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## RED551 - THE DEVELOPMENT APPROVAL PROCESS

### Overview of the Course

This course is designed to familiarize students in the Real Estate Development Program with the project entitlement process, its land use component elements, and associated developer fees, exactions and other infrastructure finance sources. Since most regulation is local, the course necessarily is focused on California, but the instructors will distinguish between regulatory processes that are generally prevalent and those that are unique to California.

The course deals with the process that begins with the project application and ends with issuance of a building permit. It focuses on four broad aspects of the project entitlement process: (1) the legal and bureaucratic procedures; (2) the critical nature of community involvement and government relations; (3) the financial impacts associated with the entitlement process; and (4) the negotiation required with community groups, government agencies and landowners. Specific topics include CEQA and the environmental impact review (EIR) process; land use entitlement; fiscal impact analysis; managing community and neighborhood opposition; governmental relations; financing of infrastructure; and impacts arising from Federal Clean Air, Clean Water, and Endangered Species Acts.

The teaching approach is a mixture of lectures focusing on general structure, periodic guest lectures by practitioners in the field, a major project effort by student teams, and readings drawn from several disciplines including fiscal impact, infrastructure financing, land use, environmental review, community management, and negotiations.

A substantial portion of learning about the development approval process will come from the student projects, which examine the approval process for specific development projects. The student project is a research project requiring a significant amount of time and effort. Students are encouraged to begin research early and ask questions during the course of their investigations.

Rather than maintaining formal office hours, both instructors are available to meet with students upon request.

There is extensive reading and, ***beginning with Session 2, each student must bring to class a hard copy of a specific written question based on the readings, in a format specified on Blackboard.***

**1. June 11, 2019 (Tue) STUDENT INTRODUCTIONS, ISSUES AND LAND USE INTERESTS:** Review of syllabus and readings. Discussion of student project reports and approach. Using a form provided in Session and on Blackboard, students will provide some background on themselves; based on the initial reading assignment and the course overview presented in Session 1, students will also be asked to identify particular issues that interest them and what types of land use they would like to focus on. This information, provided both as a completed form to the instructor and as a brief statement in class, will both inform the instructor as to background and areas of interest and provide fellow students with some sense of each other, which may be particularly helpful in organizing for the Case Study student projects. An introduction to the overall process and its components. (KOTIN, KUKLOK-WALDMAN)

**2. June 13, 2019 (Thu) COURSE INTRODUCTION****ENTITLEMENT PROCESSING I – THE DEVELOPMENT APPLICATION/OVERVIEW**

An actual development application used by a California city will be distributed and discussed. Using the application as a starting point, an overview of the process and additional documents involved in entitlements will be discussed. (KOTIN, KUKLOK-WALDMAN)

**3. June 18, 2019 (Tue) ENTITLEMENT PROCESSING II – LOCAL GOVERNMENT STRUCTURE, APPROVAL PROCESS AND LEGAL FRAMEWORK**

Administrative structure of cities and counties: Boards of Supervisors and City Councils; Regulatory Commissions (planning commissions, zoning appeal boards, design review boards); the Application Process (land-use applications, staff review, public hearings, and decision-makers); Public Hearings (notice and availability of documents, contacts with elected officials, and the Ralph M. Brown Act). Land Use Entitlement Process: General Plan Amendment; Zoning; Variance; Conditional Use Permit; Site Plan Review; Legal Framework: Development Agreements; Takings; Exactions; Dedications; Impact Fees; Nexus; Mitigation Fee Act; U.S. Supreme Court Nollan, Dollan, and other decisions. (KUKLOK-WALDMAN)

**4. June 20, (2019) (Thu) READING AND UNDERSTANDING ZONING CODES AND GENERAL PLANS**

Learning how to read administrative and municipal codes, published cases, draft and final ordinances, and other related documents, including General Plans, Land Use Maps, and Specific Plans. (KUKLOK-WALDMAN)

**NOTE: DISTRIBUTE LIST OF PROSPECTIVE PROJECTS FOR STUDENT PROJECTS AND POST PLACES AND TIMES FOR PLANNING COMMISSIONS MEETINGS**

**5. June 25, 2019 (Tue) SUBDIVISIONS/AFFORDABLE HOUSING**

Subdivisions: Tract Map, Venting Tentative Tract Map, Parcel Map, and Final Maps; California Subdivision Map Act: Lot-Line Adjustment; Certificate of Compliance; Map Processing; Conditions of Approval, Exactions, Dedications, and Findings. Airspace lots including Condominium Maps. (KUKLOK-WALDMAN)

**6. June 27, 2019 (Thu) ENVIRONMENTAL REGULATION I -- INTRODUCTION TO ENVIRONMENTAL REVIEW PROCESS**

Principles of California Environmental Quality Act (CEQA) and Environmental Impact Report (EIR) requirements from preparation of Initial Questionnaire to Certification. (KUKLOK-WALDMAN)

**Guest Speaker:**

Anne Doehne, Principal Associate & Deputy Director, Environmental Sciences Associates (ESA)

**7. July 2, 2019 (Tue) INFRASTRUCTURE REQUIREMENTS, DEVELOPMENT FEES, COMMUNITY BENEFITS, AND OTHER EXACTIONS**

In a continuing and widespread effort to make new development accountable for all its impacts on infrastructure, local, community, and regional, public agencies have imposed many new obligations on developers. These include impact fees and other exactions to require infrastructure developer or payment for public costs. (KOTIN)

**8.July 9, 2019 (Tue) INFRASTRUCTURE FINANCE AND GOVERNMENT OPERATIONS**

Explore alternative bond financing approaches to funding infrastructure and elaborate on public funding sources generally. Briefly review impact of eliminating redevelopment. (KOTIN)

**STUDENTS TEAMS MUST BE FORMED, AND PROJECTS APPROVED BY THE INSTRUCTORS**

**9.July 11, 2019 (Thu) FISCAL IMPACT**

In assessing whether or not to approve projects, cities and counties often consider the fiscal impact the project will have on their jurisdiction. This session provides a basic introduction to the calculation of fiscal revenues and municipal costs as well as a discussion of the uses of fiscal impact analysis. (KOTIN)

**10.July 16, 2019 (Tue) TRAFFIC AND PARKING ISSUES**

Of all environmental impacts and politically charged issues, none is more prominent and ubiquitous than traffic impacts, the measurement of which is the topic along with parking analysis. To the extent that time permits, there will also be a discussion of the changing standards by which traffic impacts are measured in light of broader policy issues of sustainability and greenhouse gas emissions. (KUKLOK-WALDMAN)

**Guest Speaker:**

Patrick Gibson, President, Gibson Transportation Consulting, Inc.

**11.July 18, 2019 (Thu) PLANNING COMMISSION PRESENTATIONS**

**NOTE: PLANNING COMMISSION ASSIGNMENTS DUE BY EMAIL PRIOR TO CLASS AND IN HARD COPY AT CLASS**

**12.July 23, 2019 (Tue) ORGANIZING THE PLANNING PROCESS**

**MIDTERM EXAM GIVEN FROM 6:00 TO 7:20**

Retaining consultants: Lawyers, planners, lobbyists, technical consultants (Architectural, engineering, and environmental); Coordination of "team" based approach to securing entitlement approvals. (KUKLOK-WALDMAN)

**Guest Speaker:**

Brad M. Rosenheim, President/CEO, Rosenheim & Associates

**13.July 25, 2019 (Thu) COMMUNITY AFFAIRS STRATEGIES AND TACTICS**

Negotiation with Community Organizations. The approval process has evolved in ways that make negotiation and communication with community organizations as important, if not more important, than negotiation with the city. The sources and management of this developer-community engagement process are the subject (KUKLOK-WALDMAN)

**Guest Speaker:**

Paul Silvern, Partner, HR&A Advisors

**14.July 30, 2019 (Tue) ENVIRONMENTAL REGULATION II**

Federal and State Environmental Issues and Permits, and Regional Planning Issues: Federal Clean Air, Clean Water, CERCLA, Endangered Species Acts. (KUKLOK-WALDMAN)

**Guest Speaker:**

Kathleen Truman, Land Use &amp; Zoning Attorney, Truman and Elliott LLP

**NOTE: STUDENTS TO EMAIL INSTRUCTORS CONCERNING PROGRESS ON CLASS PROJECT****15.August 1, 2019 (Thu) URBAN DESIGN GUIDELINES AND FORM BASED ZONING**

The regulation of land use and development is evolving beyond traditionally defined zoning both in regard to parallel urban design guidelines and the emergence of form-based zoning which considers the building form in a more important way than traditional zoning which focuses on building use. (KUKLOK-WALDMAN)

**Guest Speaker:**

John Kaliski, John Kaliski Architects

**16.August 6, 2019 (Tue) SUSTAINABILITY, GREENHOUSE GASES, LEED CERTIFICATION: POLICY AND REGULATION**

Incorporation of sustainability features, mitigation of greenhouse gas impacts, and the planning changes needed to achieve the ambitious goals of SB32 and AB375 all have or will have major impacts on the approval process. (KUKLOK-WALDMAN)

**Guest Speaker:**

David Snow, AICP, Richards Watson Gershon

**17. August 8, 2019 (Thu) SPECIALIZED APPROVAL SITUATIONS**

How the approval process changes in redevelopment areas, historic districts, coastal zones and other specialized conditions (KOTIN, KUKLOK-WALDMAN)

**18.August 13, 2019 (Tue) STUDENT PROJECT PRESENTATIONS, (KOTIN, KUKLOK-WALDMAN)****19.August 15, 2019 (Thu) FINAL EXAM (KOTIN)**

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**READING****Required Texts****(A reading list with individual assignments and additional materials is provided separately.)**

Guide to California Planning, William Fulton and Paul Shigley  
Solano Press Books (paperback), Fourth Edition (2012).

California Land Use and Planning Law, Cecily Talbert Barclay and Matthew Gray, Solano Press Books (paperback), 35th Edition (2016).

Also, the Instructors will provide supplemental reading materials on Blackboard. Students are required to read all assigned material prior to the class session in order to prepare for the class discussion and Guest Lecturer presentation(s).

A reading list will be distributed at the first session and will be available by email

approximately one week before the class begins. Outline formats for presentation and report will be posted on Blackboard.

### **Student Project**

Students will be formed into teams of 2-4 persons. Each team will be asked to select a city in Southern California or elsewhere. The students will be asked to identify a project which; (1) has been fully approved by the city; (2) has a completed value over \$20 million (market value or sales revenues; and (3) is characterized by some measure of controversy in the approval process. The students will be required to compile a complete timeline of the approval process; assemble critical documents, including the Initial Study, Staff Reports and Site Plans; evaluate the process; and prepare a written and oral presentation. All team members must participate in the oral presentation. Outline formats for presentation and report will be posted on Blackboard.

### **Planning Commission Assignment**

Students are required to attend one meeting of a local planning commission and prepare a brief report, to be submitted no later than 4 PM on date scheduled for presentation. Students are “pre-approved” to attend a meeting of the Los Angeles County Regional Planning Commission or City of Los Angeles Planning Commission. Students may attend commission meetings in other jurisdictions if approved in advance by the Instructors. A list of pre-approved planning commissions with their planning schedules will be posted for the students early in the semester.

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**Basis for Grading**

The grading allocation will be, as follows:

10%	Class Questions
10%	Participation (attendance and discussion)
10%	Unannounced Quizzes (2-4) during course <sup>1</sup>
20%	Mid-term Exam
10%	Planning Commission Assignment
20%	Student Project (grade divided equally for oral presentation and "book")
20%	Final Examination

**Students with Disabilities**

Any student requesting academic accommodations based on a disability is required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP. Please be sure the letter is delivered to me as early in the semester as possible. Your letter must be specific as to the nature of any accommodations granted. DSP is located in STU 301 and is open 8:30 am to 5:00 pm, Monday through Friday. The telephone number for DSP is (213) 740-0776.

**Statement on Academic Conduct and Support Systems****Academic Conduct**

Plagiarism – presenting someone else's ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in *SCampus* in Section 11, *Behavior Violating University Standards* <https://scampus.usc.edu/1100-behavior-violating-university-standards-and-appropriate-sanctions/>. Other forms of academic dishonesty are equally unacceptable. See additional information in *SCampus* and university policies on scientific misconduct, <http://policy.usc.edu/scientific-misconduct/>.

Discrimination, sexual assault, and harassment are not tolerated by the university. You are encouraged to report any incidents to the *Office of Equity and Diversity* <http://equity.usc.edu/> or to the *Department of Public Safety* <http://capsnet.usc.edu/departments/departments-public-safety/online-forms/contact-us>. This is important for the safety whole USC community. Another member of the university community – such as a friend, classmate, advisor, or faculty member – can help initiate the report, or can initiate the report on behalf of another person. *The Center for Women and Men* <http://www.usc.edu/student-affairs/cwm/> provides 24/7 confidential support, and the sexual assault resource center webpage [sarc@usc.edu](mailto:sarc@usc.edu) describes reporting options and other resources.

**Support Systems**

A number of USC's schools provide support for students who need help with scholarly writing. Check with your advisor or program staff to find out more. Students whose primary language is not English should check with the *American Language Institute* <http://dornsife.usc.edu/ali>, which sponsors courses and workshops specifically for international graduate students. *The Office of Disability Services and Programs* [http://sait.usc.edu/academicsupport/centerprograms/dsp/home\\_index.html](http://sait.usc.edu/academicsupport/centerprograms/dsp/home_index.html) provides certification for students with disabilities and helps arrange the relevant accommodations. If an officially declared emergency makes travel to campus infeasible, *USC Emergency Information* <http://emergency.usc.edu> will provide safety and other updates, including ways in which instruction will be continued by means of blackboard, teleconferencing, and other technology.

**Return of Course Assignments**

Returned paperwork, unclaimed by a student, will be discarded after 4 weeks and hence, will not be available should a grade appeal be pursued following receipt of his/her grade.