A. Class Attendance and Participation

The course meets once a week, for three hours. Each class will generally cover 2 topics and have 2 sets of readings associated with the week’s discussion topics. Students are expected to attend class and participate in discussions.

B. Reading Assignments

Students are asked to spend on average four hours per class on reading assignments. Reading assignments are available on-line in a password-protected area of the course Canvas website (web address above). Students will be informed about and term-billed for any copyright or other costs associated with the readings.

C. Zoning Exercise

Students are assigned a written exercise (1,000 words plus zoning text plus photographs and/or other visual representations) to examine the actual impact of an aspect of the Cambridge Massachusetts zoning ordinance on the built and/or natural environment and to draft a zoning amendment to improve the zoning. The Zoning exercise will be due October 26th in class.

D. Final Exam

The date and time for the final exam will occur during the week of December 15th, to be confirmed by the GSD several weeks into the term. The test will be available via the course website and taken remotely.
E. Grading

The final exam counts for 50% of the grade, the zoning exercise counts for 40%, and class participation counts for 10%.

Course Schedule & Readings/Assignments

Note: the order of topics and readings may be modified; any updates will be noted in class and via the class website.

- **Class 1: Wednesday, September 2nd 6:30 PM – 9:30 PM (Gund 124)**

  **Course Introduction**

  **Topic 1: Introduction to Judicial Opinions and Legal Reasoning**

  **Required Reading:**


  Note the citation to Riggs v. Palmer in this case. What do they have to do with each other? Is Riggs relevant precedent for deciding the Youssoufoff case?

  **Topic 2: Private Law of Nuisance**

  **Required Reading:**


  **Background Reading:**


- **Monday, September 7th – Labor Day, no class**

- **Class 2: Tentatively scheduled Tuesday September 8th, 6:30 PM – 9:30 PM**
(to be discussed at 1st class)

Topic 3: The Origins of Zoning's Enabling Legislation and the Comprehensive Plan

Required Reading:


Background Reading:


Topic 4: “Traditional” Zoning

Required Reading:

1. Skim the entire Cambridge Zoning Ordinance, located online, to see how it is organized and what it covers. As you skim the ordinance, consider what aspects interest you for
purposes of coming up with a subject for your “Zoning Exercise”

2. Richard Babcock, The Zoning Game (Madison: University of Wisconsin Press 1966), (pp. 126-137)

3. NYC City Planning Commission Report No. C 110154 ZSX


Background Reading:


8. The Municipal Arts Society of New York, Inc. Zoning Variances and the New York City Board of Standards and Appeals, March 2004 (Read Intro/Executive Summary)

- Monday, September 14th -- Rosh Hashanah, no class

- Class 3: Monday, September 21st, 8:30 AM – 11:30 AM

Topic 5: The Constitutional Framework for Legal Restrictions on Land: Takings

Required Reading:


Background Reading:


**Topic 6: Eminent Domain**

**Required Reading:**


**Background Reading:**


- **Class 4: Monday, September 28th, 8:30 AM – 11:30 AM**

**Topic 7: “Modern” Zoning: Planned Unit Development, Cluster Zoning, Special Districts**

**Required Reading:**


2. *Massachusetts Zoning Act, Chapter 40A, Section 9*


Background Reading:


Topic 8: Incentive Zoning and Transfer of Development Rights

Required Reading:


Background Reading:


• Class 5: Monday, October 5th, 8:30 AM – 11:30 AM

Topic 9: Aesthetics and Design Review

Required Reading:

1. Reid v. Architectural Board, 119 Ohio App. 67 (1963)


**Background Reading:**


**Topic 10: Historic Preservation**

**Required Reading:**

1. Maher v. City of New Orleans, 516 F.2d 1051 (1975)

2. Rector of St. Bartholomew’s Church v. City of New York, 914 F.2d 348 (2nd Cir. 1990)


**Topic 11: Traditional Neighborhood Development Ordinances and Form-Based Codes**

**Required Reading:**


2. Traditional Neighborhood Design Guidelines (undated)


Background Reading:


Class 6: Monday, October 12th, 8:30 AM – 11:30 AM (Note: Columbus Day, classes meet, offices closed)

Topic 12: Local Growth Management Techniques

Required Reading:


Background Reading:


Topic 13: Exactions and Impact Fees

Required Reading:


Class 7: Monday, October 19th, 8:30 AM – 11:30 AM

Topic 14: Inclusionary Zoning and Linkage
Required Reading:


Background Reading:


Video Link: http://furmancenter.org/thestoop/entry/executive-director-mark-willis-moderates-forum-on-mandatory-inclusionary-zo

5. Gina Bellafante, Learning the Lessons of Yonkers, N.Y. Times, August 9, 2015

Topic 15: Exclusionary Zoning

Required Reading:


Background Reading:


• Class 8: Monday, October 26th, 8:30 AM – 11:30 AM
  o Zoning exercise due in class
Topic 16: Land Use as Speech and Religion: Billboards, Adult Entertainment, and Religious Uses

Required Reading:

3. Religious Land use and Institutionalized Persons Act of 2000 (RLUIPA)
4. International Church of Foursquare Gospel v. City of San Leandro, 634 F.3d 1037 (9th Cir. 2011)

Background Reading:


Topic 17: Environmental Impact Review and Land Use

Required Reading:

2. Laurel Heights Improvement Ass’n. v. Regents of the Univ. of California, 765 P.2d 278 (Cal. 1988)

- **Class 9: Monday, November 2nd, 8:30 AM – 11:30 AM**
Topic 18: National and State Environmental Law and Institutions: From Legislation to Administrative Action to Judicial Review

Required Readings:


Background Reading:


Topic 19: Air Pollution, Water Pollution, and Land Use

Required Reading:


2. Excerpts from Clean Air Act, 42 USC Section 7401 et seq. (read for basic understanding rather than full mastery)

3. 23 USC Section 134, Metropolitan Transportation Planning (read for basic understanding rather than full mastery)

4. Excerpts from Clean Water Act (Federal Water Pollution Control Act Amendments of 1972)

Background Reading:


• Class 10: Monday, November 9th, 8:30 AM – 11:30 AM

Topic 20: Wetlands, Habitats, and Land Use

Required Reading:

1. Excerpts from Clean Water Act
2. Excerpts from Endangered Species Act

**Topic 21: Brownfields, Environmental Justice and Land Use**

- Readings to be confirmed

- **Class 11: Monday, November 16th, 8:30 AM – 11:30 AM**

**Topic 22: Higher-Level Growth Management Techniques ("Smart Growth")**

**Required Reading:**


**Background Reading:**


**Topic 23: Sustainable Development, Climate Change, and Energy**

**Required Reading:**

2. Hurricane Sandy Rebuilding Task Force, Hurricane Sandy Rebuilding Strategy, August 2013 (pages to be assigned)

3. NYC Department of City Planning, Retrofitting Buildings for Flood Risk (2014)


- **Class 12: Monday November 23rd, 8:30 AM – 11:30 AM**
  - Catch up/Guest Speaker
  - Readings to be determined

- **Class 13: Monday, November 30th, 8:30 AM – 11:30 AM**
  - Catch up/Guest Speaker
  - Conclusions

- **Final Exam**: TBD (exam available via class website)