

RED 351: Land Use Regulation

Units: 4

Spring 2021, Wednesdays from 6:00 p.m. to 9:20 p.m.

Location: Via Zoom, links available on Blackboard

Instructor: Donna Shen Tripp

Office: Off-campus this semester

Office Hours: By appointment. Please feel free to call or text.

Contact Info: donna@craiglawson.com; tel: (310)351-1543

Course Description:

“What can I build? How big can I build? Who has a say in it? How long will it be before I can build?” These are common questions real estate developers ask when considering acquiring and developing property. This course is designed to familiarize students with standard zoning and land use policies, issues and regulations, the development entitlement processes involved in securing approvals, applicable environmental regulations, and community/stakeholder involvement and government relations. Since most regulation is local and since California often establishes best practices in the planning field, the course will routinely utilize/reference projects in California, but the Instructor 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 relevant government structures involved in the land development processes, the historical evolution of zoning, and moves into the land development zoning and land use due diligence phase, and the discretionary entitlement process. Specific issues that are regularly encountered by real estate developers in the latter process will be explored as well. These include, but are not limited to, transportation/traffic/parking, historic resources, sustainable development, and design review criteria.

The teaching approach is a mixture of lectures (mostly synchronous), periodic guest lectures by practitioners in the field, and readings drawn from several disciplines related to zoning and land use.

A substantial portion of learning about the development approval process will come from the student projects and assignments, which examine the land use and permit process at various stages. The student group projects require a significant amount of time and effort. Students are encouraged to begin research early and ask questions during the course of their investigations and analysis. Groups for the Neighborhood Council/Community Group and Planning Commission projects will be randomly assembled by the Instructor and posted on Blackboard.

Learning Objectives:

1. To provide a working knowledge of key zoning and land use regulatory concepts relevant for future real estate developers.
2. To familiarize students with the players and processes that shape land use policies and regulations.

3. For students to learn to “issue spot” potential zoning and land development issues during the due diligence and entitlement phases.
4. For students to problem solve in cases with multiple competing interests and to consider and weigh those competing interests.
5. For students to think critically about current issues in the land use field as they relate to urban planning and real estate development.

Course Notes:

The course will use Blackboard for assignments, announcements, etc. Students are advised to check the course’s Blackboard regularly (at least twice a week).

USC technology rental program:

We realize that attending classes online and completing coursework remotely requires access to technology that not all students possess. If you need resources to successfully participate in your classes, such as a laptop or internet hotspot, you may be eligible for the university’s equipment rental program. To apply, please submit an application. The Student Basic Needs team will contact all applicants in early August and distribute equipment to eligible applicants prior to the start of the fall semester.

Required Readings and Supplementary Materials:

California Land Use and Planning Law, Cecily Talbert Barclay and Matthew Gray (hereinafter “Barclay/Gray”), Solano Press Books, 37th Edition (2020) – available both in hard copy and as an e-book on Solano Press’ website:

Also, the Instructor 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/or Guest Lecturer presentation(s).

Description and Assessment of Assignments:

Assignments are to be submitted as follows:

Midterm: A Midterm is scheduled for Week 8. This will be an open book, open notes exam. Details will be provided in class prior to the exam.

Planning Commission Assignment: In assigned groups, students are required to attend one meeting of a local planning commission and prepare a brief report and presentation, to be submitted no later than 6:00 pm PST on the date specified below. The oral presentation will be given by students in Week 10’s class. Students may attend commission meetings in other jurisdictions if approved in advance by the Instructor. Details on this Assignment as well as a sign-up Google document will be posted on Blackboard.

By Week 4’s class, groups must have an identified and Instructor-approved project before a Planning Commission.

Neighborhood Council/Community Group Assignment: In assigned groups, students are required to participate in a Neighborhood Council, Community Group, or other Local Stakeholder Group meeting where development projects are reviewed/considered. Students are required to prepare a memorandum on their observations (and specific elements specified noted in the more detailed assignment description posted on Blackboard) and be prepared to make a brief oral presentation in Week 14’s class. The memorandum portion of this assignment is required to be submitted no later than 6:00 pm PST on the date specified below.

By Week 7's class, groups must have an identified and Instructor-approved Neighborhood Council or Community Group meeting.

Final Exam: The Final Exam is scheduled for Week 16. The Final Exam will be provided to Students at least 24 hours prior to the Exam Date and will be open book, open notes. Details will be provided in class prior to the exam.

Grading Breakdown:

Assignment	Points	% of Grade
In-Class Participation and In-Class Activities	15	15
Midterm	20	20
Planning Commission Report & Presentation	20	20
Neighborhood Council/Community Group Assignment	15	15
Final Exam	30	30
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:

Students should email written assignments to the Instructor by the specified date and time either noted in this syllabus or as indicated on the course's Blackboard announcements.

Grading Timeline:

Assignments are typically graded and returned within 2 weeks of submittal. Appeals of grade will be accepted by the Instructor only if accompanied by a substantive and coherent argument as to why the grading should have differed.

Additional Policies:

Attendance and Participation

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% grade penalty. There will be several in-class activities as indicated below in the course schedule and participation in said activities will be factored into students' grades.

Zoom Etiquette

The Instructor requests that students participate in Zoom classes with video cameras on and microphones off. Microphones should be turned on when called on by the Instructor, when asking a question, when participating in class discussions, or when making a presentation.

Sharing of course materials outside of the learning environment

USC has a policy that prohibits sharing of any synchronous and asynchronous course content outside of the learning environment.

SCampus Section 11.12(B)

Distribution or use of notes or recordings based on university classes or lectures without the express permission of the instructor for purposes other than individual or group study is a violation of the USC Student Conduct Code. This includes, but is not limited to, providing materials for distribution by services publishing class notes. This restriction on unauthorized use also applies to all information, which had been distributed to students or in any way had been displayed for use in relationship to the class, whether obtained in class, via email, on the Internet or via any other media. (See Section C.1 Class Notes Policy).

Course Schedule: A Weekly Breakdown:

Week	Topics	Reading Assignments
Week 1: 1-20-2021	INTRODUCTIONS, OVERVIEW, AND LAND USE INTERESTS: <i>Review of syllabus and readings. Discussion of student projects and assignments. Students will also be asked to identify particular issues that interest them and what types of land use/real estate development they would like to focus on. An introduction to the overall course and its components and introductory class exercise(s) will also occur.</i>	None
Week 2: 1-27-2021	GOVERNMENT STRUCTURES, HISTORICAL OVERVIEW OF ZONING AND LAND USE REGULATIONS: Federal, State and Local government structures, separation of powers, and why these are important to the regulation of property and property rights. A review of the evolution of zoning and land use regulations.	<i>Barclay/Gray – Chapters 1 and Chapter 4 (for latter, pgs. 43 – 53)</i>

Week 3: 2-3-2021	ZONING AND LAND USE DUE DILIGENCE APPROACH AND TYPICAL ISSUES TO SPOT: An overview of common zoning and land use issues developers should consider when assessing the feasibility of a site for a development project.	<i>Posted on Blackboard (Assignments).</i>
Week 4: 2-10-2021	ENTITLEMENT PROCESSING: An overview of common discretionary entitlement permits and associated review processes. <i>*Students must have an Instructor-approved Planning Commission project identified by this date.*</i>	Barclay/Gray – Chapter 4 pgs. 59 – top of pg. 70 and documents posted on Blackboard (Assignments).
Week 5: 2-17-2021	PROPERTY AND LAND USE LAW 101: Review of from where the right to control land use stems. Overview of key land use law cases is provided. In Class Activity.	<i>Posted on Blackboard (Assignments).</i>
Week 6: 2-24-2021	Office Hours on Planning Commission Assignments. <i>(Schedule for students' time slots will be posted on Blackboard before this class.)</i>	None
Week 7: 3-3-2021	COMMUNITY & GOVERNMENT RELATIONS STRATEGIES AND TACTICS: The approval process has evolved in ways that make negotiation and communication with community organizations/stakeholder groups as important, if not more important, than negotiation with the regulatory agencies and elected officials. <i>*Students must have an Instructor-approved Neighborhood Council/Community Group project identified by this date.*</i>	<i>Posted on Blackboard (Assignments).</i>
Week 8: 3-10-2021	Midterm – Submit to Instructor by 9 p.m. PST Today.	
Week 9: 3-17-2021	TRAFFIC & PARKING ISSUES; AFFORDABLE HOUSING: Of all environmental impacts and politically charged issues, none is more prominent and ubiquitous than traffic impacts (perceived and real) along with parking analyses. Affordable housing requirements are increasingly more prevalent in various municipalities; we will review what you can expect for development projects.	<i>Barclay/Gray – Chapter 15; Also see Blackboard (Assignments).</i>
Week 10: 3-24-2021	PLANNING COMMISSION GROUP PRESENTATIONS IN CLASS. (Associated Reports due by 6 p.m. PST Today)	None
Week 11: 3-31-2021	URBAN DESIGN GUIDELINES, HISTORIC ISSUES, FORM BASED ZONING, SUSTAINABILITY REQUIREMENTS: 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	<i>Barclay/Gray – Chapter 8 pgs. 279 – 290, and Chapter 16</i>

	zoning which focuses on building use. Architectural/Design Review Boards and the personal tastes of decision-makers are increasingly coming into play in the development project review process. As buildings constructed after World War II have surpassed the 50 years of age mark, review for historical significance and municipal historical survey are increasingly more common.	
Week 12: 4-7-2021	<i>USC Wellness Day – No Class!</i>	
Week 13: 4-14-2021	ENVIRONMENTAL REGULATIONS: Review of key environmental regulations and how they can impact a development project proposal. In Class Activity.	<i>Barclay/Gray - Chapters 7 & 8</i>
Week 14 4-21-2021	NEIGHBORHOOD COUNCIL/COMMUNITY GROUP PRESENTATIONS IN CLASS. (Associated Reports due by 6 p.m. Today) In Class Activity.	None
Week 15: 4-28-2021	Review.	None
Week 16: 5-5-2021	Final Exam – Submit to Instructor by 9 p.m. Today.	

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” 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, policy.usc.edu/scientific-misconduct.

Support Systems:

Counseling and Mental Health - (213) 740-9355 – 24/7 on call

studenthealth.usc.edu/counseling

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

National Suicide Prevention Lifeline - 1 (800) 273-8255 – 24/7 on call

suicidepreventionlifeline.org

Free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

Relationship and Sexual Violence Prevention Services (RSVP) - (213) 740-9355(WELL), press “0” after hours – 24/7 on call

studenthealth.usc.edu/sexual-assault

Free and confidential therapy services, workshops, and training for situations related to gender-based harm.

Office of Equity and Diversity (OED) - (213) 740-5086 | Title IX – (213) 821-8298

equity.usc.edu, titleix.usc.edu

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants.

Reporting Incidents of Bias or Harassment - (213) 740-5086 or (213) 821-8298

usc-advocate.symplicity.com/care_report

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office of Equity and Diversity | Title IX for appropriate investigation, supportive measures, and response.

The Office of Disability Services and Programs - (213) 740-0776

dsp.usc.edu

Support and accommodations for students with disabilities. Services include assistance in providing readers/notetakers/interpreters, special accommodations for test taking needs, assistance with architectural barriers, assistive technology, and support for individual needs.

USC Campus Support and Intervention - (213) 821-4710

campussupport.usc.edu

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

Diversity at USC - (213) 740-2101

diversity.usc.edu

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

USC Emergency - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call

dps.usc.edu, emergency.usc.edu

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

USC Department of Public Safety - UPC: (213) 740-6000, HSC: (323) 442-120 – 24/7 on call

dps.usc.edu

Non-emergency assistance or information.