SAN JOSÉ STATE UNIVERSITY

URBAN AND REGIONAL PLANNING DEPARTMENT

URBP 225: LAND USE PLANNING AND LAW

URBP/ENVS 136: INTRODUCTION TO LAND USE AND URBAN PLANNING

SPRING 2017

Instructor: John Davidson
Office location: WSQ 218
Telephone: 408/615-2478
Email: JDavidson@santaclaraca.gov
Office hours: Mondays, 5:30 - 6:30 p.m.
Class days/time: Mondays, 7:30 – 10 p.m.
Classroom: Clark 318
Prerequisites: For URBP/ENVS 136, Upper Division standing is required.
Units: URBP 225 – 4 units; URBP/ENVS 136 – 4 units

Course Catalog Description

URBP 225: Study of contemporary growth and land use management techniques used by local, state and federal governments. Examination of the role of public law in addressing urban growth and environmental change issues, and the legal aspects of preparing and administering planning controls and incentives.

URBP/ENVS 136: Land use and facilities planning practices in the context of American cities, emphasizing interrelationships between various land uses and public facilities and service requirements. Study of the role of public law in addressing urban growth and environmental change issues. Prerequisite: Upper division standing or instructor consent.

Course Description and Course Learning Objectives

Through lecture, discussion, field activities, and assignments, the class will examine fundamental land use controls (i.e., General Plans and Zoning) as well as contemporary growth and land use management techniques (i.e., Specific Plans, development policies, guidelines, interjurisdictional agreements, etc.). The class will discuss urban design and urban environments to inform the discussion of the land use policy framework. The class will pay particular attention to land use decision-making as a discretionary process, and will delve into the interaction between discretionary processes and environmental review. The class will also examine the legal precedents that have contributed to the policy framework. The class will also examine the role of developers in the planning process.
Upon successful completion of the course, students will be able to:

1. Explain to the public the contexts in which planning takes place and the principles and processes by which plans are made and implemented. Recognize both public- and private-sector stakeholders and their interests in the planning processes.
2. Describe the fundamental growth and land use management controls, the interrelationships of these tools (e.g., general plan, zoning, and permitting), and how these tools compare to equivalents used in other countries.
3. Determine whether a proposed project, permit, or other land use action is ministerial or discretionary, and also whether it is quasi-judicial or legislative.
4. Determine whether the major components of land use and development proposals comply with a jurisdiction's planning policy framework (i.e., general plan, zoning ordinance, design guidelines, environmental legislation, etc.).
5. Explain the role of the California Environmental Quality Act (CEQA) in land use planning, policy and development and how it impacts the urban and regional development processes.
6. Explain the implications of major legal precedents including, but not limited to: Hadacheck v. Sebastian (1915); Friends of Mammoth v. Mono County (1972); First English v. Los Angeles County (1987); Friends of Westwood v. City of Los Angeles (1987); Laurel Heights Improvement Assn. v. Regents of the UC (1988); Suitum v. Tahoe Regional Planning Agency (1997); Tahoe Sierra Preservation Council v. Tahoe Regional Planning Agency (2002); BIA v. BAAQMD (2015)
7. Analyze site plans and identify key issues associated with the plans, including consistency with a jurisdiction's planning policy framework and principles of sound planning.
8. Prepare a municipal staff report regarding land use and development that uses appropriate structure, content, and tone.
9. Prepare clear, concise reports and oral presentations regarding land use and development issues.

Planning Accreditation Board (PAB) Knowledge Components
This course partially covers the following PAB Knowledge Components:

1. (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.
(c) Planning Law: appreciation of the legal and institutional contexts within which planning occurs.
(f) Global Dimensions of Planning: appreciation of interactions, flows of people and materials, cultures, and differing approaches to planning across world regions.
2. (b) Written, Oral and Graphic Communication: ability to prepare clear, accurate and compelling text, graphics and maps for use in documents and presentations.
(d) Plan Creation and Implementation: integrative tools useful for sound plan formulation, adoption, and implementation and enforcement.
3. (b) Governance and Participation: appreciation of the roles of officials, stakeholders, and community members in planned change.

(c) Sustainability and Environmental Quality: appreciation of natural resource and pollution control factors in planning, and understanding of how to create sustainable futures.

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

**Required Course Texts**


**REFERENCE TEXTS**

City of San Jose (2011). *Envision San Jose 2040 General Plan*.

City of Santa Clara (2010). *City of Santa Clara 2010-2035 General Plan*.


**Course Requirements and Assignments**

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 (URBP 225)</th>
<th>Course Learning Objectives Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assignment 1 – Investigating the Local Landscape. All students, working individually: Document and describe development patterns in San Jose over time by investigating a major thoroughfare.</td>
<td>12%</td>
<td>1, 2, 7</td>
</tr>
<tr>
<td>Assignment 2 – Land Use Issues and the Print Media. All students, working individually: Collect at least five related planning articles, columns, and/or editorials published in the print media, and analyze their treatment of land use issues.</td>
<td>12%</td>
<td>1, 2, 7</td>
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Assignment 3 – Planning Commission Meeting.

All students, working individually: Attend a local Planning Commission and/or City Council meeting regarding land use matters and then document and analyze the Commission’s actions.

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<thead>
<tr>
<th>Assignment</th>
<th>Weight</th>
<th>Units</th>
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<tbody>
<tr>
<td>Assignment 3 – Planning Commission Meeting.</td>
<td>11%</td>
<td>1 – 4, 7</td>
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Assignment 4 – Specific Plan.

All students, working in teams: Prepare a report on existing conditions and policy options for a specific plan area, and present those findings to the class. Preparation of this document represents the engagement unit of the class.

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<tr>
<th>Assignment</th>
<th>Weight</th>
<th>Units</th>
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<tr>
<td>Assignment 4 – Specific Plan.</td>
<td>25%</td>
<td>1, 2, 6</td>
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Law Review, working in small groups: Present a review of the facts and findings of a planning law case to the class.

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<tr>
<th>Assignment</th>
<th>Weight</th>
<th>Units</th>
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<tbody>
<tr>
<td>Law Review</td>
<td>10%</td>
<td>2, 3, 4, 7</td>
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Final Examination, working both in teams and individually: Working in teams, evaluate a development proposal. As individuals, write an analysis of the development proposal, and the proposal’s conformance with relevant ordinances.

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<tr>
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<th>Weight</th>
<th>Units</th>
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<tbody>
<tr>
<td>Final Examination</td>
<td>10%</td>
<td>4, 5, 6</td>
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Class Participation including discussion, group work, ongoing background reading, and in-class assignments.

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<tr>
<th>Assignment</th>
<th>Weight</th>
<th>Units</th>
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<tbody>
<tr>
<td>Class Participation</td>
<td>20%</td>
<td>1 – 5</td>
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Grading Information

Throughout the semester, individual assignments will be graded on a 0-100 point scale. The point values for each assignment will be pro-rated according to the table above, and a final letter grade will be assigned to the total score as follows:

A (93 and above); A- (90 to 92.9); B+ (87 to 89.9); B (83 to 86.9); B- (80 to 82.9); C+ (77 to 79.9); C (73 to 76.9); C- (70 to 72.9); D+ (67 to 69.9); D (63 to 66.9); D- (60 to 62.9); F (below 60).

Other Grading and Assignment Issues

Assignments less than 48 hours late will be accepted with a three-grade penalty; assignments submitted later than 48 hours late will not be accepted.

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.

Because this is a four-unit class, you can expect to spend a minimum of nine hours per week in
addition to time spent in class and on scheduled tutorials or activities. Special projects or assignments may require additional work for the course. 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 exploring a commercial arterial corridor (Assignment 1), visiting a Planning Commission meeting (Assignment 3) and field work and policy research related to the Specific Plan (Assignment 4). Details on how to complete these activities will be provided on handouts distributed in class later in the semester.

University Policies

Per University Policy S16-9, university-wide policy information relevant to all courses, such as academic integrity, accommodations, etc. will be available on Office of Graduate and Undergraduate Programs’ Syllabus Information web page at http://www.sjsu.edu/gup/syllabusinfo/”

Plagiarism and Citing Sources Properly

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
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 780226816388). 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. Either system is acceptable in this class.

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.
# URBP 225: Land Use Planning and Law

**URBP/ENVS 136: Introduction to Land Use and Urban Planning**  
**Spring 2017**  
**Course Schedule**

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Assignments and Required Reading</th>
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| January 30 | Course Overview:  
- What is land use planning?  
- Why plan?  
- Issues and trends in California land use planning  
**PAB KSV: 1.(a), Purpose and Meaning of Planning** | None                                                                  |
| February 6 | Video: *The Social Life of Small Urban Spaces*  
Discussion: Urban Design in Downtown and at SJSU | *Planning in San Jose: A Community Guide*                             |
| February 14| The Tasman East Specific Plan so far                               | *Santa Clara General Plan*  
Focus Area Policies                                                      |
| February 20| Presidents’ Day - No Class                                          |                                                                       |
| February 27| Two Different Development Patterns –  
San Jose and Taiwan  
**PAB KSV: 1.(f), Global Dimensions of Planning** | *Fulton, Chapters 1-3*  
First Paper Due  
**PAB KSV: 2.(b), Written Communication**                             |
| March 6    | Federal and California Planning Framework:  
- The General Plan  
**Fulton, Chapters 4-6**  
**SJ GP 2020, Chapters 1-3** |                                                                       |
| March 14   | Zoning:  
- Legal Authority and Purpose  
- Approaches/Content  
The Subdivision Map Act | *Fulton, Chapters 7+8*                                               |
| March 20   | Environmental Review:  
- California Environmental Quality Act  
- National Environmental Policy Act  
- Examples and Applications | *Fulton, Chapter 9a*                                                |
| March 27   | Spring Break - No Class                                             |                                                                       |
| April 3    | Exactions and Takings  
Private Development  
Growth Controls:  
- Urban Growth Boundaries  
- “Smart Growth” Planning | *Fulton, Chapters 10, 11, 13*  
Second Paper Due  
**PAB KSV: 1.(a), Purpose and Meaning of Planning**                  |
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<tr>
<th>Date</th>
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<th>Assignments and Required Reading</th>
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<tr>
<td>April 10</td>
<td>Other Planning Tools:</td>
<td>Fulton, Chapters 12, 17, 18</td>
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<td></td>
<td>- Specific Plans</td>
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<td>- Infill Development</td>
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<td>April 17</td>
<td>Specific Plan – <em>Lynch Diagram</em></td>
<td>Lynch, <em>The Image of the City</em></td>
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<td>April 24</td>
<td>Sustainability Planning</td>
<td>Fulton, Chapter 18</td>
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<td>Specific Plans group work</td>
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<td>May 1</td>
<td>Transportation Planning</td>
<td>Fulton, Chapter 20</td>
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<td>May 8</td>
<td>Putting It All Together:</td>
<td>Fulton, Chapter 25</td>
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<td></td>
<td>- The Permitting Process</td>
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<td>- Public Participation Models</td>
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<td></td>
<td>Current Planning Issues and Challenges</td>
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<td>Final Exam – practice session</td>
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<td>May 15</td>
<td>Final Exam</td>
<td><em>Fourth Paper Due</em></td>
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<td>May 22</td>
<td>Specific plans – presentations</td>
<td>Start Time – 7:45 p.m.</td>
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<td><strong>PAB KSV: 2.(d), plan formulation</strong></td>
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