

Course **Urban Environmental and Land Use Law**
Section LAW 856A LSN
Professors Professor Paul Kibel and Professor Norman LaForce
Term Fall 2014
Meetings Tuesdays, 6:30 p. to 9:10 pm

Professors' Contact Information

Other Phone 415-442-6685 (Professor Kibel)
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Office Location 536 Mission Street, Room 2325 (Professor Kibel)
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Office Hours Professor Kibel regular office hours for Fall 2014 are Wednesdays, 2:00-3:30 pm.
 Adjunct Professor LaForce does not keep regular office hours, students should email
 him or call him to make an appointment.
Other Information Both instructors are generally accessible via phone or email.
Faculty Assistant Ben Mayr
Phone Number 415 442 6640

General Course Information

Required Texts & Materials	Selmi, <i>Land Use Regulation: Cases and Materials</i> , 4th Edition Readings Posted on TWEN
Pre-requisites, Co-requisites, & other restrictions	Property
Course Objectives	The first objectives of this course are to introduce students to key elements of land use law in the United States, with a focus on general planning and zoning law in California and the interplay between land use law and the takings provisions of the 5 th Amendment of the United States Constitution. The second objective of the class will be to examine the application of California and federal environmental law (such as the Endangered Species Act, Clean Water Act, National Environmental Policy Act and California Environmental Quality Act) in the urban context. The course will enable students to sharpen their legal analytic and writing skills through exercises and case studies that reflect practical aspects of practicing environmental and land use law in the urban setting.

Does this course satisfy the Upper Division Writing Requirement?	No.
Does this course satisfy the Experiential Learning Requirement?	No.
Is this course a California Bar Exam Subject?	No.
Does this course satisfy any Specialization requirements?	Environmental Law, Public Interest Law, and Real Estate Law

Course Policies

Attendance, Preparedness, and Class Participation	<p>Students are expected to attend each class session and to complete the assignments for the class session as well as for outside participating by the date due. This course requires regular attendance and preparation. Any student who misses more than three class meetings, or who signs in as unprepared more than three times, or whose absences and unpreparedness together total more than three, will have his or her final grade reduced by one step/grade level (e.g., from “A-” to “B+”).</p> <p>A roster will be on the podium at the beginning of each class meeting; a student who is unprepared must sign in, and will not be called on during that class meeting. If a student who has not signed in is called on and is unprepared, then it will count as the equivalent of two (2) unpreparedness sign-ins.</p> <p>Push points will also be given on the basis of class participation. These may raise your grade by one step/grade level (e.g., from “B” to “B+”)</p> <p>Regardless of the instructors’ policy for this course, students must attend a minimum of seventy-five percent (75%) of schedule class meetings for a course. Failure to do so will result in the student’s removal from the course as either an administrative withdrawal or an incomplete course attempt, depending on the circumstances surrounding the absences.</p>
Computer and Internet Policy	Laptops are allowed during class for the purpose of taking notes. Use of the internet that is not related to classroom work is distracting and interferes with class discussion.
Accommodations	Golden Gate University School of Law seeks to provide reasonable and necessary accommodations to students with disabilities. Please meet with the Disability Service Coordinator in Room 3339 or email lawds@ggu.edu for information on how to receive accommodations. All communications with the Disability Service office are confidential.
Grading Method	There will be two short papers during the semester, and a two hour final at the end of the semester. The short papers can take the form of a legal memo as city attorney, a memo as a lawyer for a party or interest, or as a judge making a decision on a case based on the course readings. The two short papers account for 50% of each student's grade (with each of the short papers accounting for 25% of the student’s grade), and the final examination accounts for 50% of each student's grade. Students final grade for the class will also be subject to the modifications based on attendance and class participation noted above.
Final Exam	As noted above, there will be a two hour final exam for this course at the end of the semester.

Papers	Two short papers are 5-7 to pages in length (12 point font, single spaced). Per the syllabus, the first short paper is due on September 16, 2014 and the second short paper is due on October 8, 2014 .
Other Assignments	Students are expected to attend at least one hearing regarding land use such as a planning commission hearing, BCDC hearing, etc. and report to the class about the experience.

Assignments & Academic Calendar

[Topics, Reading Assignments]

Class 1 (LaForce) Aug. 19	Introduction to Course Selmi, Chapter 1, pp. 1-48
Class 2 (Kibel) Aug. 26	Context and Concepts: Metropolitan Sprawl, Smart Growth, Urban Infill and New Urbanism Reading No. 1 (Moe & Wilkie, <i>Misplacing of America</i>); Reading No. 2 (NRDC, <i>Once There Were Greenfields</i>); Reading No. 3 (Congress on New Urbanism Charter) Overview of Structure and Sources and Environmental Law and Regulation Reading No. 4 (Carriker, <i>Summary Overview of Federal Environmental Policy</i>); Reading No. 5 (Herson & Lucks, <i>Introduction to California Environmental and Natural Resources Law</i>)
Class 3 (LaForce) Sept. 2	General Plans, Zoning, Land Use Permits and Subdivision Regulation Selmi, Chapter 2, pp. 49-109. Selmi, Chapter 3, pp. 111-163 First Supreme Court opinion is assigned. Class members will be formed into a Supreme Court and write an opinion on a legal fact pattern based on the case law that we have discussed. Opinions will be due at the September 16 th class. The opinion should address the key issues in the case. There is no page count, but decisions should be between 5 to 7 pagers in length.
Class 4 (LaForce) Sept. 9	Takings (Just Compensation for Property Taken), The Basics Selmi, Chapter 7, pp. 319-466
Class 5 (LaForce) Sept. 16	Exactions in Land Use Approval Context Selmi, Chapter 5, pp. 165-203
Class 6 (LaForce) Sept. 23	Housing and Land Use: Inclusiveness and Discriminatory Zoning Selmi, Chapter 133, pp. 547-613
Class 7 (LaForce) Sept. 30	Redevelopment Law and Kelo Selmi, Chapter 15, pp. 797-878, Second Supreme Court opinion. Due on October 8 th .

Class 8 (LaForce) Oct. 7	Aesthetic Controls and Historic Preservation in Land Use Context Selmi, Chapter 17, pp. 929-964
Class 9 (Kibel) Oct. 14	San Diego County’s Multi-Species Conservation Program (MSCP) and the Endangered Species Act (ESA) Reading No. 6 (Summary of Endangered Species Act); Reading No. 7 (Guide to Habitat Conservation Plans); Reading No. 8 (2006 Decision in <i>Center for Biological Diversity v. USFWS</i>); Reading No. 9 (Buse et al, 2012 GGU Environmental Law Journal article)
Class 10 (Kibel) Oct. 21	Greenhouse Gas (GHG) Emissions, City General Plans and the California Environmental Quality Act (CEQA) Reading No. 10 (Overview of CEQA); Reading No. 11 (California Attorney General Letter Comment Letter on City of Pleasanton General Plan DEIR); Reading No. 12 (California Attorney General Petition Re City of Pleasanton General Plan EIR); Reading No. 13 (City of Pleasanton–California Attorney General Settlement Agreement)
(Class 11 (Kibel) Oct. 28	Los Angeles River, Navigability and the Clean Water Act Reading No. 14 (Chapter 1 of <i>Rivertown</i> book, <i>Bankside Los Angeles</i>); Reading No. 15 (2008 Los Angeles River Expedition Report); Reading no. 16 (2010 USEPA Navigability Determination); Reading No. 17 (Carsten et al, 2012 GGU Environmental Law Journal article)
Class 12 (Kibel) Nov. 4	Urban Open Space, Alameda Point and the National Environmental Policy Act (NEPA) Reading No. 18 (Overview of the National Environmental Policy Act); Reading No. 19 (CUEL Flight Park Booklet); Reading No. 20 (CUEL 2013 Letter on NEPA DEIS)
Class 13 (Kibel) Nov. 11	Urban Water Supply and Land Use in California Reading No. 21 (<i>Water and Land Use</i> , pp. 1-22, 34-39, 73-102); Reading No. 22 (Kanouse et al, 2010 GGU Environmental Law Journal article on SB 221 and SB 610); Reading No. 23 (2010 <i>Sonoma County Water Agency</i> Case); Reading No. 24 (2007 California Supreme Court <i>Vineyard Citizens</i> decision)
Class 14 (Kibel) Nov. 18	Hurricane Sandy and Climate Adaptation/Resiliency in New York City Reading No. 25 (<i>Law of Adaptation to Climate Change</i> , pp. 3-15, 235-258); Reading No. 26 (2013 Report on <i>Stronger More Resilient New York</i> , pp. 1-86) Guest Presenter: Alex Leumer, Nature Conservancy’s Coastal Adaptation Program

These descriptions and timelines are subject to change at the discretion of the Instructors.