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April 5, 2005

Emily Gabel-Luddy
Deputy Advisory Agency
Los Angeles City Planning Department
200 North Spring Street
Los Angeles, California 90012

Re: *City Council Slope Density Ordinance
Legislative History*

Dear Emily,

I have reviewed the 3 inch thick City Council file on the Slope Density Ordinance. While the Ordinance was passed in 1987 it was first purposed in 1976. This letter will enclose portions of that file. In all of the letters, correspondence and planning department staff reports there is no mention of using the slope density formula in a manner which would allow almost three times the number of dwelling units if the 0.05 Dwelling Unit/gross acre (DU/GA) limitation were applied to each acre as opposed to being applied on an overall project.

In fact in 1987 Councilman Bernson signed a minority report from the Planning and Environment Committee which was defeated. The minority report would have allowed the dedication of slopes in excess of 50% to public open space so that those slopes would not be included in the slope density analysis. While Mr. Bernson's minority report was not adopted, such a report would not have been necessary or relevant if the Slope Density Ordinance were to be interpreted in the manner in which it was applied in the Whitebird/Canyon Hills Project.

Finally the written Planning Department Staff Reports discuss the application of the Ordinance to a 100 acre parcel. Nowhere in that example does it state that the Ordinance would allow three times as many dwelling units depending on the method of calculation.

From the City Council file enclosed please find the following:

1. The notice of publication in the "City Council file" along with a copy of the Ordinance. This is different from the "Ordinance file" at Piper Tech. The Council file does contain the 0.05 limitation in Section 17.05 relating to density but again it only relates to the overall project. Also note that the Los Angeles City Code book in effect until recently did not contain a 0.05 limitation for slope density calculations in subdivisions.
2. March 13, 1987 Planning and Environment Majority Report to which was attached a summary of the City Council debate on the subject including a summary of the

Ms. Emily Gabel-Luddy
April 5, 2005
Re: *City Council Slope Density Ordinance File*
Page 2

testimony from Mr. Norman Topping and Mr. Frank Eberhard. (Please note that there was no discussion that the density could substantially increase if the ordinance were interpreted as it has been for Whitebird/Canyon Hills.) The section also contains Mr. Bernsen's minority report which is referred to below.

3. March 25, 1987 Planning and Environmental Report from Council Member Berson which sought to allow a developer to transfer slopes in excess of 50% for public open space so they did not have to be included in the calculation. This position would not have been required nor relevant if Whitebird/Canyon Hills interpretation of the slope density ordinance were correct.
4. October 23, 1986 Memo to the City Planning Commission for Kenneth C. Topping regarding the Proposed Ordinance Establishing A Slope Density. This report provides a historical context but makes no mention of the wild fluctuations in the number of units depending on how the calculations are made.
5. February 14, 1986 Memo to the Planning and Environmental Committee from Calvin Hamilton entitled "Review of Applications of the Slope Density Formula". It says nothing to support the Whitebird/Canyon Hills interpretation.

I again urge the City and the Planning Department to perform the slope density calculation in a manner consistent the ordinance which would allow no more than 65 dwelling units.

Very truly yours,



William E. Eick,
Attorney at Law

WEE/mr

Enclosures as stated

cc w/encl: Honorable Wendy Greuel
Jan Chattan-Brown
Santa Monica Mountains Conservancy
FALCON
Bart Paul
Sunland Tujunga Neighborhood Council
Sierra Club
Hillside Federation

The Los Angeles Daily Journal

210 South Spring Street Los Angeles, California 90054 Telephone (213) 625-2141 P.O. Box 54026

(Space below for Filing Stamp)

L.A. CITY CLERK NOTICES PUBLISHED IN APR. CITY HALL, RM. 395 LOS ANGELES CA 90012

ORDINANCE NO. 162144

An Ordinance amending Sections 17.02, 17.05, and 17.50 of the Los Angeles Municipal Code, relating to slope density.

Proof of Publication (2015.5 C.C.P.)

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 17.02 of the Los Angeles Municipal Code is hereby amended by the addition of two new definitions to be placed in proper alphabetical order as follows:

AVERAGE NATURAL SLOPE. The average of the ungraded slopes at selected contours within a given parcel of land divided by its areas as computed from either the City Engineer's topographic maps or a topographic map prepared by a registered civil engineer or licensed land surveyor. Average natural slope shall be computed by the following formula:

S = (C x L) / A x 100

Where: S = average natural slope in percent. Sec. 1. This Ordinance shall apply to the approval of

any tentative map or preliminary parcel map for which an application was determined by the Advisory Agency to be complete pursuant to Government Code Section 65943 on or after the effective date of this Ordinance. The Advisory Agency may, at his or her discretion, also apply this Ordinance to the approval of any tentative map or preliminary parcel map for which an application was determined by the Advisory Agency to be complete on or after the date of publication of this Ordinance so long as said tentative map or preliminary parcel map is not finally approved prior to the effective date of this Ordinance.

Sec. 5. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles of MAR 25 1987 and was passed at its meeting of APR 01 1987

Approved APR 7 1987

ELIAS MARTINEZ, City Clerk

By Edward W. Adkins deputy

File No. 76-17954-S1

REpublish due to Clerical error.

Tom Bradley Mayor

D 354881 4/10/87

State of California } County of Los Angeles } ss

162144 SECTION 17.02

I am a citizen of the United States and a resident of the County of Los Angeles; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of THE LOS ANGELES DAILY JOURNAL, a daily newspaper printed and published in the English language in the City of Los Angeles, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of County of Los Angeles, State of California, under date of June 5, 1952, Case No. 599,382. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

04/10/87 4/13/87

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

EXECUTED ON : 04/13/87 AT LOS ANGELES, CALIFORNIA

[Signature]

Signature

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ORDINANCE NO. 162144

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An Ordinance amending Sections 17.02, 17.05 and 17.50 of the Los Angeles Municipal Code, relating to slope density.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. Section 17.02 of the Los Angeles Municipal Code is hereby amended by the addition of two new definitions to be placed in proper alphabetical order as follows:

AVERAGE NATURAL SLOPE. The average of the ungraded slopes at selected contours within a given parcel of land divided by its areas as computed from either the City Engineer's topographic maps or a topographic map prepared by a registered civil engineer or licensed land surveyor. Average natural slope shall be computed by the following formula:

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$$S = \frac{C \times L}{A} \times 100$$

Where: S = average natural slope in percent.
C = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines.
L = total accumulated length of all contours of interval "C" in feet.
A = the area being considered in square feet.

Slopes may be computed by the entire parcel area or by 500-foot grid increments, as shown on the City Engineer's topographic maps.

SLOPE. The plane or incline of land usually expressed as a percentage where % slope =

$$\frac{\text{vertical distance}}{\text{horizontal distance}} \times 100$$

Sec. 2. Subsection C of Section 17.05 of the Los Angeles Municipal Code is hereby amended by adding to the end thereof several unnumbered paragraphs to read as follows:

In Hillside Areas as defined in Chapter IX of the Los Angeles Municipal Code which are

1 designated in the Minimum Density housing
2 category by the applicable element of the General
3 Plan adopted by the City Council, the dwelling
4 unit density shall not exceed that allowed by the
5 following formula:

$$6 \quad D = \frac{50 - S}{35}$$

7
8
9 Where: D = the maximum number of dwelling
10 units per gross acre allowable, and
11 S = the average natural slope of the
12 land in percent
13

14 Where the total allowable number of dwelling
15 units per parcel map or tentative tract map
16 calculated under the above formulas results in a
17 number other than a whole number, it shall be
18 rounded to the nearest whole number as follows:
19 where the fractional portion of the total
20 allowable number of dwelling units equals .5 or
21 more, the total number of allowable dwelling
22 units shall be rounded to the next larger whole
23 number; where the fractional portion of the
24 total allowable number of dwelling units equals
25 less than .5, the total number of allowable
26 dwelling units shall be rounded to the next
27 smaller whole number.
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In no case shall the permitted density be less than 0.05 dwelling units per gross acre. Average natural slope is slope prior to any grading. Where previous grading on a site makes it difficult to determine average natural slope using the above formula, the Director of Planning shall determine the average natural slope in a manner to carry out the purpose and intent of this Subsection.

Sec. 3. A new Subsection E is hereby added to Section 17.50 of the Los Angeles Municipal Code to read as follows:

E. SLOPE DENSITY. In Hillside Areas as defined in Chapter IX of the Los Angeles Municipal Code which are designated in the Minimum Density housing category by the applicable element of the General Plan adopted by the City Council, the dwelling unit density shall not exceed that allowed by the following formula:

$$D = \frac{50 - S}{35}$$

Where: D = the maximum number of dwelling units per gross acre allowable, and
S = the average natural slope of the land in percent

1 Where: D = the maximum number of dwelling
2 units per gross acre allowable, and
3 S = the average natural slope of the
4 land in percent

5 Where the total allowable number of dwelling
6 units per parcel map or tentative tract map
7 calculated under the above formulas results in a
8 number other than a whole number, it shall be
9 rounded to the nearest whole number as follows:
10 where the fractional portion of the total
11 allowable number of dwelling units equals .5 or
12 more, the total number of allowable dwelling
13 units shall be rounded to the next larger whole
14 number; where the fractional portion of the total
15 allowable number of dwelling units equals less
16 than .5, the total number of allowable dwelling
17 units shall be rounded to the next smaller whole
18 number.

19 In no case shall the permitted density be
20 less than 0.05 dwelling units per gross acre.
21 Average natural slope is slope prior to any
22 grading. Where previous grading on a site makes
23 it difficult to determine average natural slope
24 using the above formula, the Director of Planning
25 shall determine the average natural slope in a
26 manner to carry out the purpose and intent of
27 this Subsection.

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1 Sec. 4. This Ordinance shall apply to the approval of
2 any tentative map or preliminary parcel map for which an
3 application was determined by the Advisory Agency to be
4 complete pursuant to Government Code Section 65943 on or after
5 the effective date of this Ordinance. The Advisory Agency may,
6 at his or her discretion, also apply this Ordinance to the
7 approval of any tentative map or preliminary parcel map for
8 which an application was determined by the Advisory Agency to
9 be complete on or after the date of publication of this
10 Ordinance so long as said tentative map or preliminary parcel
11 map is not finally approved prior to the effective date of this
12 Ordinance.

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Sec. 4 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles by a vote of not less than two-thirds of all of its members, at its meeting of APR 01 1987

ELIAS MARTINEZ, City Clerk,

APR 7 1987

By Edward W. [Signature],
Deputy.

Approved _____

Tom Bradley
Mayor.

Approved as to Form and Legality

SEP 26 1986

D 354882 4/10

JAMES HAHN, City Attorney,

By Patricia V. Tubert
PATRICIA V. TUBERT Deputy.

File No. 86-1933

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

PLANNING AND ENVIRONMENT
Majority Report

Committee

reports as follows:

MAR 13 1987

PUBLIC COMMENTS: YES

RECOMMENDATIONS

By a vote of 2-1 (Bernson No--to submit minority report) as follows:

1. The Council FINDS that the subject proposal could not possibly have a significant effect on the environment and is thus exempt from the provisions of the California Environmental Quality Act of 1970 (CEQA) pursuant to Article III, Section 2(m) of the City's CEQA Guidelines.
2. That the FINDINGS of the Planning Commission BE ADOPTED.
3. That the accompanying ordinance, approved as to form and legality by the City Attorney and approved by the Planning Commission, relating to slope density formula which would limit development in hillsides according to percentage of slope, BE ADOPTED.

CPC 25652

SUMMARY

On February 24, 1987 your Committee considered the final draft of Ordinance relating to slope density formula transmitted by the City Attorney and Planning Commission.

At the beginning of the 1 1/2 hour hearing, the Director of Planning and members of his staff explained the proposal emphasizing that this was a density controlling ordinance. Five persons including a representative of the Building Industry Association spoke in opposition stating that the proposed formula was not appropriate for hillside development. Councilman Braude and nine persons including members of homeowner groups spoke in favor as they pointed out that the same formula is working well in three community plans (Beverly Crest-Bel Air, Brentwood-Pacific Palisades and Canoga Park-Winnetka-Woodland Hills) where it has been adopted via the general plan process. One person qualified his remarks in support.

Several of the proponents and opponents who testified submitted documents in support of their position.

*Amended by Ccl action of 3-25-87
(see attached motion)

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

PLANNING AND ENVIRONMENT
Majority Report

Committee

reports as follows:

In reviewing the Commission's report and the material submitted by those in favor and in opposition, it is the opinion of two members of the Committee to recommend approval of the transmitted ordinance as it is a reasonable method of regulating housing density based on percentage of slope ... that is the higher the percent of slope, the lower the density; however, the third member believes that a formula based only on a percentage of slope is not practical and does not take into consideration such issues as grading, access, slippage, pad size versus lot size and other similar factors.

In making its favorable decision, the majority Committee members believe that the following objectives can be achieved: (1) Preservation of natural terrain; (2) Preserve flora and fauna; (3) control and limit the need for access roads and (4) Mitigate erosion, flooding, slope instability.

In addition, the proposal will only be used when all four of the following circumstances are present:

1. An application is filed for a tract map or parcel map.
2. The property has a minimum 15% average natural slope.
3. The property is in a designated "Hillside" area.
4. The property is in a "Minimum density" housing category on the applicable Community or District Plan.

The Committee is submitting the following information for the Council to review:

- The ordinance would affect 14 community plan areas.
- In no case would density be restricted to less than 1 DU/20 acres.
- The use of the formula under all four circumstances, above, is required of the Advisory Agency (i.e., this is not a discretionary action).
- The ordinance requires that the total number of dwelling units be determined by rounding off to the nearest whole unit (e.g., 8.7=9 units; 8.4=8 units).
- If there is disagreement on what the "average natural slope" is, the Director of Planning makes the determination.

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your **PLANNING AND ENVIRONMENT** Committee
Majority Report

reports as follows:

- The ordinance only applies to projects determined to be complete on or after the effective date of the ordinance, but allows discretionary application for projects determined to be complete after publication of the ordinance when approval takes place after the effective date.

In view of the foregoing, said majority members (Russell-Woo) of the Planning and Environment Committee feel that the ordinance should be submitted to the Council for adoption, and if it is subsequently determined that amendments are needed, then such changes could be made at the appropriate time.

Respectfully submitted,

PLANNING AND ENVIRONMENT COMMITTEE
Majority Members

✓
AEl:am
3-4-87
CPC 25652
Enc: Ordinance

Rah Russell
Michael Woo

Ord
ADOPTED

APR 1 1987

LOS ANGELES CITY COUNCIL

FINDINGS — FOR ADOPTION

GENERAL EXEMPTION

Atty. General
Bur. Engineering
Planning Dept.
Advisory Agency - Room 655
Dept. Transp., Traffic Sec.
Building and Safety
Bur. Eng., Street O&W Sec.
Water & Power Cmsn.
Fire Cmsn.
~~Bur. St. Ltg., 'B' Permit Sec.~~
Applicant
~~County Health Services (for T)~~
~~Dept. Telecommunications~~
Chm Russell-Woo

ADOPTED
*as amended**
MAR 25 1987

LOS ANGELES CITY COUNCIL
**see attached motion*
Findings adopted
Gen Exempt App
Ord over ONE WEEK TO 4-1-87

Item 4
CF 76-1795 & S1
March 25, 1987

Mr. Woo was recognized and requested that staff make a brief presentation prior to Council's debate.

Mr. Norman Topping, Director, City Planning Department; and Frank Eberhard, Chief Zoning Administrator; were seated at the center table to answer questions and provide information to Councilmembers.

Mr. Topping provided background information on the proposed hillside slope density ordinance, and explained that the formula would help regulate the amount of development in relation to the steepness of the land. He indicated that the intent of the ordinance is to preserve hillsides in a manner that brings both environmental benefits, while still allowing the City to continue to develop in an orderly fashion. He added that it is imperative that there be a common standard for all hillside areas in order to provide maximum protection with orderly development.

Mr. Eberhard briefly described specific provisions of the ordinance and indicated that the formula simply decreases the density or number of units permitted per acre, as the average slope of the land increases. He stated that it includes a formula for calculating density based on the average slope; for example, if the grade was 15% or less in minimum density, 100 homes could be built on 100 acres; with each 1% increase in slope, the

number of homes per 100 acres would decrease by about three; on a 33% slope, the formula would allow only 49 homes to be built; and on a 48% slope one dwelling unit per 20 acres would be permitted. He noted that the formula is not stricter than one dwelling unit per 20 acres; that it applies only to tract maps and parcel maps in hillside areas that are so designated in the building code; and pertains only in those areas designated on adopted or community district plans as medium density.

Mr. Eberhard further stated that the ordinance includes a formula for calculating the average slope, and establishes rules for handling disagreements on what constitutes average natural slope. He indicated that it establishes a rule for dealing with fractional units resulting from calculations, and establishes a procedure for determining which projects will be affected by the formula. He noted that the ordinance only affects 14 community plan areas which have minimum density; and that the application of the ordinance is mandatory upon the Advisory Agency's dealing with tract maps and parcel maps. He added that the ordinance authorizes the Director of Planning to settle any disagreements as to the average natural slope; and that it applies to projects determined to be complete on or after the effective date of the ordinance.

Following the staff presentation, Mr. Woo was recognized and explained the differences between the Majority and Minority reports. He stated that essentially the Majority report provides for a stricter formula for determining the amount of development which will be allowed in hillside areas. He explained that the majority report would apply the formula

starting at 15% slopes, while the minority report would start the formula at a 20% slope. He further stated that the Minority report provides that slopes over 50% which are donated as open space be counted in calculating the average slope. He noted that such a provision would have the effect of weakening the formula and would have the effect of substantially increasing the slope density formula. He also stated that the Minority Report recommended that no structures shall be built extending above the ridgeline which would also weaken the formula, increase density, and result in more grading in the hills.

Mr. Woo then moved, seconded by Mrs. Russell, that the Majority Report, Ordinance and General Exemption be adopted.

Mr. Bernson was recognized and spoke in support of the Minority report indicating that the Majority report was essentially looking at density reduction rather than hillside preservation. He stated that the proposed ordinance does not allow donating of steep areas for open space or for park lands, and does not provide for protection of ridgelines or exemption of smaller parcels. He noted that his formula was less punitive to builders and would allow slightly more density than the Majority recommendations.

At this time, Councilmember Ferraro entered the Chamber and took his seat in the Council semi-circle.

Mr. Bernson further explained that in his plan, the formula would become applicable on grades of 20% instead of 15%, and that a 33% slope

would allow 57 homes on 100 acres. He further stated that to prevent altering natural skylines, he had recommended that grading be prohibited along the top of hills (except for "geologically corrective measures" or public utilities). He indicated that he would withdraw his Minority Report if certain amendments were made to the Majority report and that a new ordinance be brought back to Council by May 26, 1987. He added that it's a sham to say this is a hillside protection ordinance when in effect it's a density reduction ordinance.

Mr. Bernson then moved, seconded by Mrs. Flores, that the Majority Report be amended as follows (Comparison Chart of Slope Density Formulas attached to Motion):

1. The ordinance shall be named the Hillside Preservation Ordinance.
2. The formula shall be changed to start at 20% slope and shall use the following formula: $D = \frac{50-S}{30}$
3. Slopes over 50% may be parceled out and donated as open space or parkland. These areas shall not count in calculating average slope with all future development rights dedicated to the City.
4. Minimum pad size shall be at least 9,000 square feet in "K" District.

5. There shall be no grading of principal ridgelines except for geological corrective measures or public utilities as approved by the Advisory Agency.
6. No residential structures may be built extending above principal ridgelines.
7. Infill parcels of under 5 acres shall be exempt from the density formula but not from the other provisions.

Mr. Yaroslavsky was recognized and spoke in support of the Majority recommendations. He stated that the slope density ordinance should apply Citywide and indicated that the proposed restrictions had been laying dormant for a number of years. He noted that the ordinance presented by the Majority report is an excellent concept designed to do principally one thing: the steeper the slope, the lower the density. He spoke against bringing in the proposed amendments at this time indicating that they were merely modifying the formula to increase the density portion of the formula, and added, that to increase density in the hills would require additional grading. He suggested that the proposed amendments by Mr. Bernson be considered at a later date, and that the Committee report and ordinance be adopted today.

At this time, Councilmembers Farrell and Flores were excused and left the Council Chamber.

Mr. Wachs was recognized and moved, seconded by Mr. Braude, that all proposed amendments to the slope density ordinance be submitted to the Planning staff, Planning Commission and Planning and Environment Committee to be considered as a separate matter from the Majority report and ordinance being proposed today.

A lengthy discussion ensued, during which time several Councilmembers expressed their views on the matter.

Mr. Woo was again recognized and moved, seconded by Mr. Bernson, that a public hearing be held in order to hear from those persons in the audience who wished to address the Council on the matter.

Motion for a public hearing was approved by unanimous vote.

The public hearing commenced; and the following persons spoke against the Majority Report: Paul Novak, Building Industry Association; and Paul Cook, licensed land surveyor, submitted an analysis of the proposed mathematical formula contained in the ordinance.

It should be noted that those speaking against the report and ordinance indicated that although they are willing to work with the City to assure the best development possible in the hillside areas, they could not support the Majority recommendations because existing regulations concerning hillside development and grading operations are more than adequate. They added that more stringent controls would not lead to better development,

but rather place an extremely unfair burden on many property owners. They indicated their support for the less restrictive Minority recommendations and suggested that an oversight committee be established consisting of representatives of the building industry, hillside federation and appropriate City officials to monitor the implementation of the positive amendments proposed in the Minority report.

In addition, it was noted by one of the speakers that the mathematics proposed in the formula were inaccurate and overly simplistic, and would only work if the contours were straight and parallel. He indicated that contours are curved which was not considered in the proposed formula, and recommended that Council delete the formula from the ordinance and rely on the expertise of an engineer.

After the opponents comments, the following persons spoke in support of the Majority report and slope density ordinance: Dr. Marshall Long, Sherman Oaks Homeowners Association; and Brian Moore, President Hillside Federation.

The proponents of the Majority report indicated that the hillside homeowner groups had long fought for the measure, claiming it would prevent overdevelopment of the hillsides and limit massive grading on the slopes, which they claimed would mar the beauty of mountain areas and increase landslide risks. They noted that ten years' experience with the ordinance in existing community plans of Pacific Palisades, Bel-Air and Woodland Hills shows that developers are able to build successfully and profitably.

The public hearing was closed; and further commentary ensued.

Mr. Woo was recognized and stated that he agreed with the need to proceed with the Majority report today, but indicated that he had placed on the desk a Motion to accommodate the suggestions made by the building industry relative to an oversight committee and three amendments recommended in Mr. Bernson's Minority report relative to grading and construction of structures on principal ridgelines, and exemption of infill parcels from the slope density ordinance.

Mr. Woo then moved, seconded by Mrs. Russell, that Council establish an oversight Committee consisting of representatives of the building industry, hillside federations, and appropriate City officials to monitor the implementation of the slope density ordinance and report back with recommendations including but not limited to the following questions: (1) Grading of principal ridgelines; (2) Restricting the construction of structures above principal ridgelines; and (3) Exempting infill parcels of under five acres from these provisions.

Mr. Ferraro was recognized and moved, seconded by Mr. Wachs, that the Motion presented by Mr. Bernson relative to seven amendments to the slope density ordinance be referred to the Planning and Environment Committee for further consideration and report back to Council within 60 days (May 26, 1987).

Mr. Bernson was recognized and moved that Recommendation No. 3 of his amending motion relative to slopes over 50% being parceled out and donated as open space or parkland, be added to Mr. Woo's Motion on establishment of an oversight Committee.

Without objection, Mr. Woo accepted Mr. Bernson's amendment.

Mr. Wachs was recognized and stated he would withdraw his earlier motion requesting that all proposed amendments be submitted through the usual Planning Commission and Planning Committee review process.

Mr. Wachs then moved that the oversight committee also consider slope density parcels applied to lands other than those designated in the Minimum Density housing category of the applicable element of the General Plan.

Without objection, Mr. Woo accepted Mr. Wachs' amendment.

Thereafter, Mr. Ferraro's Motion to refer Mr. Bernson's Motion to the Planning and Environment Committee, with the exception of Recommendation No. 3 relative to slopes over 50%, which was adopted by unanimous vote.

Thence, Mr. Woo's Motion, as amended, relative to the establishment of an oversight committee, was adopted by the following vote: Ayes, Alatorre, Bernardi, Bernson, Braude, Ferraro, Lindsay, Molina, Picus, Wachs, Woo, Yaroslavsky and President Russell (12); Noes, None.

The Majority Report of the Planning and Environment Committee, as amended, together with the General Exemption, was adopted by the following vote: Ayes, Alatorre, Bernardi, Bernson, Braude, Ferraro, Lindsay, Molina, Picus, Wachs, Woo, Yaroslavsky, and President Russell (12); Noes, None.

Draft of the slope density ordinance was then presented by the Clerk.

Unanimous consent to its adoption being withheld by Mr. Alatorre, the President stated that the ordinance would be before the Council on a second reading basis one week hence to April 1, 1987.

The President then instructed the Clerk to proceed with the next order of business.

M O T I O N

I MOVE THAT the Council establish an oversight Committee consisting of representatives of the building industry, hillside federations, and appropriate City officials to monitor the implementation of the slope density ordinance and report back with recommendations including but not limited to the following questions:

- (1) Grading of principal ridgelines,
- (2) Restricting the construction of structures above principal ridgelines, and
- (3) Exempting infill parcels of under five acres from these provisions.

*4) Slopes over 50% may be parcelled out and donated as open space or parkland. These areas shall not count in calculating average slope with all future development rights dedicated to the City.
(Bernson)

*5) That the Committee also consider slope density parcels applied to lands other than those designated in the Minimum Density housing category of the applicable element of the General Plan.
(Wachs)

Presented by Michael Wachs

Seconded by Pat Russell

ADOPTED
as amended
MAR 25 1987
LOS ANGELES CITY COUNCIL

*Amended by Ccl action of 3-25-87

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

PLANNING AND ENVIRONMENT
Minority Report

Committee

reports as follows:

PUBLIC COMMENTS: YES

RECOMMENDATIONS

By a vote of 1-2 (Russell-Woo--to submit majority report) as follows:

1. That the ordinance transmitted by the City Attorney and the Planning Commission, relating to slope density formula, BE AMENDED as follows and to be titled "Hillside Preservation Ordinance:
CPC 25652
 1. That in parcels that have slopes of over 50%, the developer may parcel out those areas and donate them as park land or open space. In such cases, the density shall not revert to .05 per acre (one house per 20 acres).
 2. That all lots shall have a minimum level pad size of at least 9,000 square feet.
 3. That no grading of ridgelines shall be permitted.
 4. That no structures shall be built extending above the ridgeline.
 5. That this formula may be adopted in specific or community plans concerning smaller lot sizes than minimum density.
2. That the City Attorney be instructed to prepare and present said new ordinance.
3. That the subject ordinance NOT BE PRESENTED AND ORDERED FILED.

SUMMARY

Your Committee on February 24, 1987, considered the final draft of Ordinance relating to slope density formula transmitted by the City Attorney and Planning Commission.

At the beginning of the 1 1/2 hour hearing, the Director of Planning and members of his staff explained the proposal emphasizing that this was a density controlling ordinance. Five persons including a representative of the Building Industry Association spoke in opposition stating that the proposed formula was not appropriate for hillside development. Councilman Braude and nine persons including members of homeowner groups spoke in favor as they pointed out that the same formula is working well in three community plans (Beverly Crest-Bel Air, Brentwood-Pacific Palisades and Canoga Park-Winnetka-Woodland Hills) where it has been adopted via the general

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

PLANNING AND ENVIRONMENT
Minority Report

Committee

reports as follows:

plan process. One person qualified his remarks in support. Several of the proponents and opponents who testified submitted documents in support of their position.

In reviewing the Commission's report and the material submitted by those in favor and in opposition, it is the opinion of two members of the Committee to recommend approval of the transmitted ordinance as it is a reasonable method of regulating housing density based on percentage of slope ... that is the higher the percent of slope, the lower the density; however, the third member believes that a formula based only on a percentage of slope is not practical and does not take into consideration such issues as grading, access, slippage, pad size versus lot size and other similar factors.

As the minority Committee member, I support the Hillside Preservation ordinance, which title I prefer to Slope Density Reduction Ordinance. The purpose of this ordinance should be to protect the natural hillsides by reduction of grading. It should not be a density reduction ordinance. Density reduction can be accomplished by plan amendment.

In view of the foregoing, I urge the City Council members to sustain my recommendations as the best method of resolving and preserving our hillsides with a minimum of disruption.

Respectfully submitted,

PLANNING AND ENVIRONMENT COMMITTEE
Minority Member

✓
AE1:am
3-18-87
CPC 25652
Enc: Ordinance

MAR 25 1987
Withdrawn



Los Angeles City Planning Department

Room 561 City Hall

CITY PLAN CASE NO. 25652
COUNCIL FILE NO. 76-1795

PUBLIC HEARING DATE: October 23, 1986

TO: City Planning Commission

FROM: Kenneth C. Topping
Director of Planning

SUBJECT: PROPOSED ORDINANCE ESTABLISHING A SLOPE DENSITY
FORMULA FOR USE IN DIVISIONS OF LAND IN HILLSIDE AREAS
WHICH ARE DESIGNATED IN THE MINIMUM DENSITY
RESIDENTIAL CATEGORY IN THE GENERAL PLAN

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APPENDIX A (Proposed Ordinance)	Attached
APPENDIX B (Erosion Hazard Map)	Attached

SUMMARY AND RECOMMENDATION

Slope density is a method of regulating density based on the topography of the land, that is, the percentage of slope. The proposed ordinance is applicable in Hillside areas where property is designated within the minimum density housing category in the General Plan. The ordinance specifies the permitted number of dwelling units per gross acre on a sliding scale depending on percentage of slope, in no case restricting density to less than 0.05 dwelling units per gross acre (equivalent to 1 dwelling unit per 20 acres).

On April 8, 1986, the Planning and Environment Committee considered a report it had requested from the staff on the feasibility of adopting an ordinance to apply the slope density formula citywide. The report recommended that, instead of a citywide ordinance, the slope density formula should be added to community plans for certain other hillside areas that do not currently include it. The Committee concurred at that time. On July 29, 1986, however, the Committee instructed staff to prepare a citywide slope density ordinance in order to expedite the application of the formula in other parts of the City.

ACTION RECOMMENDED BY THE STAFF: That the Commission -

Adopt the staff report as its report on this subject.

Find:

1. in accordance with Charter Section 96.5(5), that the proposed ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan in that it would extend the provisions of the slope density formula which is already incorporated in some of the community plans which are part of the General Plan;
2. in accordance with Charter Section 97.2(1)(a), that the proposed ordinance (Appendix A) is directly related to the General Plan, specific plans or other plans being prepared by the Planning Department and will have a beneficial effect upon said plans in that it will expand the use of the slope density formula citywide, thus achieving conformity in the treatment of hillside areas throughout the City in all planning areas;
3. in accordance with Charter Section 97.2(1)(b), that the proposed ordinance (Appendix A) is in substantial conformance with the public necessity, convenience, general welfare and good zoning practices in that it will help to encourage proper development practices in environmentally sensitive hillside areas in a uniform manner throughout the City, thus protecting both the environment and the residents of new developments in these areas.

Approve the proposed ordinance (Appendix A) and recommend its adoption by the City Council.

STAFF REPORT

Request

The Planning and Environment Committee on December 17, 1985 directed the Planning Department to conduct a study and report on the feasibility of adopting an ordinance to apply the slope density formula citywide, with particular reference to those community plans which contain slope density provisions. On July 29, 1986, the Committee directed the Department to prepare a citywide slope density ordinance for consideration by the Planning Commission.

Background

In 1975 a preliminary ordinance was prepared to regulate density according to the percentage of slope. This ordinance was considered by the City Planning Commission on February 2, 1976 and March 4, 1976 when the Commission recommended its adoption by the City Council.

The Planning and Environment Committee, on May 16, 1978, considered a motion to direct the City Attorney to prepare a final ordinance. A public hearing was held and the members of the Committee, by a vote of 2 to 1, recommended that the matter be received and filed.

This earlier proposed ordinance would have amended the Division of Land provisions of the Los Angeles Municipal Code by regulating the density of development in minimum density housing areas according to the percentage of slope.

This ordinance applied only to those "Hillside Areas" of the City that are designated "Minimum Density" housing on an adopted community or district plan. The permitted density would have varied proportionately from a maximum of one dwelling unit per acre for property having average natural slopes of 15 percent or less, to a minimum of 0.05 dwelling units per acre (equivalent to a 20-acre lot per dwelling unit) for property having average natural slopes of 50 percent or more.

The objective of the ordinance was to reflect densities which are more appropriate for development in steep hillside areas -- densities that will preserve the natural topography, flora and fauna, while mitigating the problems of development such as access, surface erosion, flooding and slope instability.

Discussion:

While slope density criteria are not in effect citywide, they are applied in six community plans. Of these six, however, only two, Bel Air-Beverly Crest and Brentwood-Pacific Palisades, incorporate the slope density formula contained in the original proposed ordinance, and then only in areas designated as "Hillside" by Building and Safety and as Minimum Density on the District Plan. Three other plans, Encino-Tarzana, Sherman Oaks-Studio City-Toluca Lake and Hollywood contain limited slope density criteria, providing that all natural

slopes in excess of 15 percent should be designated as Minimum Density (0.5 to 1 DU/acre). Another plan, Canoga Park-Winnetka-Woodland Hills, provides only that areas designated as Minimum Density on the plan map are limited to a density of 0.5 to 1 DU's per acre. However, the City Council in 1977 made an interpretation that this plan was the same as the Encino-Tarzana, Sherman Oaks-Studio City-Toluca Lake and Hollywood Plans.

Current opinion about slope density and how it is working in the limited areas where it is applied varies considerably. Slope density criteria are only used in developments which are located in the aforementioned community plan areas, and only on developments which involve a division of land, either through tract maps or parcel maps. The geographic areas which are subject to slope density are not so designated on the zoning consistency maps at the public counter. However, since a person applying for a building permit would already be in the possession of subdivided land, slope density would not affect him anyway. A person applying for a division of land in a slope density area would be advised of the slope density limits during the environmental review process.

The City Attorney's Office has indicated that, in general, uniform rules are more defensible than regulations which affect only limited areas of the City. One attorney commented that, in his opinion, slope density is too arbitrary, too mechanical, too automatic. It should be a guide only. Each proposed development should be decided on its own merits. He suggested that perhaps slope density provisions should allow deviations or should only set forth specific ranges. Then findings could be required before determining the final density. In other words, the plan should not specify the exact density, but perhaps serve as a guide, leaving room for the decision-maker to figure out the correct density based on specified criteria or findings.

The Deputy Advisory Agency shares the view that the slope density criteria as applied in the community plans are too inflexible. He did indicate, however, that in general slope density is a good idea because it 1) recognizes the poor street system in hillside areas, 2) reduces density in these areas and 3) reduces grading and thus its negative effect on the environment in terms of esthetics and slope stability.

He pointed out that most hillside development is now occurring in the western portion of the Santa Monica Mountains, because developers can charge more for housing in this area and thus get more of a return on their investment. The southern slopes of the Santa Monicas west of Beverly Hills are fully subject to the slope density criteria, with its sliding scale of percent slope versus number of dwelling units permitted per acre. The northern slopes, however, are located in those valley community plan areas which contain a watered down version of slope density, only limiting slopes in excess of 15 percent to 0.5 to 1 DU per acre. Therefore, the areas undergoing the most intense development are subject to two different applications of slope density depending on whether they are north or south of Mulholland Drive.

The other mountain areas in the City, the Santa Susana, Verdugo and San Gabriel Mountains and the northeast area are not subject to slope density at all, but are also not experiencing much development at this time.

In summary, the Deputy Advisory Agency feels that slope density should be applied the same citywide in the interest of fairness.

A staff member who played a major part in drafting the original proposed ordinance in 1975 feels that the ordinance (and the slope density criteria contained in some community plans) was too rough and needed refinement. He feels that the cut off figure of a 15 percent slope was arbitrary and not based on enough evidence. Apparently, the actual figures (the various slopes and corresponding densities) were loosely based on some other jurisdictions' ordinances, but were more detailed and expanded beyond any of those.

Another staff member, who worked on one of the community plans incorporating slope density, feels that this formula should be applied citywide, possibly through the community plans. He feels that the watered down version of slope density found in the Hollywood Plan and some of the Valley plans is not effective because it is too permissive.

A staff member who worked in the Subdivision Section feels that the slope density formula is the most reasonable control on hillside development because it is site specific, being geared to the slope in each case, and thus is fair. This staff member feels it should be extended citywide, and points out that the application of slope density criteria may serve to minimize the City's liability for slides and drainage problems in hillside areas by limiting grading and thus the necessity for debris basins and other costly constructions. For instance, if a property owner fails to maintain a debris basin on his property, with the result that such basin floods and damages other properties downslope, the City may be liable. But if slope density limits development so that such basins are unnecessary, then the problem is solved before it has begun.

A staff member in the Environmental Review Section indicated that in hillside areas that are not subject to slope density criteria, that section cannot apply slope density criteria and thus limit development, even though they may feel it would be beneficial. All they can do is recommend various mitigation measures, such as reducing the amount of grading.

The Erosion Hazard Map (Appendix B, attached) from the EIR Manual for Private Projects designates almost all of the Santa Monica Mountains as Erosion Hazard No. 19 - high to very high. The other mountain ranges in the City range from 8 - slight, in a portion of the San Gabriels to 17 - high to very high, in the Northeast area. In other words, the Santa Monicas, the only area where slope density is applied (albeit unevenly) has the highest erosion hazard. The other mountain areas generally have a considerably lower erosion hazard, and are also undergoing much less development.

The subject proposed ordinance is essentially the same as that approved by the Planning Commission under Appendix A in 1976. Some of the explanatory language has been removed in order to streamline the ordinance. These supplementary explanations are contained in a memo dated April 12, 1977 and titled "Use of Slope Density Criteria in Community Plan Map and Text (Santa Monica Mountain Area)," and better belong there than in the ordinance itself.

The subject proposed ordinance also applies to parcel maps (a new Subsection 17.50 E has been added) whereas the 1976 ordinance only applied to tracts, amending Sections 17.02 and 17.05 of the Code.

Language was added to exempt tentative tract maps or preliminary parcel maps which were already being processed when this ordinance becomes effective, specifically, which had been approved by the Advisory Agency or appeal bodies and were consistent with the General Plan.

Conclusion:

Although staff recommended in April of 1986 that the slope density formula be expanded by applying it to other community plans in hillside areas, the Planning and Environment Committee is correct in its feeling that a citywide ordinance would accomplish this in a faster way. Applying it citywide, through a Code amendment would also satisfy the City Attorney's objection that the formula is not applied in a uniform manner. The subject proposed ordinance contains the same formula that has been applied in selected areas of the City for the past 10 years and seems to be effective and workable.

Environmental Impact

Under Article III, Section 2(m) of the Los Angeles City CEQA Guidelines, "the adoption of ordinances that do not result in impacts on the physical environment" are exempt from CEQA. Inasmuch as the instant proposal will not in itself have an effect on the environment, as each proposed project will have its own environmental approval process, such exemption is appropriate in this instance. An exemption from CEQA was granted on August 4, 1986.

Report Preparation and Review:

Chief Zoning Administrator:	Franklin P. Eberhard
Code Studies Section Head:	G. David Lessley
Code Studies Unit Head:	Charles S. Rozzelle
Prepared by:	Patricia Ialongo

CTY333/ga

1
2 An Ordinance amending Sections 17.02, 17.05 and 17.50 of the
3 Los Angeles Municipal Code.
4

5 THE PEOPLE OF THE CITY OF LOS ANGELES
6 DO ORDAIN AS FOLLOWS:
7

8 Section 1. Section 17.02 of the Los Angeles Municipal Code is hereby
9 amended by the addition of two new definitions to be placed in proper
10 alphabetical order as follows:
11

12 AVERAGE NATURAL SLOPE -- The sum of the slopes at
13 every point within a given parcel of land divided by its areas as
14 computed from either the City Engineer's topographic maps or a
15 topographic map prepared by a registered civil engineer or
16 licensed land surveyor. Average natural slope is slope at the
17 time of computation (prior to grading) and shall be computed by
18 the formula:
19

20
$$S = IL/A \times 100.$$

21

22 Where: S = average natural slope in percent
23

24 I = contour interval in feet, at not greater than
25 25-foot intervals, resulting in at least 5
26 contour lines.
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L = total accumulated length of all contours of interval "I", in feet.

A = the area being considered in square feet.

Slopes may also be computed by 500 foot grid increments, as shown on the City Engineer's topographic maps or by the entire parcel area.

SLOPE--The plane or incline of land usually expressed as percentage (% slope = vertical distance/horizontal distance x 100).

Sec. 2. Subsection C of Section 17.05 of the Los Angeles Municipal Code is hereby amended by adding a new unnumbered fourth paragraph to read as follows:

In Hillside Areas which are designated in the Minimum Density housing category by the applicable element of the General Plan adopted by the City Council, the dwelling unit density shall not exceed that allowed by the following formula:

$$D = \frac{50 - S}{35}$$

Where: D = the maximum number of dwelling units per gross acre allowable, and

S = the average natural slope of the land in percent.

1 In no case should the permitted density be less than 0.05
 2 dwelling units per gross acre. Average natural slope is slope
 3 prior to any grading. Where previous grading on a site makes it
 4 difficult to determine average natural slope, the Director of
 5 Planning shall determine the average natural slope.
 6

7
 8 These provisions shall not apply to tentative tract maps approved
 9 prior to the effective date of this ^{Ordinance} Subsection by the Advisory
 10 Agency or appeal bodies, which maps are consistent with the
 11 General Plan.

12
 13 Sec. 3. A new Subsection E is hereby added to Section 17.50 of the
 14 Los Angeles Municipal Code to read as follows:

15
 16 E. Slope Density. In Hillside Areas which are designated in the
 17 Minimum Density housing category by the applicable element of
 18 the General Plan adopted by the City Council, the dwelling unit
 19 density shall not exceed that allowed by the following formula:

$$20 \quad D = \frac{50 - S}{35}$$

21
 22
 23
 24 Where: D = the maximum number of dwelling units per
 25 gross acre allowable, and

26
 27 S = the average natural slope of the land in
 28 percent.

In no case should the permitted density be less than 0.05 dwelling units per gross acre. Average natural slope is slope prior to any grading. Where previous grading on a site makes it difficult to determine average natural slope, the Director of Planning shall determine the average natural slope.

These provisions shall not apply to preliminary parcel maps approved prior to the effective date of this ^{ORDINANCE} ~~subsection~~ by the Advisory Agency or appeal bodies, which maps are consistent with the General Plan.

Sec. 4. The City Clerk shall certify

CTY333/ga

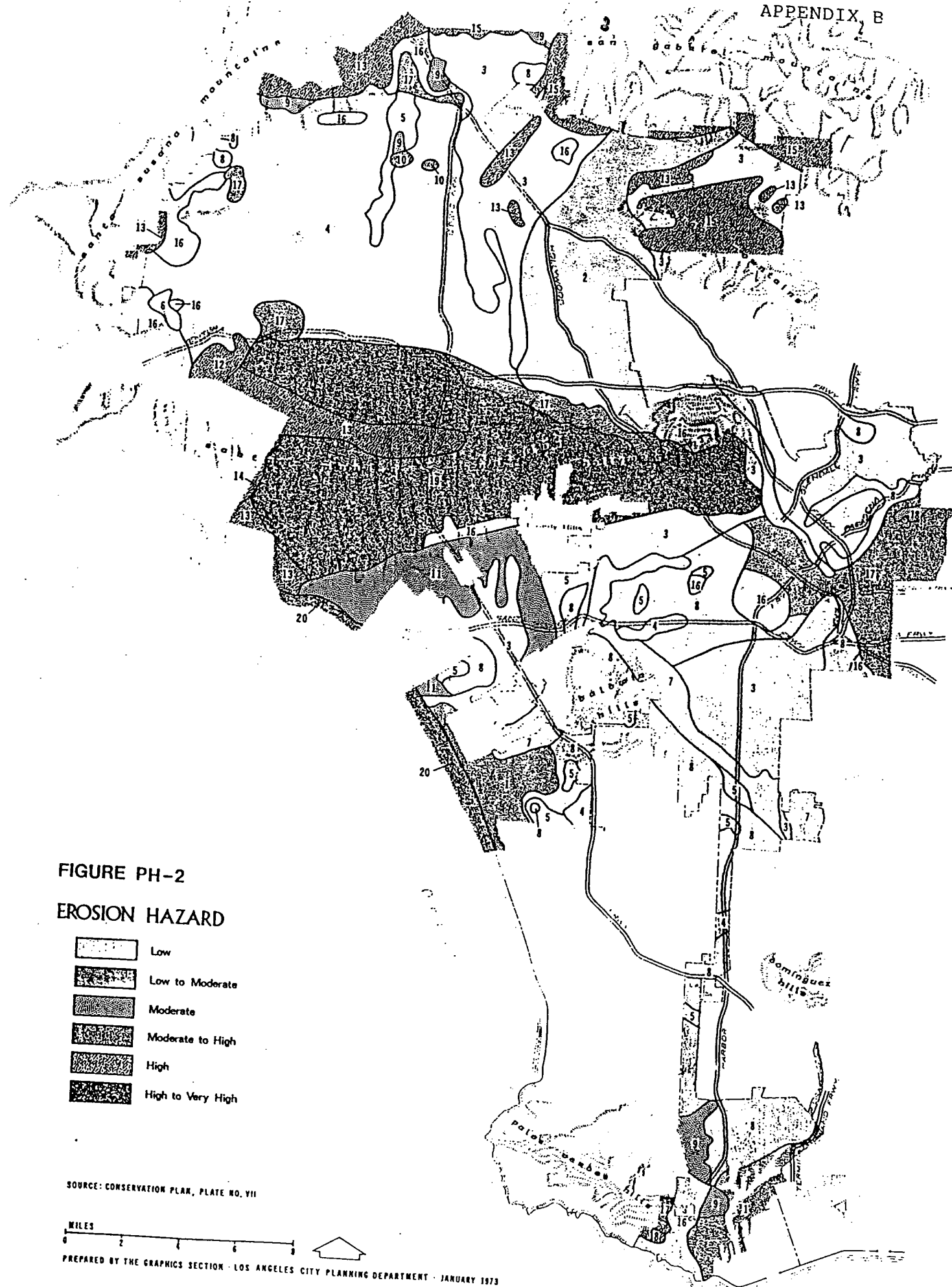






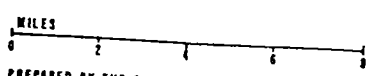


FIGURE PH-2

EROSION HAZARD

-  Low
-  Low to Moderate
-  Moderate
-  Moderate to High
-  High
-  High to Very High

SOURCE: CONSERVATION PLAN, PLATE NO. VII





Los Angeles Cit, Planning Department

Room 561 City Hall

DATE: February 14, 1986

TO: Planning and Environment Committee

FROM: Calvin S. Hamilton,
Director of Planning

SUBJECT: REVIEW OF APPLICATIONS OF THE SLOPE DENSITY FORMULA

Request

The Planning and Environment Committee on December 17, 1985 directed the Planning Department to conduct a study and report on the feasibility of adopting an ordinance to apply the slope density formula citywide, with particular reference to those community plans which contain slope density provisions.

Background

In 1975 a preliminary ordinance was prepared to regulate density according to the percentage of slope. This ordinance was considered by the City Planning Commission on February 2, 1976 and March 4, 1976 when the Commission recommended its adoption by the City Council.

The Planning and Environment Committee, on May 16, 1978, considered a motion to direct the City Attorney to prepare a final ordinance. A public hearing was held and the members of the Committee, by a vote of 2 to 1 recommended that the matter be received and filed.

The proposed ordinance would have amended the Division of Land provisions of the Los Angeles Municipal Code by regulating the density of development in minimum density housing areas according to the percentage of slope.

The proposed ordinance applied only to those "Hillside Areas" of the City that are designated "Minimum Density" Housing on an adopted Community or District Plan. The permitted density would have varied proportionately from a maximum of one dwelling unit per acre for property having average natural slopes of 15 percent or less, to a minimum of 0.05 dwelling units per acre (equivalent to a 20-acre lot per dwelling unit) for property having average natural slopes of 50 percent or more.

The objective of the proposed ordinance was to reflect densities which are more appropriate for development in steep hillside areas -- densities that will preserve the natural topography, flora and fauna, while mitigating the problems of development such as access, surface erosion, flooding and slope instability.

Community Plans with Slope Density Criteria

While slope density criteria are not in effect citywide, they are applied in six community plans. Of these six, however, only two, Bel Air-Beverly Crest and Brentwood-Pacific Palisades, incorporate the slope density formula contained in the original proposed ordinance, and then only in areas designated as "Hillside" by Building and Safety and as Minimum Density on the District Plan. Three other plans, Encino-Tarzana, Sherman Oaks-Studio City-Toluca Lake and Hollywood contain limited slope density criteria, providing that all natural slopes in excess of 15 percent should be designated as Minimum Density (0.5 to 1 DU/acre). Another plan, Canoga Park-Winnetka-Woodland Hills, provides only that areas designated as Minimum Density on the plan map are limited to a density of 0.5 to 1 DU's per acre. However, the City Council in 1977 made an interpretation that this plan was the same as the Encino-Tarzana, Sherman Oaks-Studio City-Toluca Lake and Hollywood Plans.

Projects Developed under Slope Density

The Deputy Advisory Agency has estimated that perhaps 12 projects have been developed under the slope density criteria in various community plans, primarily in the western portion of the Santa Monica Mountains.

These include two recent projects, a Goldrich and Kest project which was approved one year ago, and the Eastridge Estates, a project in Mandeville Canyon which is pending now. An older project, Beverly Park Estates, had been previously graded under an older expired tract map. This presented a problem as the slope density calculations are based on natural grade. The Environmental Unit tried to calculate the original grade, but without much success. A compromise was reached with the help of the City Attorney.

In the early years of slope density enforcement, two developers filed suit against the City of Los Angeles, hoping to have slope density declared invalid by the courts.

Litigation Involving Slope Density

Kolesman versus the City of Los Angeles was a 1977 lawsuit against the City's slope density ordinance. The proposed Kolesman development in the Santa Monica Mountains would have been permitted by the slope density provisions in the Bel Air-Beverly Crest Plan to have nine dwelling units on 85 acres. Much of the land was a 48 percent slope. The developer argued that the density permitted by the Plan was so low that it did not allow him a reasonable profit. He also argued that the slope density provisions violated the concept of equal protection since these provisions only applied in two community plan districts, and not to the entire City.

William Waterhouse, the City Attorney assigned to the case, gathered facts to prove that the developer could have made a profit on the nine permitted units. However, the slope density issue was never ruled on by the courts.

As part of the environmental review process, the developer was asked to submit economic data on the proposed development. The applicant refused, and the City eventually denied the application. The developer, Mr. Kolesman, discovered the existence of a State law which sets a one-year limit on the

consideration of applications. This law stated that if any jurisdiction took more than one year to rule on an application, then the application was deemed approved. Mr. Kolesman switched his tactics, and decided to sue on this basis, with the result that slope density ceased to be an issue. A trial court ruled in favor of the developer, and the City appealed. A federal court of appeals ruled that the case should go to a State court, which is the ruling that the City had been seeking. The applicant then appealed to the U.S. Supreme Court, but that court refused to hear the case. The case has not gone anywhere since that time, and may now be dead.

Hirth versus the City of Los Angeles was another suit against the City based on slope density. This concerned a more recent development in Bel Air Estates, and the same arguments were used as in the prior case. In the Bel Air-Beverly Crest Plan there is a provision which provides that for certain areas, either slope density must be applied or an alternative development plan which permits cluster development may be used. Goldrich-Kest, the developers, proposed a cluster development for this project, thus bypassing slope density, but only after the suit had already been filed. This development was approved by the City. The City also agreed to a one-year extension of litigation on the suit. Goldrich-Kest apparently intends to drop the suit after construction is under way in the development.

Discussion

Operational Aspects of Slope Density

Current opinion about slope density and how it is working in the limited areas where it is applied varies considerably. Slope density criteria are only used on developments which are located in the aforementioned community plan areas, and only on developments which involve a division of land, either through tract maps or parcel maps. The geographic areas which are subject to slope density are not so designated on the zoning consistency maps at the public counter. However, since a person applying for a building permit would already be in the possession of subdivided land, slope density would not affect him anyway. A person applying for a division of land in a slope density area would be advised of the slope density limits during the environmental review process.

The City Attorney's Office has indicated that, in general, uniform rules are more defensible than regulations which affect only limited areas of the City. One attorney commented that, in his opinion, slope density is too arbitrary, too mechanical, too automatic. It should be a guide only. Each proposed development should be decided on its own merits. He suggested that perhaps slope density provisions should allow deviations or should only set forth specific ranges. Then findings could be required before determining the final density. In other words, the Plan should not specify the exact density, but perhaps serve as a guide, leaving room for the decision-maker to figure out the correct density based on specified criteria or findings.

Comments of Deputy Advisory Agency and Other Staff

The Deputy Advisory Agency shares the view that the slope density criteria as applied in the community plans are too inflexible. He did indicate, however, that in general slope density is a good idea because it 1) recognizes the poor street system in hillside areas, 2) reduces density in these areas and

3) reduces grading and thus its negative effect on the environment in terms of esthetics and slope stability.

He pointed out that most hillside development is now occurring in the western portion of the Santa Monica Mountains, because developers can charge more for housing in this area and thus get more of a return on their investment. The southern slopes of the Santa Monicas west of Beverly Hills are fully subject to the slope density criteria, with its sliding scale of percent slope versus number of dwelling units permitted per acre. The northern slopes, however, are located in those Valley community plan areas which contain a watered down version of slope density, only limiting slopes in excess of 15 percent to 0.5 to 1 DU per acre. Therefore, the areas undergoing the most intense development are subject to two different applications of slope density depending on whether they are north or south of Mulholland Drive.

The other mountain areas in the City, the Santa Susana, Verdugo and San Gabriel Mountains and the northeast area are not subject to slope density at all, but are also not experiencing much development at this time.

In summary, the Deputy Advisory Agency feels that slope density should be applied the same Citywide in the interest of fairness.

A staff member who played a major part in drafting the original proposed ordinance in 1975 feels that the ordinance (and the slope density criteria contained in some community plans) was too rough and needed refinement. He feels that the cut off figure of a 15 percent slope was arbitrary and not based on enough evidence. Apparently, the actual figures (the various slopes and corresponding densities) were loosely based on some other jurisdictions' ordinances, but were more detailed and expanded beyond any of those.

Another staff member, who worked on one of the community plans incorporating slope density, feels that this formula should be applied Citywide, possibly through the community plans. He feels that the watered down version of slope density found in the Hollywood Plan and some of the Valley plans is not effective because it is too permissive.

A staff member who worked in the Subdivision Section feels that the slope density formula is the most reasonable control on hillside development because it is site specific, being geared to the slope in each case, and thus is fair. She feels it should be extended citywide. She pointed out that the application of slope density criteria may serve to minimize the City's liability for slides and drainage problems in hillside areas by limiting grading and thus the necessity for debris basins and other costly constructions. For instance, if a property owner fails to maintain a debris basin on his property, with the result that such basin floods and damages other properties downslope, the City may be liable. But if slope density limits development so that such basins are unnecessary, then the problem is solved before it has begun.

A staff member in the Environmental Review Section indicated that in hillside areas that are not subject to slope density criteria, that Section cannot apply slope density criteria and thus limit development, even though they may feel it would be beneficial. All they can do is recommend various mitigation measures, such as reducing the amount of grading.

The Erosion Hazard Map from the EIR Manual for Private Projects designates almost all of the Santa Monica Mountains as Erosion Hazard No. 19 - high to very high. The other mountain ranges in the City range from 8 - slight, in a portion of the San Gabriels to 17 - high to very high, in the Northeast area. In other words, the Santa Monicas, the only area where slope density is applied (albeit unevenly) has the highest erosion hazard. The other mountain areas generally have a considerably lower erosion hazard, and are also undergoing much less development.

Conclusion

Staff feels that, in light of the apparent usefulness of the slope density criteria, several alternatives are available for expanding it. These are, 1) a citywide ordinance, 2) a specific plan to cover all the relevant mountainous regions, incorporating the slope density criteria, 3) expanding the slope density formula's use into all those community plan areas where it may be useful, or, 4) initiating a comprehensive study of urbanized areas versus non-urbanized areas in order to determine exactly where slope density may be needed and in what form. The problem with a citywide ordinance is that it is not needed in much of the City, where high erosion hazards do not exist, or where urbanization has already occurred, such as the Northeast and Hollywood. Staff feels that it should only apply to un-subdivided land and should not apply where land has already been divided into lots. Limiting development on a 5,000-square-foot lot with a 15 percent slope to 0.5 to 1 DU per acre is inappropriate and unreasonable. In any case, according to the City Attorney's Office, a property owner always has the absolute right to build one unit, no matter what the density.

The specific plan approach seems unnecessarily complex, especially when the slope density process is already in place in some areas through the community plans.

A comprehensive study may be useful, but at this time staff resources are too limited for such an undertaking. The best approach for now may be to expand the existing approach by adding slope density criteria to the Santa Monica Mountain plans which do not now include the full slope density formula as well as to the Santa Susana, Verdugo and San Gabriel Mountain plans. The latter plans may benefit because these areas are also mountainous (albeit not as erosion hazardous as the Santa Monicas) and they still contain significant amounts of undeveloped land (which is likely to be developed as land pressures increase).

Staff therefore recommends that the following plans be amended to include the slope density criteria as contained in the Bel Air-Beverly Crest and Brentwood- Pacific Palisades Plans: Canoga Park-Winnetka-Woodland Hills, Encino-Tarzana, Sherman Oaks-Studio City-Toluca Lake, Hollywood, Sunland-Tujunga-Shadow Hills- Lake View Terrace, Sylmar, Granada Hills-Knollwood, and Chatsworth-Porter Ranch.

Report Preparation and Review:

Chief Zoning Administrator:
Code Studies Section Head:
Code Studies Unit Head:
Prepared by:

Franklin P. Eberhard
G. David Lessley
Charles S. Rozzelle
Patricia Ialongo