Instructor: Greta K. Brownlow, PhD
Office location: WSQ 218
Telephone: 510-206-3603 (email preferred)
Email: greta.brownlow@sjsu.edu
Office hours: By appointment
Class days/time: Wednesdays 7:30-10pm
Classroom: 318 Clark Building
Class website: Canvas
Prerequisites: None
Units: 3

Course Catalog Description
This course will introduce students to the California planning system, development entitlement, and contemporary issues in urban and regional planning in the context of the business of real estate development.

Course Description and Course Learning Objectives
The course will explore the planning opportunities and constraints that affect real estate development decisions. Through readings, assignments, and discussion, students will learn about the issues developers must consider, such as community opposition, regulatory requirements, and financial risk, when determining the feasibility of a proposed development project. In doing so, students will understand how the entitlement process affects the financial health of a community and how the process itself can add value to both the development project and the broader community. Ultimately, students will be encouraged to take a critical view of the planning process with an eye toward refining the regulatory approval process.

Upon successful completion of the course, students will be able to:

1. Describe the due diligence process as part of the pre-development phase and what a real estate developer considers when making a decision whether a project is feasible;
2. Explain the principles and processes of land use planning from both a public and private sector perspective;
3. Identify how the California Environmental Quality Act affects risk in a development project;
4. Understand how the real estate business cycle interacts with local government priorities and requirements; and
5. Evaluate whether entitlement of a real estate development project is feasible.

Planning Accreditation Board (PAB) Knowledge Components
This course partially covers the following PAB Knowledge Components: 1a and 2b.

1. General planning knowledge: The comprehension, representation, and use of ideas and information in the planning field, including appropriate perspectives from history, social science, and the design professions.
   a) Purpose and Meaning of Planning: appreciation of why planning is undertaken by communities, cities, regions, and nations, and the impact planning is expected to have.
2. Planning skills: The use and application of knowledge to perform specific tasks required in the practice of planning.
   b) Written, Oral and Graphic Communication: ability to prepare clear, accurate and compelling text, graphics and maps for use in documents and presentations.

A complete list of the PAB Knowledge Components can be found at http://www.sjsu.edu/urbanplanning/courses/pabknowledge.htm.

Course Format (delete if not applicable)
This is a hybrid course, meaning that some sessions will be conducted in person and others will be conducted online. For in-person sessions, students are expected to physically attend on campus. During online synchronous sessions, students must join the online conference session through WebEx during regularly scheduled class time. During asynchronous sessions, students are expected to read the assigned material and complete the associated exercise.

Required Course Texts

Course Assignments and Grading Policy
Your grade for the course will be based on the following assignments and other activities:

<table>
<thead>
<tr>
<th>Assignments</th>
<th>Percent of Course Grade</th>
<th>Course Learning Objectives Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest and Best Use Analysis</td>
<td>20%</td>
<td>1</td>
</tr>
<tr>
<td>Planning Commission Meeting Write-up</td>
<td>25%</td>
<td>2</td>
</tr>
<tr>
<td>CEQA Essay</td>
<td>25%</td>
<td>3</td>
</tr>
<tr>
<td>Entitlement Report</td>
<td>30%</td>
<td>4 &amp; 5</td>
</tr>
</tbody>
</table>
Assignment #1: Highest & Best Use

The Highest and Best Use (HBU) of a property refers to the reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, and financially feasible – and that ultimately results in the highest value. An HBU study of feasibility seeks to identify whether a proposed development is feasible under current physical, legal, and financial conditions of the site. A HBU analysis for a given property must meet certain criteria that flow in sequential order: (1) Physically possible, (2) Legally permissible, (3) Financially feasible, and (4) Maximally productive. The sequential order of legally permissible and physically possible may be applied in either order. However, a potential use must comply with both these requirements prior to moving into the financially feasible or maximally productive analysis. That is, a use that is not legally permissible by zoning or other restrictions, or that is not physically possible due to site or building limitations would not be considered for financial feasibility.

Your task for this assignment is to perform a HBU analysis for a proposed development site of your choosing. The analysis will conclude with a recommendation as to whether the project should proceed through the entitlements phase. You will then use this same proposed project to complete an entitlement analysis for Assignment #4 (described below). The project should be something for which a development application (or at least pre-application) has been submitted to a local planning department.

The HBU report should consist of no more than 5 pages, and should be structured and formatted as a professional report. You should include sections and recommendations (feasible/not feasible) for each of the four stages of HBU: physical feasibility, legal feasibility, financial feasibility, and maximally productive. Your HBU report should also include an executive summary at the beginning of the report, and a comprehensive summary at the end. More details will be provided to students in class.

Assignment #2: Planning Commission Meeting Analysis

Your task for this assignment is to attend a planning commission meeting and create a report that examines the impact of the meeting on a development project of your choosing. You should identify a planning commission meeting in advance where a real estate development project is up for approval (this is because not all planning commission meetings involve a development project). The key to this assignment is not a simple description of the meeting, but rather how well you can place a critical eye to the role of planning commissions in the entitlement process. Your report should: (1) provide a background description of the development project, including use, size, and location; (2) an analysis of why approval of the development project is in the hands of the planning commission; (3) a description of the process (including comments made by both the public and the commissioners), the outcome, and whether you agree with the planning commission’s decision; and (4) whether or not the process yields better urban development projects, both for the local government as well as for the region. The 4-5-page write-up should conclude with a set of recommendations to improve the efficacy of land use governance and public consultation.
Assignment #3: CEQA Essay
Given the current debate about the appropriate role of regulation in shaping and protecting our communities, it seems timely to ask the question: At what point does environmental regulation cease to promote sustainable planning practices and begin to inhibit the growth and economic development of local communities?

Your task for this assignment is to write a 4-5-page letter to your state legislator about whether the California Environmental Quality Act (CEQA) should be amended to better achieve equitable, environmental, and efficient development outcomes. Your letter should include an analysis of how, and when, the CEQA process introduces risk into the real estate development process, and your arguments should be well supported and argued using both academic and popular sources. You will be graded based on the quality of your arguments, how well you use theoretical and empirical evidence to support your opinions, and the professionalism exhibited in the structure of the report.

Assignment #4: Entitlement Report
This assignment involves evaluating the entitlement feasibility of the proposed development project you chose for Assignment #1. Your task is to evaluate the likelihood of the development project being approved by all applicable permitting agencies at the local, state or federal level. You must also identify the various hearings, meetings, and other public venues where your project will be discussed. Furthermore, you will need to identify and describe in detail any rezoning, variances, conditional uses permits, and/or environmental studies your project will need in order to be approved, as well as the costs associated with proceeding through the entitlement process. Given this information, the conclusion of your report will be your recommendation as to whether the development team should proceed with the project. Your report should be no less than 3000 words but no more than 4000 words, and should include the following components:

1) Project Location & Background
   - A map locating the project, as well as any other helpful graphic documentation of predominant site features, should be included here
   - This should include any known controversy surrounding the project and/or known locational constraints
2) Project Description
   - Include a description of the project components, as well as known information regarding project construction
   - Include graphics depicting site plan(s)
3) Required approvals, such as
   - General Plan/Zoning changes
   - Conditional Use Permits
   - Variances
4) Environmental Documentation Required
   - This should be your best guess as to what type if CEQA document and environmental permits would be required
   - Include also technical studies you expect would be needed to support the CEQA documentation and environmental permit applications
5) Expected time-to-approval
6) Associated fees and costs (e.g., land costs, development fees, application costs)
7) Recommendation
   - Given the costs, requirements, and political considerations surrounding this proposed project, would you recommend proceeding with entitlements?
   - What is your assessment of whether/how this project would fit into the existing and planned community context in which it is located?

Calculation of Final Course Letter Grade

Students’ final letter grades for the course will be calculated by weighting the grade for each assignment according to the percentages in the table above and combining the weighted grades for an overall percentage (out of 100) and associated grade: A (93 to 100); A- (90 to 92); B+ (87 to 89); B (84 to 86); B- (80 to 83); C+ (78 to 79); C (74 to 78); C- (70 to 73); D+ (67 to 69); D (64 to 66); D- (60 to 65); F (below 60)

Other Grading and Assignment Issues

Late assignments will only be accepted with prior consent of the instructor, and will be down graded 10% for each day they are late. Late assignments will only be accepted up to one week after the due date. Extra credit work may be assigned as needed.

Course Workload

Success in this course is based on the expectation that students will spend, for each unit of credit, a minimum of forty-five hours over the length of the course (normally 3 hours per unit per week with 1 of the hours used for lecture) for instruction or preparation/studying or course related activities including but not limited to internships, labs, clinical practica. Other course structures will have equivalent workload expectations as described in the syllabus.

Careful time management will help you keep up with readings and assignments and enable you to be successful in all of your courses. For this class, you will have to undertake additional activities outside the class hours such as visiting your project site. Details on how to complete these activities will be provided during class.

Academic Integrity Statement, Plagiarism, and Citing Sources Properly

Your commitment, as a student, to learning is evidenced by your enrollment at San Jose State University. The University Academic Integrity Policy S07-2 at http://www.sjsu.edu/senate/docs/S07-2.pdf requires you to be honest in all your academic course work. Faculty members are required to report all infractions to the office of Student Conduct and Ethical Development. The Student Conduct and Ethical Development website is available at http://www.sjsu.edu/studentconduct/.

Plagiarism is the use of someone else's language, images, data, or ideas without proper attribution. It is a very serious offense both in the university and in your professional work. In essence, plagiarism is both theft and lying: you have stolen someone else's ideas, and then lied by implying that they are your own.

Plagiarism will lead to grade penalties and a record filed with the Office of Student Conduct and Ethical Development. In
severe cases, students may also fail the course or even be expelled from the university.

If you are unsure what constitutes plagiarism, it is your responsibility to make sure you clarify the issues before you hand in draft or final work.

Learning when to cite a source and when not to is an art, not a science. However, here are some common examples of plagiarism that you should be careful to avoid:

- Using a sentence (or even a part of a sentence) that someone else wrote without identifying the language as a quote by putting the text in quote marks and referencing the source.
- Paraphrasing somebody else's theory or idea without referencing the source.
- Using a picture or table from a webpage or book without reference the source.
- Using data some other person or organization has collected without referencing the source.

The University of Indiana has developed a very helpful website with concrete examples about proper paraphrasing and quotation. See in particular the following pages:

- Overview of plagiarism at www.indiana.edu/~istd/overview.html
- Examples of plagiarism at www.indiana.edu/~istd/examples.html
- Plagiarism quiz at www.indiana.edu/~istd/test.html

If you still have questions, feel free to talk to me personally. There is nothing wrong with asking for help, whereas even unintentional plagiarism is a serious offense.

Citation style

It is important to properly cite any references you use in your assignments. The Department of Urban and Regional Planning uses Kate Turabian’s *A Manual for Writers of Research Papers, Theses, and Dissertations*, 8th edition (University of Chicago Press, 2013, ISBN 978-0226816388). Copies are available in the SJSU King Library. Additionally, the book is relatively inexpensive, and you may wish to purchase a copy. Please note that Turabian's book describes two systems for referencing materials: (1) “notes” (footnotes or endnotes), plus a corresponding bibliography, and (2) in-text parenthetical references, plus a corresponding reference list. In this class, students can use either of these styles, as long as the chosen style is used consistently throughout a given document.

Accommodation for Disabilities

If you need course adaptations or accommodations because of a disability, or if you need to make special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours. Presidential Directive 97-03 at http://www.sjsu.edu/president/docs/directives/PD_1997-03.pdf requires that students with disabilities requesting accommodations must register with the Accessible Education Center (AEC) at http://www.sjsu.edu/aec to establish a record of their disability.

You can find information about the services SJSU offers to accommodate students with disabilities at the Accessible Education Center website at www.sjsu.edu/aec.
Accommodation to Students' Religious Holidays
San José State University shall provide accommodation on any graded class work or activities for students wishing to observe religious holidays when such observances require students to be absent from class. It is the responsibility of the student to inform the instructor, in writing, about such holidays before the add deadline at the start of each semester. If such holidays occur before the add deadline, the student must notify the instructor, in writing, at least three days before the date that he/she will be absent. It is the responsibility of the instructor to make every reasonable effort to honor the student request without penalty, and of the student to make up the work missed. See University Policy S14-7 at http://www.sjsu.edu/senate/docs/S14-7.pdf.

Consent for Recording of Class and Public Sharing of Instructor Material
Common courtesy and professional behavior dictate that you notify someone when you are recording him/her. You must obtain the instructor’s permission to make audio or video recordings in this class. Such permission allows the recordings to be used for your private, study purposes only. The recordings are the intellectual property of the instructor; you have not been given any rights to reproduce or distribute the material.

Library Liaison
The SJSU Library Liaison for the Urban and Regional Planning Department is Ms. Toby Matoush. If you have questions, you can contact her at toby.matoush@sjsu.edu or 408-808-2096.

SJSU Writing Center
The SJSU Writing Center is located in Clark Hall, Suite 126. All Writing Specialists have gone through a rigorous hiring process, and they are well trained to assist all students at all levels within all disciplines to become better writers. In addition to one-on-one tutoring services, the Writing Center also offers workshops every semester on a variety of writing topics. To make an appointment or to refer to the numerous online resources offered through the Writing Center, visit the Writing Center website at http://www.sjsu.edu/writingcenter. The SJSU Writing Center is located in Room 126 in Clark Hall.

SJSU Counseling and Psychological Services
The SJSU Counseling and Psychological Services is located on the corner of 7th Street and San Fernando Street, in Room 201, Administration Building. Professional psychologists, social workers, and counselors are available to provide consultations on issues of student mental health, campus climate or psychological and academic issues on an individual, couple, or group basis. To schedule an appointment or learn more information, visit Counseling and Psychological Services website at http://www.sjsu.edu/counseling.

Dropping and Adding
Students are responsible for understanding the policies and procedures about add/drop, grade forgiveness, etc. Refer to the current semester’s Catalog Policies section at http://info.sjsu.edu/static/catalog/policies.html. Add/drop deadlines can be found on the current academic year calendars document on the Academic Calendars webpage at http://www.sjsu.edu/provost/services/academic_calendars/. The Late Drop Policy is available at
http://www.sjsu.edu/aars/policies/latedrops/policy/. Students should be aware of the current deadlines and penalties for dropping classes.

Information about the latest changes and news is available at the Advising Hub at http://www.sjsu.edu/advising/.

**Classroom Protocol**

[SJSU recommends that instructors include a section on this topic. It is not required, however. Here you can explain your expectations for attendance, arrival times, behavior, safety, cell phone and internet use, etc.]
## URBP 207: REAL ESTATE DEVELOPMENT BUSINESS & PLANNING  
**SPRING 2016**

### COURSE SCHEDULE*

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Reading</th>
<th>Assignments due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feb 3</td>
<td>Course Overview</td>
<td></td>
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<tr>
<td>(in-person)</td>
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<tr>
<td>Feb 10</td>
<td>Foundations of California Planning: General Plan &amp; Zoning</td>
<td>Curtin’s Chapters 2-4</td>
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<tr>
<td>(online)</td>
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<tr>
<td>Feb 17</td>
<td>Real Estate Fundamentals: Highest &amp; Best Use</td>
<td>Review PowerPoint Presentation posted on Canvas</td>
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</tr>
<tr>
<td>(online)</td>
<td></td>
<td>Rabianski, Joseph S., <em>Comments on the Concept and Definition of Highest and Best Use</em>, Focus on Real Estate Analysis, <a href="http://www.cre.org/memberdata/pdfs/32_1_Highest.pdf">http://www.cre.org/memberdata/pdfs/32_1_Highest.pdf</a></td>
<td></td>
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<tr>
<td>(online)</td>
<td></td>
<td>*Find and post (on Canvas) an article about real estate development trends in a local area of interest to you; provide a brief summary that summarizes the article and corroborates your research with the national-level findings from the ULI report</td>
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</table>

*Post article & summary on Canvas
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<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Reading / Resource</th>
<th>Assignment</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 2 (online)</td>
<td>Subdivisions</td>
<td>Curtin’s Chapter 5</td>
<td>Assignment #1</td>
</tr>
<tr>
<td>March 9 (online)</td>
<td>Entitlements Overview</td>
<td>Review PowerPoint posted on Canvas</td>
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<td>Review Application for Development posted on Canvas</td>
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<td>March 16 (online)</td>
<td>Promoting Sustainable Development</td>
<td>Curtin’s Chapter 16</td>
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<tr>
<td>March 23 (in-person)</td>
<td>CEQA</td>
<td>Curtin’s Chapter 2</td>
<td>Assignment #2</td>
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<td>March 30</td>
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<td></td>
<td>SPRING BREAK</td>
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<tr>
<td>April 6 (in-person)</td>
<td>The Burden of Regulation: Exactions &amp; Regulatory Takings</td>
<td>Curtin’s Chapters 11 &amp; 12</td>
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<tr>
<td>April 13 (in-person)</td>
<td>Regulatory Reform</td>
<td>Curtin’s Chapter 19</td>
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<tr>
<td></td>
<td></td>
<td>In the Name or the Environment, Holland &amp; Knight, 2015, <a href="http://issuu.com/hollandknight/docs/ceqa_litigation_abuseissuu?e=16627326/14197714">http://issuu.com/hollandknight/docs/ceqa_litigation_abuseissuu?e=16627326/14197714</a></td>
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<td>April 20 (online)</td>
<td>Housing Development</td>
<td>Curtin’s Chapter 15</td>
<td>Assignment #3</td>
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<td>April 27</td>
<td>Development</td>
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<tr>
<td>Date</td>
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<td>Topic</td>
<td>Reading Material</td>
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<tr>
<td>May 4 (in-person)</td>
<td>Development from the Local Agency Perspective (Guest Speaker)</td>
<td>Curtin's Chapters 9 &amp; 10</td>
<td></td>
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<tr>
<td>May 11 (in-person)</td>
<td>Final Presentations</td>
<td>Assignment #4 due</td>
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</table>

- This syllabus is subject to change based on class interest and availability of guest speakers. Notice of any changes to the course schedule will be provided in class or via email.