Instructor: Ralph McLaughlin and Ellis Berns
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Office hours: Thursdays, 2:00 pm – 3:00 pm
Class days/time: Thursdays, 7:30-10:00pm
Classroom: Clark Building 318
Class website: https://sjsu.instructure.com/courses/1070736
Prerequisites: None
Units: 3
Instructor: Ralph McLaughlin and Ellis Berns

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 issues that impact key business decisions that necessitate planning (or government agencies) responses and details what the nature of these planning responses have been. This class will help students turn a critical eye to the planning process and help develop solutions that encourage refinement of the regulatory approval process framework. It will look at these processes with the idea that planning (and regulation) affects the financial health of a community and how the process itself can add value to both the development project and the broader community. It will also look at the business cycle and how it affects the planning and development of real estate.

Upon successful completion of the course, students will be able to meet these learning objectives (LOs):

(1) Describe the decision making process of a real estate developer;
(2) Explain the principles and processes of land use planning;
(3) Identify how the California Environmental Quality Act affects risk in a development project;
(4) Describe the business cycle and how it affects real estate development decisions;
(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.
A complete list of the PAB Knowledge Components can be found at http://www.sjsu.edu/urbanplanning/courses/pabknowledge.html.

Required Course Texts to Purchase
ISBN: 978-1-938166-03-7

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

<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 Feasibility Report</td>
<td>30%</td>
<td>4 and 5</td>
</tr>
</tbody>
</table>

Assignment 1: Using Highest and Best Use to Analyze a Development Project (Meets LO 1)
The Highest and Best Use 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 results in the highest value. A highest and best use study of feasibility seeks to identify whether a proposed development is feasible under current physical, legal, and financial conditions of the site. A highest and best use analysis for a given property must meet certain criteria that flow in sequential order. The order is generally: (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. The instructors will assign each student to a specific development project, and will provide all the
necessary details for you to produce a recommendation as to whether the project should proceed to the next stage of development (contract negotiation). 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 (fulfills LO 2)**

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 write-up should conclude with a set of recommendations to improve the efficacy of land use governance and public consultation.

**Assignment 3: Essay – Does CEQA need policy reform? (fulfill LO 3)**

Given the current debate between liberals and conservatives about the appropriate role of regulation in shaping our economy and our communities, as well as high real estate prices in the Bay Area, it seems timely to ask the question: what is the appropriate level of state land use regulation? Your task for this assignment is to write a staff report to a local planning director about whether the California Environmental Quality Act (CEQA) should be amended to better achieve equitable, environmental, and efficient development outcomes. Your essay should also include an analysis of how, and when, the CEQA process introduces risk into the real estate development process. The essay needs to 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 Feasibility Report (fulfills LOs 4 and 5)**

This assignment involves evaluating the entitlement feasibility of proposed hypothetical development. You will be provided with all necessary details. This task will be undertaken in teams of at least 2 but not more than 4 persons. 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, variations conditional uses permits, and/or environmental studies your project will need in order to be approved. At the heart of this report will be your recondition as to whether the development team should proceed with the project. For this part of the analysis, you’ll need to include the expected time-to-approval, application costs, and development fees that the project will face along the way to entitlement. Your report should be no less than 3000 words but no more than 4000 words.
Calculation of Final Course Letter Grade

The course grade consists of five assignments and a participation component. The first assignment is worth 20% of the grade each, the second and third are worth 25% each, and the final project is worth 30%. The first assignment is worth 20 points, the second 25 points, the third 25 points, and the final project is worth 30 points. Thus, the class points add up to 100. If a student named “Joe” obtains 18 points on the first assignment, 22 on the second, 23 on the third, and 28 on his final project, his letter grade can be calculated using the following steps:

a) Calculate the score for each assignment, and sum the total:
   
   First assignment: 18/20
   
   Second assignment: 22/25
   
   Third assignment: 23/25
   
   Final Project: 28/30
   
   **Total Course Points = 91/100**

b) Using the following grading scheme to convert your final score into a letter grade.

   Grading scheme:
   
   A+ (96 and above); A (93 to 95); A- (90 to 92); B+ (87 to 89); B (84 to 86); B- (81 to 83); C+ (78 to 80); C (75 to 77); C- (72 to 74); D+ (69 to 71); D (66 to 68); D- (63 to 65); F (below 63)

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.

Academic Integrity Statement, Plagiarism, and Citing Sources Properly

SJSU’s Policy on Academic Integrity states: “Your own commitment to learning, as evidenced by your enrollment at San Jose State University, and the University's Academic Integrity Policy 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” (Academic Senate Policy S07-2). The policy on academic integrity can be found at [www.sjsu.edu/senate/docs/S07-2.pdf](http://www.sjsu.edu/senate/docs/S07-2.pdf).

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 to 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](http://www.indiana.edu/~istd/overview.html)
- Examples of plagiarism at [www.indiana.edu/~istd/examples.html](http://www.indiana.edu/~istd/examples.html)
- Plagiarism quiz at [www.indiana.edu/~istd/test.html](http://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 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. In this class, students should use option (1).

**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 requires that students with disabilities requesting accommodations must register with the AEC (Accessible Education Center) 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](http://www.sjsu.edu/aec).
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 Room 126 in Clark Hall. It is staffed by professional instructors and upper-division or graduate-level writing specialists from each of the seven SJSU colleges. Our writing specialists have met a rigorous GPA requirement, and they are well trained to assist all students at all levels within all disciplines to become better writers. The Writing Center website is located at http://www.sjsu.edu/writingcenter.
## Course Schedule (Subject to Change)

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Reading</th>
<th>Session Activity</th>
<th>Assignments Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan 23</td>
<td>Highest and Best Use in Real Estate Development</td>
<td>None</td>
<td>In Person: Discussion of Assignment #1</td>
<td></td>
</tr>
<tr>
<td>Jan 30</td>
<td>Managing Risk in Real Estate Development</td>
<td>Long, Chapter 1</td>
<td>Online Synchronous: Evaluating sources of risk</td>
<td></td>
</tr>
<tr>
<td>Feb 6</td>
<td>Case Study #1</td>
<td>Bay Area Case Study #1</td>
<td>In Person: Case Study #1</td>
<td></td>
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<tr>
<td>Feb 13</td>
<td>Planning and Zoning in California</td>
<td>Curtin, Chapters 1 - 5</td>
<td>Online Asynchronous: Zoning Analysis Report</td>
<td></td>
</tr>
<tr>
<td>Feb 20</td>
<td>Natural Resources Protection, Other Regulations and Vested Rights</td>
<td>Curtin, Chapters 6 - 8</td>
<td>Online Synchronous: CEQA (KWL group blog post).</td>
<td>Assignment #1</td>
</tr>
<tr>
<td>Feb 27</td>
<td>Design Review, Vested Rights, and Regulatory Takings</td>
<td>Curtin, Chapters 9 - 11</td>
<td>Online Asynchronous: Takings or good planning in California?</td>
<td></td>
</tr>
<tr>
<td>Mar 6</td>
<td>Case Study #2</td>
<td>Bay Area Case Study #2</td>
<td>In Person: Case Study #2</td>
<td></td>
</tr>
<tr>
<td>Mar 13</td>
<td>Regional Planning and Emerging Trends in Real Estate</td>
<td>ULI Emerging Trends in Real Estate</td>
<td>Online Asynchronous: Summary of Trends</td>
<td>Assignment #2</td>
</tr>
<tr>
<td>Mar 20</td>
<td>The Business Cycle and Development Approval</td>
<td>Achuthan and Lackshman, Chapters 1-4</td>
<td>Online Synchronous: Managing the cycle</td>
<td></td>
</tr>
<tr>
<td>Apr 10</td>
<td>Case Study #3</td>
<td>Bay Area Case Study #3</td>
<td>In Person: Case Study #3 Assignment #3</td>
<td></td>
</tr>
<tr>
<td>Apr 17</td>
<td>Entitlement Workshop #1</td>
<td>TBD</td>
<td>Online Synchronous</td>
<td></td>
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<tr>
<td>Apr 24</td>
<td>Entitlement Workshop #2</td>
<td>TBD</td>
<td>Online Synchronous</td>
<td></td>
</tr>
<tr>
<td>May 1</td>
<td>Case Study #4:</td>
<td>Bay Area Case Study #4</td>
<td>In Person: Case Study #4</td>
<td></td>
</tr>
<tr>
<td>May 8</td>
<td>Feasibility Report Presentations</td>
<td>None</td>
<td>In Person</td>
<td></td>
</tr>
<tr>
<td>May 15</td>
<td>Course Wrap-up, 7:45-10pm</td>
<td>None</td>
<td>Online Synchronous</td>
<td>Assignment #4</td>
</tr>
</tbody>
</table>