



FOR IMMEDIATE RELEASE

## Out-of-State Developer Rides Roughshod Over Los Angeles Land-Use Rules

Tujunga, CA, Feb.17, 2005. Whitebird, an out-of-state developer, claims that it has the right to build 175 houses on its 887-acre property in the Verdugo Mountains under the existing zoning regulations and General Plan designations. This position has been endorsed by the staff of the Los Angeles City Planning Dept. "That is outrageous," says Dean Wallraff, Conservation Chair of the Verdugo Hills Group of the Sierra Club. "The Sierra Club and our land-use attorneys have seen the maps and calculations the developer submitted to the Planning Dept. to support this claim, and they're grossly inconsistent with the L.A. Municipal Code. It makes us wonder whether the City Planning Dept. provides any oversight at all for these large developments. If Whitebird gets away with this, then we might as well tear up the Slope Density Ordinance. Developers will be packing houses onto the steep slopes all over Los Angeles – in the Hollywood Hills, Santa Monica Mountains, Pacific Palisades, Sylmar, Santa Susanna Mountains, etc. This would be bad urban design, bad for the environment, and bad for public safety"

The heart of the dispute is the City's Slope Density Ordinance, which was championed by former Sunland-Tujunga City Councilman Joel Wachs and adopted by the City Council in 1987. The purpose was to

*"protect the natural character of the picturesque mountainous areas, to provide a safe environment and to enhance the quality of life in the Northeast Valley. The regulations are directed toward minimizing the problems with soil erosion, slope instability, excessive grading, scarring of the hillsides, inadequate infrastructure, limited accessibility on substandard streets, and a lack of public facilities and services."*

according to the 1991 City Council resolution which re-designated 6,600 acres in Sunland-Tujunga (including most of the Whitebird property) so that it would fall under the citywide Slope Density Ordinance.

Under that ordinance, the number of houses that may be built upon a piece of land depends on the "average natural slope" of that land. This is simply a measure of how steep the land is. This is determined using a topographic map, either a printed one or a digital elevation model in a computer. The steeper the land, the lower the allowed housing density.

The ordinance is designed so that, on steep terrain, the number of allowed dwelling units is very sensitive to small changes in steepness. Here is a table that shows three figures for the number of dwellings allowed by right on the Canyon Hills property and the corresponding steepness values, calculated over the entire 887 acres:

| Average Natural Slope | Slope Angle | Dwellings Allowed |
|-----------------------|-------------|-------------------|
| 48.3%                 | 25.8°       | 45                |
| 47.2%                 | 25.3°       | 71                |
| 43.1%                 | 23.3°       | 175               |

A 2½-degree difference in average slope angle means that the developer may build 175 houses on the property instead of 45.

“There are two problems with Whitebird’s methodology, and both violate the provisions of the Municipal Code,” according to Wallraff. “First of all, they submitted a map that was generated by interpolating 25-foot contours onto a standard 7.5’ USGS topo map with 40-foot contours, the same type that’s used by hikers for navigation. Interpolating 25-foot contours adds no new information and doesn’t improve the accuracy. The coarse spatial accuracy and widely-spaced contour lines smooth and blur the topography, omitting jigs and jags that add to the steepness. This guarantees that the resulting slope estimate will be lower than the actual slope value; the only question is: by how much? Could it be by 2½ degrees?”

The second problem was articulated in a letter to the City Planning Dept. written by William Eick, a prominent local land-use attorney and the Land-Use Chair of the Shadow-Hills Property Owners Association. Even when using the map submitted by the developer, doing the calculation the way it’s specified in the Municipal Code gives an average natural slope of 47.2%, and a maximum of 71 houses allowed to be built on the property. Whitebird was dividing the property up with a grid and calculating the density allowed within each grid cell, applying the limiting minimum density of 0.05 dwellings/acre to each cell; they should be calculating the average slope over the whole property and then applying the minimum-density limit to the whole.

“Why is the City Planning Dept. going along with this?” asks Wallraff. “They claim it’s too much work to do the calculations from the detailed maps for a property this big. But we sit through the Planning Commission hearings and the developer’s engineers dazzle us with their computer-graphic maps and views. We know they use very accurate maps for designing the subdivision, and there are software tools that will very accurately calculate average slope from their digitized maps in no time at all. The developer must have a very accurate number. The only reason I can think of why they won’t share this data with us is that the land is steep enough that they’re really allowed to build far fewer than the 175 houses they claim, perhaps as few as 45..”

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More information about Canyon Hills at <http://www.verdugos.org/canyonhills>  
 Bill Eick’s letter to the City Planning Dept. (referenced above) is online at <http://www.verdugos.org/canyonhills/EickLetter.pdf>