

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

FALL 2019

Course and Contact Information

Instructor:	Christopher Cheleden
Office Location:	(WSQ 218)
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Office Hours:	Tuesday, 6:15 p.m. to 7:15 p.m.
Class Days/Time:	Tuesday, 7:30 pm to 10:15 pm
Classroom:	Dudley Moorehead Hall 166
Class Website:	https://sjsu.instructure.com/courses/1321813 https://sjsu.instructure.com/courses/1327381
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 Outcomes (CLO)

Upon successful completion of this 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 planning decisions 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, and the interrelationships of these tools (e.g., general plan, zoning, Subdivision Map Act and permitting).
3. Determine whether a proposed project, permit, or other land use action is ministerial or discretionary, as well as the significance of that distinction, 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. Review and be able to apply major land use planning case law, including cases of national impact. These cases will include, but are not limited to: *Friends of Mammoth v. Board of Supervisors* (1972), *Village of Belle Terre v. Boras* (1974), *Tennessee Valley Authority v. Hill*, (1978), *Penn Central vs. City of New York* (1978), *Horn v. County of Ventura* (1979), *Nollan v. California Coastal Commission* (1987), *First English v. Los Angeles County* (1987), *Friends of Westwood vs. City of Los Angeles* (1987), *Leshner Communications vs. City of Walnut Creek* (1991), *Tahoe Sierra Preservation Council vs. Tahoe Regional Planning Agency* (2002), *Save Tara vs. City of West Hollywood* (2008), and *California Building Industry Ass'n vs. City of San Jose* (2016.).
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.
10. Understand how California statutes are enacted, including the legislative process and use of legislative history to ascertain legislative intent.
11. Understand public laws relevant to Planning, including the Brown Act, Public Records Act and Conflict of Interest laws.

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.
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:

Required Texts

Textbooks:

Fulton, William (2018). Guide to California Planning, Fifth Edition. Point Arena: Solano Press including 2019 Free Supplement at: https://cdn.shopify.com/s/files/1/2094/8333/files/2019_Supplement.pdf?14
Available at SJSU bookstore and solano.com and Kindle e-book.

Barclay, Cicely (2018) California Land Use and Planning Law, 36th Edition. Point Arena: Solano Press.
Available as Kindle e-book. Available at SJSU Bookstore and solano.com.

Other Readings

As assigned. I will be assigning/distributing additional readings throughout the semester for use in class.

Library Liaison

The SJSU Library Liaison for the Urban and Regional Planning Department is Ms. Peggy Cabrera. If you have questions, you can contact her at peggy.cabrera@sjsu.edu or 408-808-2034.

Course Requirements and Assignments

Assignment #1: Describe your interests in land use planning, the planning profession, and the legal aspects of this class as it relates to your academic, professional, or personal background. (Approximately 2 pages)

Assignment #2: Attend local Planning Commission meeting with multiple land-use items on the agenda and complete required paper. This assignment will help to explain the quasi-judicial nature of local governmental boards and explain legal requirements for public meetings. (Additional details to be provided in handout.)

Assignment #3: Analyze assigned land-use planning case in writing and present in class. (Additional details to be provided in handout.) Each student will present at a different class session as assigned and will therefore have a different due date for Assignment #3. This assignment will explain how the case law system of precedent at the local, state and federal level both facilitates and constrains planning decisions.

Assignment #4: Conduct statutory research exercise relating California planning statute, including understanding the legislative process and researching legislative history. This exercise is intended to expose students to the statutes that govern planning and land-use. (Additional details to be provided in handout.)

Assignment #5: Final Research Paper/Class Presentation. Students will analyze a proposed development project, draft a Staff Report, and present to the Class. (Additional details to be provided in handout.)

Quizzes. There will be three short quizzes during the semester to assess the students' comprehension, understanding, and application of course content.

Discussion Questions. Prior to each class, students shall submit two discussion questions from the readings and be prepared to discuss them in class. Discussion questions shall be submitted to Chris Cheleden via e-mail by 5:00 pm the day before class, i.e. Monday.

Course Workload

Success in this course is based on the expectation that students will spend, for each unit of credit, a minimum of 45 hours over the length of the course (normally three hours per unit per week) for instruction, preparation/studying, or course related activities, including but not limited to internships, labs, and 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. These activities may include attendance at public meetings and field work and policy research. Details on how to complete these activities will be provided on handouts distributed in class later in the semester.

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 information stated 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).

Determination of Grades	% of Grade
Assignment #1: Personal Statement	5%
Assignment #2: Planning Commission Report	10%
Assignment #3: Case Analysis/Presentation	15%
Assignment #4: Statutory Research Exercise	10%
Assignment #5: Final Research Paper/Class Presentation.	20%
Quizzes:	15%
Class Participation (?’s, Participation, Preparation):	25%
Total	100%

Classroom Protocol

This course will consist of a lecture/seminar format. It is expected that students will read all assigned readings before class so that they can contribute in class during class discussions.

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](http://www.sjsu.edu/gup/syllabusinfo/) 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.

If you still have questions, feel free to talk to me personally.

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). 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.

URBP 225/URBP/ENVS 136 Fall 2019 Course Schedule

Course Schedule is Subject to Change. Notice of changes to course schedule will be via email.

Week	Date	Topics, Readings, Assignments, Deadlines
1	August 27	Course Overview Legal System Overview and Impacts to Planning Fulton Ch. 4 Barclay Ch 1
2	September 3	General Plan/Specific Plan Assignment No. 1 DUE Fulton Ch. 6 Barclay Ch. 2-3
3	September 10	Zoning Fulton Ch. 7 Barclay Ch. 4
4	September 17	Subdivision Map Act Quiz No. 1 Fulton Ch. 8 Barclay Ch. 5
5	September 24	Environmental Review/CEQA Assignment No. 2 DUE Fulton Ch. 9 Barclay Ch. 6
6	October 1	Federal and State Wetlands Protection Fulton Ch. 20 Barclay Ch. 7
7	October 8	Endangered Species Protection Fulton Ch. 21 Barclay Ch. 8
8	October 15	Exactions/Regulatory Takings Constitutional Limits on Planning. Barclay 11-12 Fulton Ch 10
9	October 22	Design Review, Historic Preservation, Agricultural Preserv. Assignment No. 4 DUE Barclay Ch. 9
10	October 29	Vested Rights/Dev. Agreement Quiz No. 2 Barclay Ch. 10
11	November 5	LAFCO/Fiscalization of Land-Use Fulton Ch. 14 Barclay Ch. 14
12	November 12	Land-Use and Planning Law Relating to Affordable Housing Inclusionary Zoning, Fair Housing, Density Bonus Fulton Ch. 15 Barclay Ch. 15
13	November 19	Legal Issues and Climate Change/Transportation Planning Fulton 16,19 Barclay Ch. 16
14	November 26	Land Use Litigation (Due Process, Equal Protection) (Brown Act, Public Records Act, Conflicts Law) Quiz No. 3 Barclay 17, 19
16	December 3	Final Presentations/Assignment #5 Due
17	December 10	No Class (Finals Preparation Day)
Final Exam	December 17	Final Presentations/Assignment #5 Due