

RED 551: The Approval Process

Units: 4

Summer 2024, Tuesdays and Thursdays from 6:00 p.m. to 8:50 p.m.

Location: RGL 101

Instructors: Nicole Kuklok-Waldman and Donna Shen Tripp

Office: Virtual (via Zoom)

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

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Course Description

This course is designed to familiarize students in the Real Estate Development Program with zoning and land use due diligence analysis, the development project entitlement processes, its land use component elements and considerations, applicable environmental regulations, and strategies for setting up projects requiring discretionary approval for success. Since most zoning and land use 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 zoning due diligence, typical entitlement paths, and project entitlement 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) key environmental resources and land use policies which can affect the feasibility of a project; (3) the critical nature of community involvement and government relations; and (4) the negotiation required with community groups, government agencies and landowners. Specific topics include CEQA and the environmental review processes; typical land use entitlements; key zoning and land use legal cases; managing community and neighborhood opposition; governmental relations; and new California laws that seek to boost and streamline housing development.

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 zoning and land use regulations, land use law, environmental review requirements, community outreach 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 Planning Commission and Final group projects both require a significant amount of time and effort. Students are encouraged to begin research early and ask questions during the course of their research and analysis.

Learning Objectives

In this course, you will learn to:

1. Understand the applicability of key state and local law/regulations to the planning and land use development processes;
2. Analyze municipal planning and zoning codes and General Plan/Overlays/Specific Plans to project sites for development feasibility purposes;
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, regulations and policies 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 and regulations apply to a given set of facts.

Course Notes

The course will use Brightspace and PowerPoint slides and other materials will be posted online. Students will also be required to attend a public planning commission hearing at a City of their choice, off campus, as part of the course completion (Note: with Instructors' permission, a virtual hearing which can be viewed online may be permissible due to the ongoing pandemic) .

Required Readings and Supplementary Materials

Guide to California Planning, William Fulton and Paul Shigley
Solano Press Books (paperback), Sixth Edition (2022)

California Land Use and Planning Law, Cecily Talbert Barclay and Matthew Gray, Solano Press Books
(paperback), 38th Edition (2022)

(Note: Kindle e-book versions of both of these textbooks are available via Amazon.)

Also, the Instructors will provide supplemental reading materials on Brightspace. Students are required to read all assigned material prior to the class session in order to prepare for the class discussions 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 presentations will be posted on Brightspace.

Description and Assessment of Assignments

Assignments are to be submitted as follows:

Participation: Students are expected to attend and participate in all classes in person. A student can achieve the full 10 participation points through a combination of actively participating in class (asking questions and sharing insights related to lecture topics) and through points earned from possible in-class short quizzes (the latter will be administered at the discretion of the Instructors).

Please note: Zoom access will only be provided when a student requests this at least 4 hours prior to the start of class and for good cause (e.g. illness, medical procedure, etc.). Only students that have made prior arrangements with the Instructors to participate via Zoom will be granted access via Zoom for that lecture.

Midterm: A take-home midterm is scheduled to be completed and submitted to the Instructors on July 2nd by the end of Class (8:50 p.m.) that day. Details will be provided in class prior to Midterm distribution. 10% penalty will be applied for exams submitted past the deadline.

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 the 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. No more than one student may attend the same hearing, so post your selection on the spreadsheet which will be posted on Brightspace since it is first-come, first served!

Student Final Project: Students will be formed into teams of 4-5 persons. Each team will be asked to select a city in Southern California (outside of Southern California selections will need to be pre-approved by the Instructors). The students will be asked to identify a development 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 CEQA Initial Study, Staff Reports, Site Plans, and Decision Letter; evaluate the process; and prepare a written

and oral presentation. All team members must participate in the oral presentation. Outline formats and specific instructions/requirements for presentation and report will be posted on Brightspace.

Grading Breakdown

Assignment	Points	% of Grade
Participation	10	10
Midterm	25	25
Planning Commission Presentation	25	25
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

Digital copies of assignments (Planning Commission assignment or Final Project) should be submitted at or prior to the beginning of the class at which they are due.

Grading Timeline

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

Additional Policies

Attendance and Participation:

As noted above, students are expected to attend all classes and participate as requested and expected. If a class is to be missed, please notify the Instructors 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 refrain from the use of phones and the viewing on laptops of non-course-related content. It's just courteous. Additionally, much of what will be on the mid-term will have been covered during the in-class lectures.

Unless students provide an accommodation letter from USC's Office of Student Accessibility Services, attendance and active participation is expected in the classroom. Any student with such accommodations should submit their accommodation document to Instructors as soon as possible to discuss appropriate

accommodations. Either classroom recordings or live remote access to the class via Zoom will be provided upon pre-arrangements with the Instructors.

Students who are experiencing illness should not attend class in person. Student must inform Instructors well in advance of any class sessions they cannot attend for medical reasons and accommodations will be arranged to view recorded lectures. Students will not be penalized for not attending class in-person under these circumstances.

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

Date/ Instructor(s)	Topics
(Tues.) 06-04-2024 NKW & DST	STUDENT INTRODUCTIONS, ISSUES AND LAND USE INTERESTS: Review of syllabus and discussion of student projects and assignments. Students will provide some background on themselves and to identify particular issues that interest them and what types of land use topics they would like to focus on. An introduction to the overall process and its components will be conducted.
(Thurs.) 06-06-2024 DST	INTRODUCTION TO ZONING AND LAND USE DUE DILIGENCE APPROACH/TYPICAL ISSUES TO SPOT: A review of the evolution of zoning and land use regulations. An overview of common zoning and land use issues developers should consider when assessing the feasibility of a site for a development project.
(Tues.) 06-11-2024 DST	ENTITLEMENT PROCESSING I - LOCAL GOVERNMENT STRUCTURE, APPROVAL PROCESS: 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). Review of common discretionary entitlements.
(Thurs.) 06-13-2024 DST	**Planning Commission Project Selections are Due Today****Planning Commission Project Selections are Due Today** ENTITLEMENT PROCESSING II – THE DEVELOPMENT APPLICATION AND OVERVIEW: Typical development applications and their corresponding entitlement timelines will be reviewed and discussed. Using an example application as a starting point, an overview of the process and additional

	documents and considerations involved in entitlements will be discussed.
(Tues.) 06-18-2024 NKW	PROPERTY AND LAND USE LAW 101: Legal Framework: Development Agreements; Takings; Exactions; Dedications; Impact Fees; Nexus; Mitigation Fee Act; U.S. Supreme Court Nollan, Dolan, and other key land use decisions.
(Thurs.) 06-20-2024 NKW	ENVIRONMENTAL REGULATION (CEQA) -- INTRODUCTION TO THE ENVIRONMENTAL REVIEW PROCESS: Principles of California Environmental Quality Act (CEQA), the various CEQA clearances for development projects, and specifically Environmental Impact Report (EIR) requirements from preparation of Initial Study to Certification.
(Tues.) 06-25-2024 NKW	SUBDIVISIONS/AFFORDABLE HOUSING: Subdivisions: Tract Map, Vesting 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. Affordable Housing 101.
(Thurs.) 06-27-2024 NKW & DST	Planning Commission Projects Individual Coaching Sessions (Via Zoom) and time to work on Projects!
(Tues.) 07-02-2024	**MID-TERMS DUE BY END OF CLASS TODAY!**
(Thurs.) 07-04-2024	**NO CLASS (4TH OF JULY HOLIDAY)**
(Tues.) 07-09-2024 NKW	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 municipalities. The sources and management of this developer-community engagement process are the subject.
(Thurs.) 07-11-2024 NKW & DST	PLANNING COMMISSION PRESENTATIONS PART 1 of 2 NOTE: PLANNING COMMISSION ASSIGNMENTS DUE BY EMAIL PRIOR TO START OF THIS CLASS DAY
(Tues.) 07-16-2024 NKW & DST	PLANNING COMMISSION PRESENTATIONS PART 2 of 2
(Thurs.) 07-18-2024	NEW STATE LAND USE LAWS AND HOW THEY'RE CHANGING DEVELOPMENT

DST	**Final Project Updates Due via Email to Instructors**
(Tues.) 07-23-2024 DST	FORM BASED ZONING; HISTORIC PRESERVATION: 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 highly regulated way than traditional zoning which focuses on building use. With aging structures reaching the 45+ years old benchmark come more issues with redeveloping property as they increasingly require historic analysis and preservation consideration. **Special Guest Lecturer: Shane Swerdlow, Vice President, Craig Lawson & Co., LLC**
(Thurs.) 07-25-2024 NKW & DST	Project Coaching for Final Project Small Groups (via Zoom) and time to work on Projects!
(Tues.) 07-30-2024 DST	THE CALIFORNIA COASTAL COMMISSION: Overview of the Coastal Zone, Coastal Commission and key Coastal Act policies and processes.
(Thurs.) 08-01-2024 DST	BUILDER'S REMEDY, HOUSING ACCOUNTABILITY ACT, & MORE! **Special Guest Lecturer: Ryan Leaderman, Partner, Holland & Knight**
(Tues.) 08-06-2024 DST	RETAINING THE RIGHT CONSULTANTS: Lawyers, planners, lobbyists, technical consultants (Architectural, engineering, environmental, etc.). Coordination of "team" based approach to securing entitlement approvals. 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. 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. **Guest Lecturers: Jason Shender and Grace Turner, LLG Transportation Engineers**
(Thurs.) 08-08-2024 NKW & DST	FINAL PROJECT PRESENTATIONS IN CLASS

Statement on Academic Conduct and Support Systems

Academic Conduct and Integrity:

The University of Southern California is foremost a learning community committed to fostering successful scholars and researchers dedicated to the pursuit of knowledge and the transmission of ideas. Academic misconduct is in contrast to the university's mission to educate students through a broad array of first-rank academic, professional, and extracurricular programs and includes any act of dishonesty in the submission of academic work (either in draft or final form).

This course will follow the expectations for academic integrity as stated in the [USC Student Handbook](#). All students are expected to submit assignments that are original work and prepared specifically for the course/section in this academic term. You may not submit work written by others or “recycle” work prepared for other courses without obtaining written permission from the instructor(s). Students suspected of engaging in academic misconduct will be reported to the Office of Academic Integrity.

Other violations of academic misconduct include, but are not limited to, cheating, plagiarism, fabrication (e.g., falsifying data), knowingly assisting others in acts of academic dishonesty, and any act that gains or is intended to gain an unfair academic advantage.

Since creating, analytical, and critical thinking skills are part of the learning outcomes of this course, all assignments should be prepared by the student working individually for all assignments/exams except for the final assigned group project. Students may not have another person or entity complete any substantive portion of the assignment. Developing strong competencies in these areas will prepare you for a competitive workplace. Therefore, using AI-generated tools is prohibited in this course, will be identified as plagiarism, and will be reported to the Office of Academic Integrity.

The impact of academic dishonesty is far-reaching and is considered a serious offense against the university and could result in outcomes such as failure on the assignment, failure in the course, suspension, or even expulsion from the university.

For more information about academic integrity see the [student handbook](#) or the [Office of Academic Integrity's website](#), and university policies on [Research and Scholarship 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/>

Homelessness and Food Insecurity

Any student who has difficulty affording groceries or accessing sufficient food to eat every day, or who lacks a safe and stable place to live, and believes this may affect their performance in the course, is urged to contact the Trojan Food Pantry, which can provide food as well as help access state food grants. Furthermore, please notify the professor if you are comfortable in doing so. This will enable them to provide any resources they possess. No student should have to worry about homelessness, eviction or couch surfing when midterms, keeping your GPA up, and getting to work is already stressful enough. USC has resources to help you problem solve these and related issues. Go to <http://homelessness.usc.edu> for additional resources.