

PPD 551: The Approval Process

Units: 4

Fall, Thursdays from 8:30 a.m. to 11:50 a.m.

Location: RGL 209

Instructor: Nicole Kuklok-Waldman

Office: Off campus; when on campus, I am in RGL 242.

Office Hours: Thursdays 5-6 or by appointment. Please feel free to call!

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Course Description

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.

Learning Objectives

In this course, you will learn how to:

1. Understand the applicability of federal, state, and local law to the planning process;
2. Read a municipal planning code, zone map, and general plan together and in context;
3. Understand the breadth and depth of the police power and the limitations of the police power through takings and eminent domain;
4. Understand how federal, state, and local laws have impacted and continue to impact disadvantaged communities both directly and indirectly;
5. Apply the principles students have learned to fact patterns to issue-spot and discuss how the law applies to a given set of facts.

Course Notes

The course will use Blackboard and PowerPoint slides and other materials will be posted online. Students will also be required to attend a public planning hearing at a City of their choice, off campus, as part of the course completion.

Required Readings and Supplementary Materials

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.

Description and Assessment of Assignments

Assignments are to be submitted as follows:

Reading Questions: Each week for which there is reading assigned, students are to submit one question from the readings with a citation to the readings via Google Documents link posted on Blackboard.

Midterm: A midterm is scheduled for Week 8 during class. Details will be provided in class.

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 4:00 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.

Grading Breakdown

Assignment	Points	% of Grade
Attendance and Participation	10	10
Reading Questions	10	10
Midterm	20	20
Planning Commission Presentation	20	20
Final Project	40	40
Total	100	100

Grading Scale

Course final grades will be determined using the following scale:

A	95-100
A-	90-94
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D+	67-69
D	63-66
D-	60-62
F	59 and below

Assignment Submission Policy

Printed assignments should be submitted at the beginning of the class at which they are due. Submittal by email prior to the beginning of the class at which they are due is also acceptable.

Grading Timeline

Assignments are typically graded and returned the following class. Appeals of grade will be accepted by the Professor only if accompanied by a coherent argument as to why the grading should have differed. Argue your case!

Additional Policies

Students are expected to attend all classes and participate as requested and expected. If a class is to be missed, please notify the Professor as soon as possible and obtain notes from a classmate to ensure you are up to speed with class material. Late assignments will be accepted with a 10% penalty. Please pay attention in class and minimize use of phones as possible. It's just courteous.

Course Schedule: A Weekly Breakdown

Week	Topics
Week 1	STUDENT INTRODUCTIONS, ISSUES AND LAND USE INTERESTS: <i>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. An introduction to the overall process and its components.</i>
Week 2	ENTITLEMENT PROCESSING I – THE DEVELOPMENT APPLICATION AND 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.
Week 3	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, Dolan, and other decisions.
Week 4	NO CLASS—ULI
Week 5	ENVIRONMENTAL REGULATION (CEQA) -- INTRODUCTION TO THE ENVIRONMENTAL REVIEW PROCESS: Principles of California Environmental Quality Act (CEQA) and Environmental Impact Report (EIR) requirements from preparation of Initial Study to Certification.
Week 6	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.
Week 7	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.
Week 8	MIDTERM Project Teams are Due Today!
Week 9	ENVIRONMENTAL REGULATION II: Federal and State Environmental Issues and Permits, and Regional Planning Issues: Federal Clean Air, Clean Water, CERCLA, Endangered Species Acts.
Week 10	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.
Week 11	PLANNING COMMISSION PRESENTATIONS NOTE: PLANNING COMMISSION ASSIGNMENTS DUE BY EMAIL PRIOR TO CLASS <u>AND</u> IN HARD COPY AT CLASS

Week 12	<p>RETAINING CONSULTANTS AND COMMUNITY AFFAIRS STRATEGIES AND TACTICS: Lawyers, planners, lobbyists, technical consultants (Architectural, engineering, and environmental); Coordination of “team” based approach to securing entitlement approvals. 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.</p> <p>Project Updates are Due Today!</p>
Week 13	<p>URBAN DESIGN GUIDELINES AND FORM BASED ZONING; HISTORIC PRESERVATION AND THE CALIFORNIA COASTAL COMMISSION: 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. How the approval process changes in redevelopment areas, historic districts, coastal zones and other specialized conditions.</p>
Week 14	<p>HAPPY THANKSGIVING!</p>
Week 15	<p>PROJECT PRESENTATIONS</p>

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 Part B, Section 11, “Behavior Violating University Standards” <https://policy.usc.edu/scampus-part-b/>. 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>.

Support Systems:

Student Counseling Services (SCS) - (213) 740-7711 – 24/7 on call

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention. <https://engemannshc.usc.edu/counseling/>

National Suicide Prevention Lifeline - 1-800-273-8255

Provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week. <http://www.suicidepreventionlifeline.org>

Relationship and Sexual Violence Prevention Services (RSVP) - (213) 740-4900 - 24/7 on call

Free and confidential therapy services, workshops, and training for situations related to gender-based harm. <https://engemannshc.usc.edu/rsvp/>

Sexual Assault Resource Center

For more information about how to get help or help a survivor, rights, reporting options, and additional resources, visit the website: <http://sarc.usc.edu/>

Office of Equity and Diversity (OED)/Title IX Compliance – (213) 740-5086

Works with faculty, staff, visitors, applicants, and students around issues of protected class. <https://equity.usc.edu/>

Bias Assessment Response and Support

Incidents of bias, hate crimes and microaggressions need to be reported allowing for appropriate investigation and response. <https://studentaffairs.usc.edu/bias-assessment-response-support/>

The Office of Disability Services and Programs

Provides certification for students with disabilities and helps arrange relevant accommodations. <http://dsp.usc.edu>

Student Support and Advocacy – (213) 821-4710

Assists students and families in resolving complex issues adversely affecting their success as a student EX: personal, financial, and academic. <https://studentaffairs.usc.edu/ssa/>

Diversity at USC

Information on events, programs and training, the Diversity Task Force (including representatives for each school), chronology, participation, and various resources for students. <https://diversity.usc.edu/>

USC Emergency Information

Provides safety and other updates, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible, <http://emergency.usc.edu>

USC Department of Public Safety – 213-740-4321 (UPC) and 323-442-1000 (HSC) for 24-hour emergency assistance or to report a crime.

Provides overall safety to USC community. <http://dps.usc.edu>

USC Policy Reporting to Title IX: <https://policy.usc.edu/reporting-to-title-ix-student-misconduct/>

USC Student Health Sexual Assault & Survivor Support :<https://studenthealth.usc.edu/sexual-assault/>