Commission," *Quarterly Municipal Review of Houston* 1 (July-September 1925):2.

¹⁹Houston, Texas, Motion No. 1962, Houston City Council Minutes, September 7, 1922; *Houston Post*, January 25, 1923. Jonas's building code was never adopted.

²⁰E. A. Wood, "The Legal Status of City Planning in Texas," *Texas Municipalities* 10 (July 1923):99-102; "City Planning," *New International Year Book 1920* (New York, 1921), 150. The Dallas City Planning Commission, reestablished in 1919 after an earlier commission had held only two meetings, was apparently the first official city planning commission in Texas. *Dallas Morning News*, May 2, 9, 1919.

²¹Letter from J. C. McVea to F. M. Stewart, January 25, 1923, City of Houston City Planning Department Collection, Houston Metropolitan Research Center, Houston Public Library.

²²*Houston Post*, January 16, 1923; *Houston Chronicle*, January 17, 1923.

On January 11, 1923, the City Planning Commission approved all three bills, which were then sent to the League of Texas Municipalities in Austin for its approval. Mayor Holcombe traveled to Austin, where he supported the bills before the League. Later in the month, however, the League reported that it was temporarily holding up approval of the zoning enabling bill until it could investigate a recent amendment to the home rule act, which granted the same power.²³ Apparently the bills never did meet with the approval of the League; in any event, none of them were introduced in the House or Senate that year. The failure of the bills meant that several slated city improvement projects had to be postponed.²⁴ Despite this setback, the Commission continued work on its two-year program for city improvements and on a zoning plan for Houston.²⁵ The Commission's lack of independent authority, however, must have rankled its members. In a speech on "The Necessity of City Planning," delivered in Bryan in May 1923, M. E. Tracy of the Commission argued that city planning ought to be left to city planners, not to politicians.²⁶ Owing to its inherent weakness, its lack of operating funds, and the death or resignation of several of its members, the Commission discontinued meeting in July 1923 without having presented any definite proposals to City Council.²⁷

The Work of the Second City Planning Commission

In March 1924, when the City Council finally budgeted funds for the Commission's work and confirmed three new appointees, the Commission resumed meeting, with Tracy as the new chairman.²⁸ Under a draft ordinance, which was never adopted by City Council, the Commission was to pursue the same goals with which the earlier commission had been charged.²⁹ Even if passed, however, the ordinance would have given the Commission no more real power than before. One of the new Commission's first acts of business was to hire the Kansas City firm of Hare and Hare as planning consultants and Houstonian L. B. Ryon, Jr., as city planning engineer. S. Herbert Hare was a distinguished planner who had supervised the building of Longview,

²³Houston *Post*, January 16, 26, 1923.

²⁴Burton Davis, "Extensive Program of Improvements for Houston in 1923," *Houston* 4 (April 1923):2.

²⁵Houston *Post*, January 25, 1923; *ibid.*, February 2, 1923.

²⁶M. E. Tracy, "The Necessity of City Planning," *Texas Municipalities* 10 (July 1923):92-95; rpt. in *Houston Post*, December 6, 1925.

²⁷[M. E. Tracy] "Address to City Planning Commission" (typescript, 1924), City Planning Department Collection.

²⁸Houston, Texas, Motion No. 5435, Houston City Council Minutes, March 14, 1924; Ryon, "The City Planning Commission," 2.

²⁹[Tracy], "Address to City Planning Commission."

Washington, as well as projects in Kansas City, Tulsa, Dallas, and elsewhere. By May 1924, his firm had produced a number of studies for Houston's proposed civic center.³⁰ Ryon, a Rice Institute engineering professor, was to carry out his commission work with great zeal.

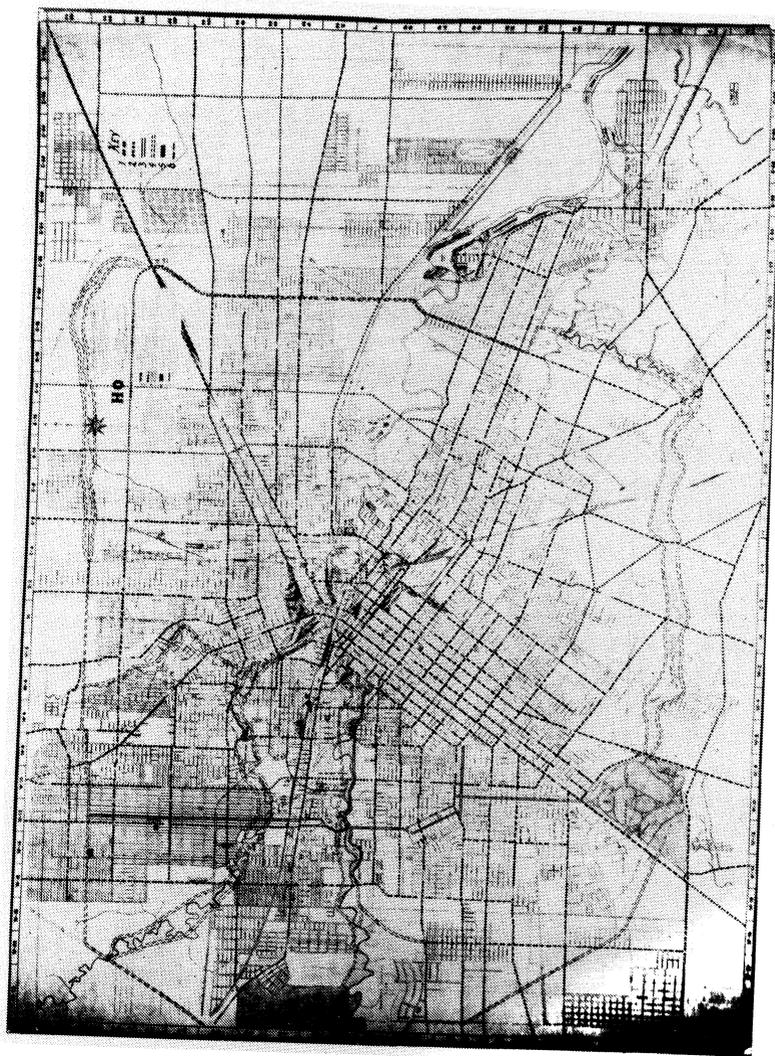
By this time, preparing a major street plan ranked high among the Commission's concerns. As of the early 1920s, all of Houston's major streets led to the downtown area, a design which increased congestion and travel time for crosstown motorists by forcing them to go through the business section. Compounding the circulation problem was the hodgepodge pattern of new development. As new subdivisions were developed in outlying areas, major streets were being extended haphazardly, or not at all. Traffic, it was seen, would only get worse with time, and it was predicted that Houston would see a sixteenfold increase in traffic volume between 1925 and 1935.³¹ From the standpoint of Houston's city planners, a major street plan was a means of facilitating crosstown traffic, as well as ensuring an adequate flow of traffic in the future, by designating certain streets to be continued or widened in accordance with the plan. Although the major streets might not all be built for twenty years, the plan would dictate which rights of way should be purchased immediately, when prices were still relatively low.³²

In 1924 and 1925, with the help of Rice engineering students, Ryon drew up a map showing all city improvements and tabulated the traffic density in the various sections of the city. On the basis of these surveys, Ryon was able to present a major street plan to the Commission, which adopted the plan on July 9, 1925. The plan proposed four main types of major streets for Houston: convenient streets to and from the downtown area; convenient crosstown connections to avoid the downtown area; convenient circumferential routes to bypass through traffic; and a circle boulevard drive extending around the

³⁰Houston *Chronicle*, August 24, 1924. Designs for the civic center are included in the Hare and Hare Collection, Architectural Archives, Houston Metropolitan Research Center, Houston Public Library.

³¹Houston *Post*, January 18, 1925.

³²Ryon, "The City Planning Commission," 2. As early as 1926, major street plans were also seen as potential tools of neighborhood design. When neighborhoods were bordered on all sides by major thoroughfares, the interior streets of the neighborhoods would remain relatively safe and traffic-free. See Clarence A. Perry, "The Local Community as a Unit in the Planning of Urban Residential Areas," *The Urban Community* (Chicago, 1926), 238-241; Geddes Smith, "Planning for Permanency," *The Survey* 59 (December 15, 1927):381-382; Perry, "Planning a Neighborhood Unit," *American City* 41 (September 1929):124-127; Perry, "The Cellular City—Why It Is Coming" *The Survey* 63 (January 15, 1930):459-461. In 1928, Ryon did not list neighborhood design among the functions of major streets, indicating that Perry's theory had not won acceptance in Houston at that time. See Ryon, "The Importance of a Major Street Plan," *Cities for Houston* 1 (April 1928):5, 22. On the importance of Perry's theory, see Lewis Mumford, "The Neighborhood and the Neighborhood Unit," *Town Planning Review* 24 (January 1954):256-270 (especially pp. 262-263).



The City Planning Commission's preliminary major street plan, published in the *Quarterly Municipal Review of Houston* in July 1925. Its proposals included additional major streets crossing the ship channel and boulevards encircling the city on the north, west, and south.

city and following, where possible, the bayous.³³

After being approved by the Commission, the major street plan was sent to City Council, where it remained in limbo for nine months.³⁴ During this period, the Commission took up the question of zoning. In the Commission's view, the creation of a Houston zoning plan was more urgent than ever. Particularly affected by the city's lack of zoning were homeowners in newer neighborhoods. As the downtown section became more and more crowded in the 1920s, businesses began to spread out into the rest of the city, where the newer residential areas were situated. The lack of zoning controls meant that there was nothing to prevent laundries or corner grocery stores, for example, from locating next to the finest neighborhoods.³⁵ Private deed restrictions, where they existed, could prevent businesses from intruding into the neighborhoods themselves, but the restrictions had no effect on the use of adjacent properties. In an effort to protect residential areas, many cities had passed comprehensive zoning ordinances, which divided cities into districts. Each district prescribed the permissible use or uses of land within that district. By permitting residences but forbidding or limiting businesses or industries, a residential district sought to overcome the problem of unwanted commercial encroachment.

First on the Commission's agenda was the preparation of another zoning enabling bill, which, if approved by the state legislature, would empower Texas cities to adopt and administer zoning ordinances. Zoning enabling legislation was not strictly necessary to the creation of a zoning ordinance for Houston, in that local passage of zoning ordinances was already permitted under the home rule amendment to the Texas Constitution, adopted in 1912, and under a 1921 amendment to the home rule enabling act.³⁶ Nonetheless, zoning still held an uncertain status in Texas. Proof of this uncertainty is the fact that no Texas city ever made use of the 1921 amendment in adopting a zoning ordinance.³⁷

One possible explanation for the hesitancy on the part of Texas cities may be found in the judicial reaction to the Dallas zoning ordinance. As early as 1915, the city of Dallas had passed an ordinance which, while not a comprehensive zoning ordinance, purported to prohibit the construction of

³³Ryon, "The City Planning Commission," 2; *Houston Press*, March 24, 1926; letter from S. Herbert Hare to City Planning Commission, July 9, 1925, City Planning Department Collection.

³⁴*Houston Press*, March 24, 1926.

³⁵*Houston Press*, June 25, 1927.

³⁶Wood, 99-102. See generally Stuart A. MacCorkle, *The Texas City—Its Power to Zone* (Austin, 1955), 5, 6; Helen Margaret Werner, "The Constitutionality of Zoning Regulations," *University of Illinois Studies in the Social Sciences* 12 (December 1924):19.

³⁷Comment, "Zoning: Historical Development in Texas: Judicial Review of Zoning Ordinances," *Baylor Law Review* 7 (1955):282, 283.

any business establishment within any area designated as a residential area, except with the consent of three-fourths of the property owners in the area. In the famous case of *Spann v. City of Dallas* (1921), the Texas Supreme Court held that the Dallas ordinance was unconstitutional. Among its other flaws, the ordinance favored homeowners at the expense of other classes of property owners. The following year, Dallas rewrote its ordinance, which in its revised form was again invalidated by a number of Texas appellate courts on the ground that it violated the constitutional right of an owner to use his property as he saw fit so long as he did not interfere with the rights of others.³⁸

On January 21, 1925, Senator Charles Murphy of Houston introduced two bills which had been prepared by the Houston City Planning Commission. One was the zoning enabling bill, and the other was a bill to authorize cities to regulate the platting and subdivision of land within the city limits and for a distance of three miles outside of the city limits.³⁹ It is likely that these bills differed in few respects from their 1923 counterparts, and they were to meet with the same fate. The platting bill failed to win approval in the Senate; the zoning bill was approved in the Senate on February 13 but subsequently died in the House.⁴⁰

Despite these failures, the Commission proceeded to create a zoning ordinance for Houston. To avoid any possible charge that the ordinance as written was discriminatory, the Commission made it comprehensive. Embracing the entire city, it contained three classes of districts: residential, business, and industrial.⁴¹ To this extent, the ordinance was distinguishable from the ill-fated Dallas zoning ordinance. Curiously, however, the proposed legislation resembled the Dallas ordinance in that neighborhoods could consent to a business establishment in a residential area if two-thirds of the neighbors agreed. This consent provision was justified on the ground that it gave a needed measure of flexibility to the scheme. Although the analogous provision in the Dallas ordinance had been disapproved by the Texas Supreme Court, the Commission must have felt that *Spann* and its progeny were not the final word on the subject. After presenting the ordinance to City Council late in 1925, the Commission hoped that the Council would pass the ordinance and would leave it to the judicial system to determine its constitutionality. "Let the courts decide whether it is valid," declared Tracy.⁴²

³⁸*Spann v. City of Dallas*, 111 Tex. 350, 235 S.W. 513 (1921); MacCorkle, 8.

³⁹Houston Press, January 19, 1925; "Zoning Bill Now in Legislature," *Texas Municipalities* 12 (January 1925):22; Texas Senate, *Journal* (1925):97-98. Typescript copies of the proposed bills have survived in the City Planning Department Collection at HMRC.

⁴⁰Letter from R. L. Cole to Alex F. Weisberg, February 28, 1925, City Planning Department Collection.

⁴¹Ryon, "The City Planning Commission," 3.

⁴²Houston Press, March 24, 31, 1926.

In March 1926, while the zoning ordinance was still pending before the Council, two prominent Houstonians took up the cause of the ordinance and of the major street plan. Hugh Potter, a local attorney and real estate developer, argued in a speech before the Rotary Club that zoning prevented commercial encroachments in residential areas. Potter also pointed to the necessity of a major street plan:

Will we let our money be wasted in laying the pavement on one street of the same width and thickness of concrete as on the next street, when the first is destined to carry 100 times as much traffic as the second? Will we let the newer blocks all be laid out the same length, with lots all the same size, blindly conforming to a checkerboard or gridiron plan without regard to the topography, the main lines of traffic, or the circulatory needs of the respective sections of the city?⁴³

J. W. Link, a lumber company executive and developer of Montrose, noted that "in the laying out of new subdivisions, many of them very small, little or no thought is being given to ideas of future expansion and future necessity of wider thoroughfares and the elimination of dead ends in streets."⁴⁴

Pleas such as these, however, were unavailing. On March 30, Mayor Holcombe indicated his unwillingness to support a charter amendment to give City Council the right to pass a zoning ordinance. In explaining his decision, Holcombe pointed to the opinion of Assistant City Attorney J. H. Painter, who considered zoning to be unconstitutional.⁴⁵ The reasons for the demise of the major street plan are less clear. Perhaps City Council associated the plan with zoning, or perhaps it foresaw difficulties in administering the plan. In any event, both the zoning ordinance and the major street plan languished, and by April 1926 Houston's second City Planning Commission found its work at an end.

Will Hogg, the Forum of Civics, and the Commission

In late April or early May 1926, Tracy accepted a job as a syndicated columnist in New York. Whether in haste or out of frustration, Tracy left Houston without resigning as chairman of the Commission.⁴⁶ Shortly thereafter, the planning body stopped meeting. After Will Hogg refused the chairmanship in June, Holcombe was in no hurry to offer the position to anyone else, partly because he planned to go before the state legislature early

⁴³Will and Mike Hogg, *Our Story of River Oaks: Chapter II, 1926* (Houston, 1926). Potter's speech was also published in the *Houston Post*, March 21, 1926, and in the *Houston Chronicle*, March 21, 1926.

⁴⁴*Houston Post*, March 21, 1926. On Link, see Winifred Arndt Duffy, *John Wiley Link* (Houston, 1974).

⁴⁵*Houston Press*, March 31, 1926.

⁴⁶*Ibid.*, May 5, 1926.

in 1927 to present another zoning enabling bill.⁴⁷ This bill, if passed, would clear the way to reviving the Commission with powers to act as a zoning commission as well.

While Tracy's departure may not have cut short the Commission's work appreciably, it did delay the planned organization of Will Hogg's Forum of Civics. Hogg, the son of former Texas governor James Stephen Hogg, was the developer of River Oaks and a civic-minded Houstonian. Together with his brother Mike Hogg, he invested \$50,000 to form the Forum of Civics. The Forum was designed to coordinate the efforts of some three hundred private civic clubs, public officials, professional societies, public utilities, and other interested groups in bettering the planning and beautification of the city.⁴⁸ The Forum was officially founded on May 15, 1926, with the release of a pamphlet describing Hogg's goals. The purpose of the Forum was, in Hogg's words, "to maintain a meeting place for open conference, discussion, and interchange of ideas by representatives of established organizations."⁴⁹ Hogg also intended for the Forum to work with the City Planning Commission to stimulate civic pride and to bring about local improvement and beautification.⁵⁰ Not until the end of 1927 did its first meeting take place; but between 1927 and 1930, the Forum of Civics proved itself to be, in George Fuermann's words, "by all odds the most luminous Houston planning group in the city's history."⁵¹

In November 1926, soon after the United States Supreme Court upheld an Ohio comprehensive zoning ordinance similar to the one drawn up by the City Planning Commission, Mayor Holcombe announced that he would urge City Council to adopt the ordinance. In the opinion of City Attorney Sewall Myer, the ordinance as drafted was constitutional. Holcombe waited to reorganize the Commission, however, pending the outcome of planning legislation that was before the state legislature in the spring of 1927. Until then, Holcombe did not lend vigorous support to the zoning ordinance, nor was any action taken by City Council.⁵²

In March 1927, the Texas legislature passed six laws relating to city planning. They included a zoning enabling law; a law granting authority to

⁴⁷Letter from Will Hogg to Oscar Holcombe, June 26, 1926, Hogg Papers, Eugene C. Barker Texas History Center, University of Texas, Austin.

⁴⁸Houston *Chronicle*, July 1, 1927; Houston *Press*, June 28, 1958. See also Weber and Cook, 21-36.

⁴⁹W. C. Hogg, *A Forum of Civics for Houston* (Houston, 1926).

⁵⁰L. B. Ryon, "1836 - Houston - 1928," *The Book of Houston: 1928* (Houston, 1928), 8.

⁵¹George Fuermann, "Post Card," Houston *Post*, June 26, 1956. The Forum of Civics Building, 2503 Westheimer, is now known as the River Oaks Garden Club Forum of Civics and Gardens.

⁵²Houston *Press*, November 25, 1926; *ibid.*, December 29, 1926; Houston *Post*, February 17, 1927.

cities to control the platting of land within their city limits and within a five-mile radius of the city; a law providing for assessments for city parks; a law to segregate blacks and whites in cities; a law authorizing the establishment of building lines in cities; and a law providing for assessments for street widening and opening.⁵³ Unlike the platting bill proposed in 1925, this platting law allowed city planning commissions to condition plat approval on compliance with the major street plan and with local subdivision regulations. All of these city planning laws were to be made effective in individual Texas cities by the passage of local ordinances empowering the city planning commission or the zoning commission, as the case might be, to act along the lines indicated.⁵⁴

On April 15, 1927, four days after Houston voters approved the issuance of bonds to raise money for the new civic center and other public improvements, Will Hogg was confirmed as chairman of the revived seven-member City Planning Commission. In accepting the post, Hogg asked that the Commission be created by city ordinance and that it be given definite powers. On June 29, in keeping with the first of Hogg's requests, the City Council adopted Houston's first city planning ordinance, which created a City Planning Commission and a City Planning Department to carry out the Commission's will. Under the terms of the ordinance, the Commission's duties were to recommend a city plan, to suggest ways of improving the major street system, to report upon the platting of new subdivisions, to recommend plans for a civic center, to suggest plans for beautifying the parkways and bayous, and to suggest plans for zoning the city. Despite Hogg's second request, however, the Commission remained an advisory body under the terms of the ordinance.⁵⁵

⁵³The statutes were numbered as Articles 1011a-j, 974a, 1015a, 1015b, 1105a, and 1105b, respectively. Under the terms of the building line statute, a Texas city was permitted to acquire building line easements by eminent domain, provided that the property was condemned and the property owner compensated. By 1927, however, there was already considerable authority for the view that cities may validly use their police power to establish building lines, without compensation to the owner, if the building lines are reasonable and have a substantial relation to the public health, safety, morals, or general welfare. See J. S. Young, "City Planning and Restrictions on the Use of Property," *Minnesota Law Review* 9 (1925):593, 605; Rollin L. McNitt and Gordon Whitnall, "Building Lines or Front Yard Requirements," *Planning Problems of Town, City, and Region* (Philadelphia, 1928), 80; Clifford E. Randall, "Validity of Use of Set-Back Lines for Street Widening," *Marquette Law Review* 13 (1929):103.

⁵⁴Hester Scott, "The Legal Side of City Planning in Texas," *Civics for Houston* 1 (February 1928):5, 21. Five of the laws were reprinted in *Report of the City Planning Commission*, Appendix A, 123-127. The racial segregation law, having been declared unconstitutional by a Texas appellate court in 1929, was omitted from the *Report*.

⁵⁵Houston *Post*, April 16, 1927; *ibid.*, June 29, 1927; Houston, Texas, Ordinance No. 8048, Houston City Council Minutes, June 29, 1927; rpt. in *Report of the City Planning Commission*, Appendix D, 135-136. On July 21, 1927, the appointment of the last three members of the City Planning Commission was confirmed. Houston, Texas, Motion No. 2732, Houston City Council Minutes, July 21, 1927.



M. E. TRACY, Chairman
City Planning Commission



L. B. RYON, Jr., Engineer
City Planning Commission

The *Quarterly Municipal Review* also featured pictures of three men crucial to the Commission's work.



J. C. McVEA, City Engineer

From 1927 to 1929, Hogg cloaked the deliberations of the Commission in secrecy. He had several reasons for doing so. First, he wanted to protect the Commission's technical staff from political or other influences. His fear, not unfounded, was that leaks of the Commission's deliberations would cause speculation in the Houston real estate market. Profiteering of this kind had allegedly resulted from M. E. Tracy's policy of making public announcements about the Commission's anticipated projects.⁵⁶ Second, Hogg wanted to be able to present a composite rather than a piecemeal city plan. Premature release of part of the plan might work to the detriment of the plan as a whole. If part of the plan were subject to public criticism, the rest of the plan might not be given a fair hearing by the public. Furthermore, such criticism might lead the Commission into rushing to complete the plan instead of proceeding carefully and methodically.⁵⁷

The secrecy of its work was the Commission's strength as well as its weakness. Only by resolving to present a composite plan could the Commission avoid the fate of commissions in other cities, where zoning ordinances had been adopted but comprehensive city plans had been shelved.⁵⁸ On the negative side, the Commission was probably viewed by the public as a remote and mysterious body, not attuned to the needs of the man in the street. As Tracy had said, "City planning, [though] involving big engineering and financial problems, finds its greatest obstacle in public indifference. It is slow-moving and costly. The ordinary man assumes that it can't mean much to him, and that to a major extent it is one of those visionary, artistic schemes invented for plutocrats."⁵⁹ Hogg himself was not without his critics and detractors. For some, Hogg's frequent absences from the city meant that he was an ineffective leader.⁶⁰

Through a program of education, Hogg hoped to overcome public indifference or hostility towards city planning. The Forum of Civics was to be his primary educational tool. In carrying out this function, the Forum was not unlike many other private planning groups across the nation. For

⁵⁶Houston *Chronicle*, November 8, 1929; Allen V. Peden, "That 'Tardy' City Plan," *The Houston Gargoyle* 2 (September 15, 1929), 17.

⁵⁷Houston *Press*, October 31, 1929; Houston *Chronicle*, March 27, 1928; Houston *Post*, July 9, 1927.

⁵⁸See Frank Koester, "City Planning and Zoning," *The Americana Annual* (1923):188; Mel Scott, *American City Planning Since 1890* (Berkeley, 1969), 193; Barry J. Kaplan, "Urban Development, Economic Growth, and Personal Liberty: The Rhetoric of the Houston Anti-Zoning Movements, 1947-1962," *Southwestern Historical Quarterly* 84 (October 1980):138; M. Christine Boyer, *Dreaming the Rational City: The Myth of American City Planning* (Cambridge, 1983), 153.

⁵⁹Houston *Press*, January 19, 1925.

⁶⁰Houston *Chronicle*, April 27, 1928.

example, citizens' committees in St. Louis, Rochester, Louisville, and other cities sought better public understanding and community support for city planning and backed the work of their local planning commissions.⁶¹ Meeting for the first time in December 1927, the Forum of Civics decided upon an ambitious array of activities.⁶²

The primary means for reaching the public was to be the Forum's magazine, *Civics for Houston*. With a projected circulation of 7500, the magazine published its first issue in January 1928. For the next year, *Civics for Houston*, under the editorship of Hester Scott, would publish numerous articles on architecture, interior decoration, gardening, civic and local organization news, and city planning.⁶³ Among the Forum's other activities was the free distribution of trees and shrubs for planting along county highways. The only stipulation was that property owners along the highways plant and tend the trees and shrubs.⁶⁴ In February 1928, the Forum organized many of the local service organizations, including the Rotary Club, into a federation. One of the main purposes of the federation was to arrange for the housing of the 25,000 visitors who were expected to attend the National Democratic Convention in June.⁶⁵ Beginning in February 1928, the Forum sponsored a series of public lectures on architecture, housing problems, zoning laws, gardening, city engineering, and other civic issues.⁶⁶

As for the work of the City Planning Commission, Hogg believed that a comprehensive city plan, including a recommendation for the zoning of Houston, could be completed by October 15, 1929.⁶⁷ Much of the work would simply be a matter of redrafting and correcting the major street plan and the zoning ordinance prepared by the previous commission. Nonetheless, Hogg set a deadline that was far enough away to allow the Commission to take its time in preparing a formal city plan report. At the Commission's first meeting in July 1927, the firm of Hare and Hare was again retained as city planning consultant, and L. B. Ryon, Jr., as city planning engineer. Ryon was assigned the task of redrafting the zoning ordinance. Over the course of several months, Ryon completed the preliminary maps, which showed such features as the location of industry, the distribution of population, the traffic patterns, and

⁶¹Harland Bartholomew, "City Planning," *The American Year Book 1929* (1930), 124.

⁶²Houston *Post*, December 2, 1927; Houston *Chronicle*, December 2, 1927; Houston *Press*, December 2, 1927.

⁶³Houston *Press*, December 13, 1927; Houston *Chronicle*, December 13, 14, 1927.

⁶⁴Houston *Post*, April 21, 1927.

⁶⁵Houston *Post*, February 18, 1928; P. J. R. MacIntosh, "The Democratic Convention City," *Bunker's Monthly* 1 (May 1928):651.

⁶⁶Houston *Post*, February 24, 1928.

⁶⁷Houston *Chronicle*, July 1, 1927.

real estate values. By December 1927, the Commission had drawn up a new city zoning ordinance, closely modeled on the ordinance prepared under Tracy's leadership.⁶⁸ Following the completion of the zoning ordinance, which was forwarded to the City Council, the Commission set to work on redrafting the major street plan.

Although the city plan was not to be ready for two years, Hogg urged immediate adoption of a set of rules governing the platting and subdivision of land within the city itself and within a five-mile radius of the city.⁶⁹ Subdivision regulations could be adopted without delay not only because they were independent of the city plan, but also because no state law mandated that the city plan, or any part of it, be adopted first. In this respect, Texas differed from those states which followed the Standard City Planning Enabling Act, under which cities were required to pass a major street plan before they could pass subdivision regulations. The purpose of this suggested requirement was to emphasize the importance of street alignment to subdivision control.⁷⁰

From the standpoint of Houston's planners, there was no advantage to be gained by suspending passage of subdivision regulations until adoption of the major street plan. First of all, immediate passage of a set of subdivision rules would help alleviate a long-standing problem with nonconforming lots, blocks, and streets, and would be an effective first step in the regulation of Houston subdivisions. Second, the major street plan was tied to the comprehensive city plan, an ambitious project whose local acceptance on completion was perhaps in doubt. Third, even if the subdivision regulations were adopted without reference to an existing major street plan, that deficiency could be remedied as soon as the Commission completed its work on the city plan. After adoption of the zoning ordinance and major street plan, plat approval could be conditioned on conformity to the building lines and land uses indicated in the zoning ordinance and map, as well as to the street widths indicated on the major street plan.

By November 1927, the City Planning Commission, in line with Hogg's request, had prepared a rather minimal set of guidelines for developers.⁷¹ Among the requirements laid out in the proposed rules were the submission of preliminary and final plans by subdividers and compliance with standards for

⁶⁸Houston *Press*, August 18, 1927; "Planning Commission Places Milestone," *Civics for Houston* 1 (January 1928):9; Houston *Press*, December 5, 1927.

⁶⁹Houston *Post*, July 1, 1927.

⁷⁰United States Department of Commerce, Advisory Committee on City Planning and Zoning, *Standard City Planning Enabling Act* sect. 13 (1928). Versions of the Act were published as early as 1926. Its purpose is further discussed in John D. Johnston, Jr., "Constitutionality of Subdivision Control Exactions: The Quest for a Rationale," *Cornell Law Quarterly* 52 (1967):871, 888.

⁷¹"Planning Commission Places Milestone," 9.

block length, street width, and minimum lot size. On February 14, 1928, the Commission adopted these "Rules for Land Subdivisions."⁷² The plat approval process, however, remained unchanged. City Engineer McVea, in his capacity as ex officio member of the Commission, continued to exercise his authority to review plats, with all decisions, as before, subject to final approval by the City Council.⁷³ Without the authority to withhold plat approval for violation of the rules, the Commission had no more power than before creation of the rules. For the Commission to gain such authority, the City Council would have had to pass two ordinances: one approving the Commission's general plan of procedure in reviewing plats, and the other adopting the Commission's proposed rules, or some variation of them. On May 29, 1928, the Council finally considered the question of the subdivision rules. But because the Council did not pass the requisite procedural ordinance, passage of the rules themselves became a moot point.⁷⁴

Since the issue of subdivision regulations had never generated any local political controversy, the explanation for the City Council's actions is uncertain. Perhaps the Council members feared protests from local land developers, who would be most directly affected by the regulations. This is not to say, however, that Houston developers would not have found it in their interest to follow the rules voluntarily. Indeed, it seems that in most cases, subdividers were willing to continue streets designated as major thoroughfares because the property along the thoroughfares would be rendered more valuable by virtue of its prime location.⁷⁵ Furthermore, looming in the background was the possibility that the City Planning Commission and the City Council might eventually adopt a more stringent set of rules if developers did not cooperate with the unofficial ones. The Commission was apparently successful in obtaining voluntary compliance. Between January and December 1928, the Commission approved a total of twenty plats within the city and fourteen outside the city limits.⁷⁶

Private Planning Groups and the Push for the Zoning of Houston

In the 1920s, subdivision regulations were perhaps Houston's closest

⁷²Houston, Texas, Motion No. 5199, Houston City Council Minutes, May 29, 1928. The rules were published as "Guide Posts for Subdividers," *Civics for Houston* 1 (July 1928):19, 22; rpt. in *Report of the City Planning Commission*, Appendix C, 134-135. The rules had been given tentative approval by the Commission at its meeting of December 8, 1927. Letter from L. B. Ryon, Jr., to Mayor and City Council, February 10, 1928, Hogg Papers.

⁷³Houston *Chronicle*, September 20, 30, 1928.

⁷⁴Houston, Texas, Motion No. 5199, Houston City Council Minutes, May 29, 1928; Houston *Post*, May 30, 1928.

⁷⁵J. G. Miller, "A Plea Against Zoning," *The Houston Gargoyle* 3 (January 26, 1930):15.

⁷⁶J. C. McVea, "Engineering Department," *Municipal Book of Houston* (1929), 57.

approach to a public form of land-use control. For several decades, however, the city's more affluent neighborhoods had used private deed restrictions to enhance their residential environment and to protect it against social change and decay.⁷⁷ Furthermore, through participation in civic clubs or neighborhood improvement associations, private citizens could take part in planning the development or preservation of their immediate area. As soon as it became clear that citywide or areawide problems were not being addressed by city government, some Houston civic clubs sought a more active role in promoting city planning for larger geographical areas of the city. One outgrowth of this greater planning consciousness was a citywide federation of civic clubs, formed on April 26, 1928, by several Houston civic clubs.⁷⁸ By including representatives of all civic clubs in the city, the City Civic Club, as it was called, hoped to garner the political power necessary to draw the city's attention to much-needed improvements in streets and city services. Though similar in concept to the Forum of Civics, the City Civic Club was more oriented towards rectifying the specific problems of its constituent clubs.

At the organizational meeting on April 26, Dr. A. L. Miller was elected temporary chairman. Mrs. E. Clinton Murray, a member of the City Planning Commission, attended the meeting and endorsed the idea of a federation. Walter Monteith, a candidate for mayor, also supported the idea. A general meeting, postponed until after the mayoral election in December, was finally held on January 16, 1929.⁷⁹ The City Civic Club, however, seems not to have won widespread support among its prospective member clubs. Perhaps the weaker clubs feared that their individual neighborhood concerns would be overshadowed in such a large organization. At the same time, the more powerful civic clubs already commanded the attention of City Hall. Under Houston's commission system of government, the commissioners were elected from the city at large. Since they were not accountable to any one section, the commissioners listened to the sections with the most influential citizens and liveliest civic organizations.⁸⁰

Less geographically ambitious, but ultimately more successful, was the group known as North Side Planning and Civics. This organization, founded on April 16, 1928, represented 65,000 Houstonians who lived in the district bounded on the south by Buffalo Bayou, on the west by Little White Oak

⁷⁷Fisher, "'Be On the Lookout,'" 107.

⁷⁸Houston *Chronicle*, April 27, 1928.

⁷⁹*Ibid.*; Houston *Post*, October 18, 1928; Houston *Chronicle*, December 16, 1928; Houston *Post*, January 17, 1929.

⁸⁰R. C. Burrows, "Needs of the North Side," *The North Side of Houston* 2 (April 1929):4. In 1929, the four members of the City Council were the land and tax commissioner, the water commissioner, the fire commissioner, and the street and bridge commissioner.

Bayou, and on the east by Lockwood Drive.⁸¹ Apparently one reason for the group's creation was the perception that revenues for city improvements were going in disproportionate amounts to the south end of Houston.⁸² To help reverse this trend, North Side members were assigned to committees to gather data on traffic conditions, drainage, parks, public utilities, and other area concerns. This data, in turn, would be transmitted to city officials. The group publicized its concerns through a magazine, *The North Side of Houston*, whose first issue appeared in June 1928.

The zoning of Houston was a stated goal of North Side Planning and Civics. Most of the district was without deed restrictions, and North Side saw zoning as the best available means to protect its own residential values. As Fred W. Turner, North Side's first president, put it, "Frequently after it is all paid out, the home of a thrifty north side dweller is afflicted by a garage or filling station which comes along and is allowed to ruin the value of his home because there is no zoning restriction to protect it."⁸³ Besides lobbying for passage of a zoning ordinance, the organization intended to work closely with the City Planning Commission, so that North Side development would be in line with whatever was deemed best for the city as a whole.⁸⁴

Through the early months of 1928, the City Council took no action on the Commission-approved zoning ordinance. Late in August, a committee of Houston citizens, growing restless with the seeming delay, appeared before the Council. Like much of the North Side population, these citizens were homeowners in unrestricted neighborhoods. Led by Assistant U.S. District Attorney D. Heywood Hardy, the citizens asked that steps be taken to prevent business establishments from encroaching on residential areas. On September 8, City Council referred this request to the City Planning Commission. By September 19, using draft ordinances submitted by Hardy and by Assistant City Attorney J. H. Painter, the Commission had prepared a temporary protective zoning ordinance.⁸⁵ Unlike the "permanent" ordinance of December 1927, this one was not designed to be comprehensive, but was merely to protect residential sections until the permanent ordinance could be passed:

... there does not now exist any adequate law governing and controlling the issuance of permits and regulating business buildings or the conduct of businesses in residence portions of the City of Houston, and . . . great

⁸¹Houston Post, April 17, 1928; Houston Chronicle, April 17, 1928; Houston and Harris County Facts, 676; "To the New Administration," *The North Side of Houston* 2 (April 1929):3.

⁸²Houston Chronicle, November 29, 1928.

⁸³Katherine Pollard, "Ben Adams' Page," *Civics for Houston* 1 (August 1928):8-9.

⁸⁴Houston Chronicle, April 24, 1928.

⁸⁵Houston Chronicle, September 11, 1928; Houston Post, October 11, 1928; letter from City Planning Commission to Mayor and City Council, October 9, 1928, DPD; Houston Post, September 20, 1928; Houston Chronicle, September 20, 1928.

and widespread injury [is being done] to citizens residing in the residence sections of the city due to the absence of any adequate law protecting such citizens in their property rights and the enjoyment of their residences.⁸⁶

On September 25, the Houston Real Estate Board, at its weekly meeting, appointed a committee to find out more about the proposed ordinance and its effects on local businesses. The Board was able to persuade the City Council to give it a week in which to study the ordinance. On October 1, this committee, led by real estate broker J. G. Miller, told the City Planning Commission that much damage would be done to the real estate business in Houston if the ordinance were passed and if potential business property and property bought at business prices were excluded from the business district. Acting on the committee's suggestions, the Planning Commission extended the boundaries of the business district in the proposed ordinance. Ryon, the secretary of the Commission, objected to the inclusion of so much territory in the business district. This, protested Ryon, was "overzoning." Setting aside too much land for business or industry would discourage residential development of property that would not be suitable for business purposes for many years.⁸⁷

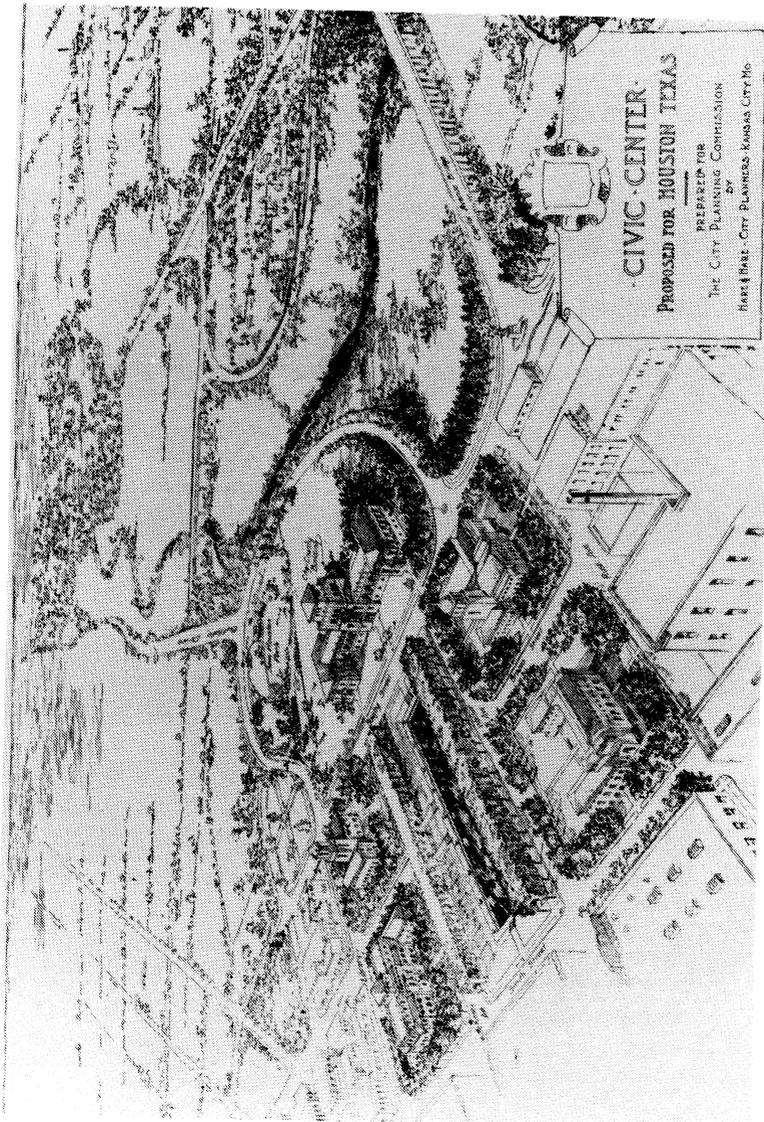
At first, the Planning Commission asked City Council to delay its decision on the temporary ordinance until the requested changes in the district boundaries could be made. On further reflection, however, the Commission on October 9 adopted a statement recommending that the Council not pass the ordinance.⁸⁸ Although the Commission was concerned with the potential damage to commercial property interests, a greater concern was the damage that might be caused to the permanent zoning ordinance. The temporary ordinance was recognized by the Commission to be "piecemeal" rather than comprehensive zoning. If the temporary ordinance were declared unconstitutional by the state courts, the effect on the permanent ordinance, not to mention the zoning movement in Texas, could be devastating. Coincidentally, the Real Estate Board passed a resolution on the same day which condemned the ordinance as piecemeal and unconstitutional. On October 10, the City Council, following the Commission's recommendation, deferred action on the temporary ordinance, effectively killing it.⁸⁹

⁸⁶"An Ordinance Regulating and Controlling the Granting of Permits for the Erection of Certain Business Buildings or the Conduct of Certain Businesses Within the Residence District of the City of Houston . . ." (September 1928), DPD; also published in the Houston Post, October 7, 1928.

⁸⁷Houston Post, September 30, 1928; *ibid.*, October 2, 1928; Houston Chronicle, September 27, 1928; *ibid.*, October 2, 7, 1928. For information about J. G. Miller, I am grateful to Vassar Miller and to David S. Miller.

⁸⁸Houston Chronicle, October 2, 1928; letter from City Planning Commission to Mayor and City Council, October 9, 1928, DPD.

⁸⁹Houston Chronicle, October 10, 14, 1928; Houston Post, October 10, 11, 1928.



Hare and Hare's 1925 design for the Civic Center placed the proposed City-County building next to Sam Houston Park. The library (far left) was the only building constructed in accordance with this design.

Political Controversies

The mayoral election of 1928 pitted Holcombe, the incumbent, against challenger Walter Monteith, a respected Houston lawyer and judge. The outcome of this election turned in great part on the charges of corruption which were leveled at Holcombe during the campaign and which surfaced in a Civic Center condemnation suit in November 1928, on the eve of the election.⁹⁰ It was learned that in December 1924, in an effort to help the city acquire land in the area of the proposed Civic Center, Holcombe had purchased two lots for eventual resale to the city. According to Will Hogg, Holcombe had promised to hold the lots for the city at cost plus the carrying charge. Some months later, however, Holcombe gave his consent to the publication of a map showing where the Civic Center was to be located. As a result, the market value of Holcombe's lots increased. When, in December 1925, he sold them for full value to a third party, Holcombe allegedly netted a handsome profit and increased the city's cost of acquiring the lots from the mayor's buyer.⁹¹

While certainly dismayed by this turn of events, Hogg did not campaign against Holcombe in the 1926 election campaign. By 1928, however, Hogg could no longer ignore what he regarded as a violation of the public trust. Hogg would have agreed with his friend and business associate Hugh Potter, who argued in the 1928 campaign that "a vote for Oscar Holcombe means that you condone the practice of using public office for private profit."⁹² Among the other factors that exhausted Hogg's patience with Holcombe was the mayor's seeming indifference to city planning. It was, in fact, this indifference, rather than the old charges of corruption, that Hogg emphasized during the campaign. In a letter published on the front page of the *Houston Post-Dispatch*, Hogg wrote, "In all my contacts with [Holcombe], I have never detected the slightest emotion for or real affectionate interest in the finer things of city building or city service."⁹³ Hogg threw his support to Monteith,

⁹⁰In April 1928, the City Council had passed an ordinance defining the boundaries of the Civic Center. Houston, Texas, Ordinance No. 8814, Houston City Council Minutes, April 28, 1928; *Houston Post*, May 5, 1928. The Civic Center boundaries were enlarged in July. Houston, Texas, Ordinance No. 9000, Houston City Council Minutes, July 17, 1928.

⁹¹*Houston Chronicle*, November 23, 1928; *Houston Press*, November 29, 1928; *ibid.*, February 28, 1928. Plans for the proposed Civic Center were presented to City Council by the City Planning Commission in July 1925. "Civic Center Proposed," *This Week in Houston* 2 (July 19-25, 1925):20. The Civic Center map was published in the *Houston Chronicle* on July 14, 1925.

⁹²*Houston Press*, November 23, 1926; *ibid.*, November 23, 1928; *Houston Chronicle*, November 26, 1928. In his 1926 booklet "A Forum of Civics for Houston," Hogg used the following quotation from Pericles as an epigram: "No Athenian should ever confess that he neglected public service for the sake of his private fortune."

⁹³*Houston Post*, November 27, 1928.

whose platform included the passage of a zoning ordinance.⁹⁴ On December 1, 1928, Monteith was elected to the first of two terms as mayor. This event signaled the hope of better things to come in Houston city planning.

In the early months of 1929, the City Planning Commission continued its work with the quiet steadiness that had marked Hogg's chairmanship. At the same time, Hogg's Forum of Civics expanded its role in promoting city planning and in educating the Houston public. In December 1928, the month before *Civics for Houston* ceased publication, the *Post-Dispatch* began running what was to be a yearlong series of weekly articles on city planning, prepared by the Forum of Civics.⁹⁵ This series, entitled "Paragraphs on City Planning," consisted of brief notes and statistics on zoning and city planning, gathered from local governments across the United States. Among other topics covered, these notes charted the progress of Dallas's new comprehensive zoning ordinance, then in preparation and finally enacted on September 11, 1929.⁹⁶ Between April and June 1929, the Forum of Civics also published a series of newspaper interviews with city planners on the subject of zoning.⁹⁷ The Forum invited the public to visit its library and sponsored talks by city planners from other cities.⁹⁸

As the year 1929 progressed, anticipation grew for the official report of the City Planning Commission. Although specific details of the report were not publicly available until December of that year, real estate brokers and city planners argued the merits of various elements of the plan as they were known. One element which engendered little or no criticism was the major street plan.⁹⁹ In a talk delivered in Houston in February 1929, Gardner S. Rogers, an official with the Chamber of Commerce of the United States in Washington, D.C., pointed out that Houston badly needed a major street plan and would need one desperately within a few years.¹⁰⁰ L. B. Ryon, Jr., proposed a specific course of action for the city. First, pursuant to the authority granted by the legislature in 1927, the city should establish thirty miles of building lines immediately.¹⁰¹ The building lines, once established, would prevent permanent buildings from being erected within the areas so designated. In the event that the major streets of the city needed to be widened,

⁹⁴Houston Press, March 1, 1929.

⁹⁵The series ran from as early as December 9, 1928, to as late as February 9, 1930.

⁹⁶Houston Chronicle, February 3, 1946.

⁹⁷See, for example, Houston Post, April 21, 1929.

⁹⁸Houston Chronicle, October 7, 1928.

⁹⁹Houston Post, December 22, 1929.

¹⁰⁰Houston Post, February 27, 1929. I am grateful to Gardner S. Rogers for information about his father.

¹⁰¹Houston Post, February 10, 1929.

the city could proceed without having to worry about condemning buildings that might otherwise have stood in the way. Second, as soon as the major street plan was adopted, the city could condition the issuance of building permits on compliance with the building lines set out in the plan.¹⁰² This was the enforcement procedure followed in Fort Worth, which had adopted its major street plan in 1928.¹⁰³

The subject of zoning, on the other hand, sparked much controversy in 1929. One of the most often repeated arguments in favor of zoning the city was that Houston homeowners who lived on or next to unrestricted property were unprotected from any incompatible uses to which neighboring property might be put. In particular, the presence of nearby commercial establishments tended to reduce the value and desirability of the property as residences. Zoning, the argument went, would serve to protect the homeowner's investment by stabilizing the value of residence districts and by spreading the risk of owning property among all of the classes of landowners. Some speculators might object that they would lose the full increase in value of their land when land prices were stabilized by zoning. The answer given to this objection was that any good businessman could earn a reasonable return on his investment, regardless of the district to which his property was assigned. Zoning, in fact, would work no permanent harm to the real estate industry in Houston. In the short run, the zoning ordinance might have a depressing influence on real estate values as a whole because of the uncertainty that might prevail among prospective buyers. As soon as public confidence returned, however, every property owner and real estate man would be benefited.¹⁰⁴

J. G. Miller, the most articulate member of the anti-zoning lobby, was willing to concede that individual rights must sometimes yield to the rights of the public. Miller, however, did not consider the stabilizing influence of zoning to justify a limitation on the individual citizen's right to use his property in his own way.¹⁰⁵ John H. Kirby, a wealthy lumber dealer, went so far as to label zoning as "unwise and un-American." Others asserted that it was "communistic."¹⁰⁶ In Miller's view, not only was zoning unjustifiable as an exercise of the police power, but it was also ineffectual as a means of

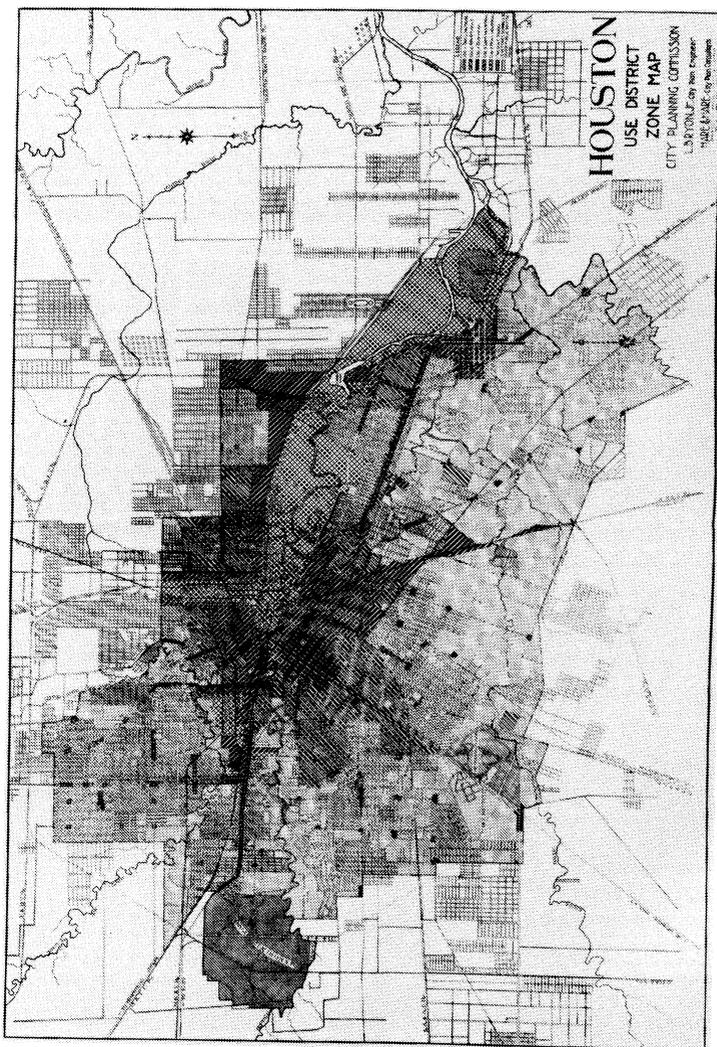
¹⁰²Houston Post, May 5, 1929.

¹⁰³Harland Bartholomew, "City Planning," *The American Year Book 1928* (1929), 140; Bartholomew, "Fort Worth, Texas," *City Planning* 4 (January 1928):31-38; *Report of the City Planning Commission*, 121. The Fort Worth plan was entitled *A System of Major Streets for Fort Worth, Texas*, by Harland Bartholomew and Associates, *City Plan and Landscape Engineers* (Fort Worth City Planning Commission, 1927).

¹⁰⁴Houston Post, April 14, 1929; *ibid.*, May 5, 19, 1929; *ibid.*, December 18, 29, 1929; letter from A. E. Amerman to Hugh Potter, December 30, 1929, DPD.

¹⁰⁵Miller, "A Plea Against Zoning," 15.

¹⁰⁶Houston Post, December 28, 29, 1929.



The Commission's zoning map as published in the *Report of 1929*. The medium-grey areas along the ship channel and north of Buffalo Bayou are heavy industrial zones. The dark areas to the north and south of these are light industrial zones. Business zones are indicated by the dark areas in the downtown and scattered along major streets. Medium-grey areas to the southwest are zoned for apartments, while all the light grey areas are zoned for houses.

achieving its desired goals. First of all, many residential areas already enjoyed the protection of deed restrictions. Even in unrestricted residential areas, the benefits of zoning were minimal. So-called undesirable businesses, such as filling stations or laundries, were almost always located in districts that were not adapted for residential use. Furthermore, businesses would not locate in a district in which there was bitter opposition by the neighbors. There were exceptions to this rule, Miller acknowledged, but not many.¹⁰⁷

Miller also argued that the stabilization of land values was a false ideal in a rapidly expanding economy such as Houston's. As conditions changed in a neighborhood, homes might decrease in value as residential property, but they would increase in value as commercial property, and homeowners who sold their land to businesses would net a large profit. But if a zoning scheme were in place, homeowners could sell only to other homeowners, so that values in residence districts would tend to stagnate. While sales of residential property would still be profitable, most of the increment in land value would be reserved for the business districts. Zoning created monopoly prices for large landowners, who owned most of the land in the proposed business districts. For Miller, zoning presented a case of the rich getting richer.¹⁰⁸

The Planning Commission's Report of 1929

Missing its two-year deadline by only fifteen days, the City Planning Commission transmitted its *Report* to the City Council on October 30. Publication of the *Report* was made possible by the Forum of Civics, which stepped in when the Commission's budget proved insufficient to pay the printing costs.¹⁰⁹ Accompanying the *Report* was a letter of transmittal, in which the Commission took pains to emphasize that its recommendations were not to be taken as complete or final. Nonetheless, the *Report* itself surveyed Houston's planning needs with an unprecedented breadth and scope. The proposals included a major street plan, a transit system of streetcars and buses, a park system, a system of major and secondary highways in the area, and zoning maps which divided the city into use, height, and area districts. Other sections of the *Report* focused on transportation, waterways, aviation, the civic center, and schools.¹¹⁰

The Commission's next major tasks were political ones: to conduct public hearings on zoning, to incorporate changes in the proposed zoning ordinance,

¹⁰⁷J.G. Miller, letter, *Houston Post*, December 22, 1929; Miller, "A Plea Against Zoning," 15.

¹⁰⁸Miller, letter, *Houston Post*, December 22, 1929; Miller, "A Plea Against Zoning," 15.

¹⁰⁹Letter from W. E. Monteith to J. W. Slaughter, December 13, 1929, 1, City Planning Department Collection.

¹¹⁰"Letter of Transmittal of the Planning Commission's Report," *Report of the City Planning Commission*, 10.

and to send the ordinance to City Council for further public hearings.¹¹¹ For this stage of its activity, the Commission had to do without the services of Will Hogg, who resigned as chairman on November 29. In announcing his decision to step down, Hogg explained that he expected to be absent from the city for an extended period.¹¹² Privately, he must have felt that he had done the job for which he had been appointed, and that others should see the *Report* through the political process. A. E. Amerman, the former mayor, assumed the chairmanship, while Hugh Potter, who had been named to the Commission in May 1929, became vice-chairman.¹¹³

Extensive press coverage greeted the public release of the *Report* on December 12. Aware of the need for favorable publicity, Amerman wasted no time in declaring an end to the secret sessions of the Commission and in opening all future meetings to interested citizens and the press.¹¹⁴ Amerman also sought to allay public concern with the concept of zoning. At meetings of the Houston Real Estate Board on December 17 and 21, Amerman stressed the tentativeness of the zoning ordinance as presented in the *Report*.¹¹⁵ Not everyone, however, was satisfied by these reassurances. On December 27, attorney C. R. Wharton organized an anti-zoning group known as the Houston Property Owners League. Wharton was selected as president of the League; J. G. Miller became vice-president; and L. W. Duddleston, real estate editor of the *Post-Dispatch*, became secretary.¹¹⁶ League members resolved to stop zoning dead in its tracks. "If we get 10,000 signatures we will block them," declared Wharton.¹¹⁷

The formation of the League set off a series of precipitate events at City Hall. The City Planning Commission and the City Council held a secret meeting on January 2, 1930.¹¹⁸ The nature of the discussion was not disclosed; but four days later, Amerman sent a letter to the Mayor and City Council in which he asked for a vote of confidence in support of the Commission's continued work. If, as the letter stated, the Council wished for public hearings to begin, the Commission was ready.¹¹⁹ On January 7, the Houston Property Owners League led a morning protest in City Council chambers. The protest

¹¹¹Houston *Chronicle*, March 27, 1928; *ibid.*, March 31, 1929; *ibid.*, October 31, 1929; Houston *Post*, December 14, 1929.

¹¹²Hogg did, however, retain his membership on the Commission. Houston *Chronicle*, November 30, 1929; *ibid.*, December 1, 1929.

¹¹³Houston *Post*, May 21, 1929; Houston *Chronicle*, May 21, 1929.

¹¹⁴Houston *Chronicle*, December 12, 1929; *ibid.*, December 1, 2, 1929.

¹¹⁵Houston *Post*, December 18, 1929; Houston *Chronicle*, December 22, 1929.

¹¹⁶Houston *Post*, December 28, 29, 31, 1929; Houston *Chronicle*, January 1, 1930.

¹¹⁷Houston *Post*, January 3, 1930.

¹¹⁸Houston *Chronicle*, January 3, 1930.

¹¹⁹Houston *Post*, January 7, 1930; letter from A. E. Amerman to Mayor and City Council, January 6, 1930, 4, DPD.

attracted a crowd of some 350 League members and sympathizers. In the afternoon, a committee of twelve property owners from the League held a private meeting with the City Council and the Commission. At the meeting, all four Council members indicated that they favored deferring the consideration of zoning. The Commission members were split on the issue. Amerman and John A. Embry believed that the time was not ripe for zoning; Hugh Potter, J. F. Staub, and W. E. Carroll thought that the zoning proposal should not be discarded until an attempt had been made to work out an actual ordinance.¹²⁰

In the end, the anti-zoning sentiment prevailed. The City Council and the Planning Commission adopted a joint resolution, approved unanimously, to the effect that the consideration of zoning for Houston should be indefinitely postponed.¹²¹

... It is the belief of the City Council and the Planning Commission that in the apparent state of public opinion, the presenting of a zoning ordinance would be inopportune. It is therefore the sense of these two bodies that the consideration of zoning be postponed until such a time as the public shall appreciate the necessity of it, and that those portions of the report of the planning commission dealing with zoning be eliminated at this time from further consideration.¹²²

With this resolution, the years of work that culminated in the multifaceted *Report* of 1929 were erased almost overnight in the face of pressure from a small but vocal interest group. Admittedly, the resolution was so worded as to preserve that portion of the *Report* not having to do with zoning. When, on January 22, the resolution came up for official adoption, the City Council was careful to follow the language of the original resolution of January 7.¹²³ In so doing, the Council tacitly approved, at least in principle, all of the *Report* except the zoning proposal. In practical terms, however, the *Report* was lifeless. No serious consideration was given to budgeting funds for the Planning Commission to implement and administer a major street plan. For this reason, the major street plan, whatever its official status, had almost no impact on Houston development in the 1930s. When the City Planning Office was closed on February 1, the review of subdivision plats was turned over to the Public Works Department.¹²⁴ The City Planning Commission was left without a role, a fate shared by many planning commissions across the nation

¹²⁰Houston *Post*, January 8, 1930.

¹²¹Houston *Chronicle*, January 8, 1930.

¹²²"Resolution of the City Council and Planning Commission Upon the Zoning Ordinance of the Report," DPD.

¹²³Houston, Texas, Motion No. 130, Houston City Council Minutes, January 22, 1930; Houston *Post*, January 23, 1930.

¹²⁴[Gordon H. Turrentine], "City Planning in Houston" (unpublished paper, Houston Chamber of Commerce, April 1971), 24, DPD; Houston *Post*, January 14, 1930.

during the early years of the depression.¹²⁵

The City Council in 1930 was not entirely unresponsive to the need for city planning. For example, on March 5, the Council approved a new and much-needed building code.¹²⁶ In the succeeding months, however, the Council was apparently unwilling to reconsider the issue of zoning. On April 8, North Side Planning and Civics adopted a resolution urging that City Council instruct the City Planning Commission to proceed with public hearings in the manner provided by law.¹²⁷ Nothing came of this request. Private planning efforts suffered a further setback when, on September 12, 1930, Will Hogg died while vacationing in Germany.

* * *

By 1930, Houston city planning lagged behind that of many other Texas cities. While no single factor can account for this phenomenon, one explanation lies in the city itself. Owing, in part, to its tremendous rate of growth since 1900—hardly diminished by the First World War—Houston had long fostered a climate conducive to a conservative, individualistic philosophy. Beliefs in self-reliance and in private action reigned supreme. Ironically, these beliefs found favor both with those opposing and with those advocating a greater role for city planning in Houston. Opponents perceived in city planning a threat to private property interests; advocates (such as Lyle, Tracy, Blayney, and Hogg) believed that participation by private citizens was indispensable to the creation and execution of a rational city plan. By 1930, the opponents had gained the upper hand, and the city plan was abandoned. Nevertheless, the decade of the 1920s left a significant legacy. Houston had a civic center. Subdivision regulations, updated from time to time, would continue to call for voluntary compliance by developers until the development ordinance of 1982 made the regulations official.¹²⁸ The major street plan of 1929 formed the basis of the city's first official street plan, which was approved in 1942.¹²⁹ In addition, politicians were reminded that local sentiment in favor of city planning was far from negligible. It was only a matter of time before zoning and city planning would again claim center stage in Houston politics.

¹²⁵Scott, *American City Planning Since 1890*, 281. Despite severe budget reductions in the early 1930s, the planning commissions of most large cities managed to survive, at least in name. See Robert A. Walker, *The Planning Function in Urban Government* (Chicago, 1950), 37.

¹²⁶Houston, Texas, Ordinance No. 118, Houston City Council Minutes, March 5, 1930.

¹²⁷"Planning and Zoning Committee Reports," *The North Side of Houston* 3 (April 1930):18.

¹²⁸Houston, Texas, Code of Ordinances, Chapter 42 (1984).

¹²⁹See Peter C. Papademetriou, "Urban Development and Public Policy in the Progressive Era: 1890-1940," *Houston Review* 5 (no. 3, 1983):130-131; *Houston Chronicle*, October 4, 1942; "City Moves to Curb Bad Effects of Growth," *Houston Post*, March 24, 1985.

during the early years of the depression.¹²⁵

The City Council in 1930 was not entirely unresponsive to the need for city planning. For example, on March 5, the Council approved a new and much-needed building code.¹²⁶ In the succeeding months, however, the Council was apparently unwilling to reconsider the issue of zoning. On April 8, North Side Planning and Civics adopted a resolution urging that City Council instruct the City Planning Commission to proceed with public hearings in the manner provided by law.¹²⁷ Nothing came of this request. Private planning efforts suffered a further setback when, on September 12, 1930, Will Hogg died while vacationing in Germany.

* * *

By 1930, Houston city planning lagged behind that of many other Texas cities. While no single factor can account for this phenomenon, one explanation lies in the city itself. Owing, in part, to its tremendous rate of growth since 1900—hardly diminished by the First World War—Houston had long fostered a climate conducive to a conservative, individualistic philosophy. Beliefs in self-reliance and in private action reigned supreme. Ironically, these beliefs found favor both with those opposing and with those advocating a greater role for city planning in Houston. Opponents perceived in city planning a threat to private property interests; advocates (such as Lyle, Tracy, Blayney, and Hogg) believed that participation by private citizens was indispensable to the creation and execution of a rational city plan. By 1930, the opponents had gained the upper hand, and the city plan was abandoned. Nevertheless, the decade of the 1920s left a significant legacy. Houston had a civic center. Subdivision regulations, updated from time to time, would continue to call for voluntary compliance by developers until the development ordinance of 1982 made the regulations official.¹²⁸ The major street plan of 1929 formed the basis of the city's first official street plan, which was approved in 1942.¹²⁹ In addition, politicians were reminded that local sentiment in favor of city planning was far from negligible. It was only a matter of time before zoning and city planning would again claim center stage in Houston politics.

¹²⁵Scott, *American City Planning Since 1890*, 281. Despite severe budget reductions in the early 1930s, the planning commissions of most large cities managed to survive, at least in name. See Robert A. Walker, *The Planning Function in Urban Government* (Chicago, 1950), 37.

¹²⁶Houston, Texas, Ordinance No. 118, Houston City Council Minutes, March 5, 1930.

¹²⁷"Planning and Zoning Committee Reports," *The North Side of Houston* 3 (April 1930):18.

¹²⁸Houston, Texas, Code of Ordinances, Chapter 42 (1984).

¹²⁹See Peter C. Papademetriou, "Urban Development and Public Policy in the Progressive Era: 1890-1940," *Houston Review* 5 (no. 3, 1983):130-131; *Houston Chronicle*, October 4, 1942; "City Moves to Curb Bad Effects of Growth," *Houston Post*, March 24, 1985.