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May 31, 2005

Honorable Wendy Greuel
Councilmember
2nd Council District
200 North Spring Street, Room 475
Los Angeles, CA 90012

RE: CANYON HILLS PROJECT/SLOPE DENSITY ORDINANCE

In approving a project for Canyon Hills, on February 24, 2005, the City Planning Commission, required the clustering of the proposed residential development on a portion of the 887 acre site and setting aside approximately 693 acres of permanent open space. While the application of the slope density ordinance was initially under consideration, after considering project alternatives including slope density, the City Planning Commission chose to approve changes to the Community Plan to enable clustering the single family homes in a single development area north of the Foothill Freeway on 9,000 square foot and larger lots.

Notwithstanding the Commission action, you requested that the Planning Department review correspondence received from Mr. Bill Eick who challenged this Department's application of the Slope Density Ordinance to the subdivision at its initial public hearing held on December 9, 2004; and at the Commission hearings on January 27 and February 24, 2005. As you recall, the initial determination of the Advisory Agency was to permit 175 single family residences over the entire site --- 887 acres of land. Mr. Eick and others raised specific issues with respect to the application of the slope density ordinance in arriving at that number.

My Division has completed a detailed review of administrative documents which led to the City Council adoption of the Slope Density Ordinance (Ordinance No. 162,144) on April 1, 1987. The ordinance became effective in May 1987. Adoption of the ordinance represented a culmination of years of study and review which began officially in 1976 and became a citywide ordinance in 1987.

Based upon the records reviewed in the file concerning the development, preparation and adoption of the Slope Density Ordinance, I have concluded that the approach and methods used to calculate the density in the Canyon Hills project were appropriate and consistent with the requirements of Ordinance No. 162,144.

First, the adopted slope density ordinance affords computation either over the entire parcel or by 500-foot grid increments. The Canyon Hills project elected to calculate slope density on a grid basis. In our review of the administrative records, we found examples of grid increment calculations. Secondly, the examples we reviewed contain no negative (or minus dwelling unit) numbers. There is no provision for minus dwelling units either in the record or in the ordinance. In fact, the files show that each grid with 50% or steeper slope is given a minimum of .05 dwelling unit per gross acre. This is consistent with the approach used in calculating the Canyon Hills project.

Thirdly, there is no mandated scale for a topographic map and the ordinance does not require greater than 25-foot contours. The ordinance requires either a City Engineer topographic map or a topographic map prepared by a licensed land surveyor or registered engineer. The Canyon Hills project elected to utilize a USGS topographic map and to interpolate the 40-foot contours to 25 feet. The slope density ordinance does not prohibit this approach and the project engineer submitted documentation on the origin of the USGS map.

Further, the accuracy of the USGS Quadrangle Maps was challenged in writing by a January 24, 2005 letter from Board for Professional Engineers and Land Surveyors, State of California Department of Consumer Affairs to Mr. Donald Keene (we do not have Mr. Keene's letter to the Board), in particular to the use of USGS Quadrangle Maps in subdivision processing. We agree. The use of the USGS maps for the purpose of calculating slope density should never be construed as making those maps suitable as a site development, grading or subdivision processing plan.

In conclusion, Mr. Eick's and others' letters assert that negative numbers are reasonable and must be considered, but that is contrary to the administrative record on the slope density ordinance. A review of that record indicates that staff recommended, and the Commission and Council approved, formulas that never resulted in negative numbers and always maintained a minimum of .05 dwelling unit per acre for slopes of 50% or steeper.

Finally, Mr. Eick also challenged staff's inclusion of two areas or "grids" in arriving at the 175 lot number. After reexamining the Slope Density grid map submitted by the engineer for the project, I agreed, and so informed the Commission. This resulted in a corrected number of 169 lots, which the Commission also considered in its deliberation before arriving at their decision.

I am available to discuss this with you or anyone of your staff. Please do not hesitate to contact me at 213-978-1327.

Sincerely,

Con Howe
Advisory Agency



Emily Gabel Luddy
Deputy Advisory Agency

EGL:jh