CITY OF AGOURA HILLS

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

ACTION DATE:	July 16, 2009
TO:	Planning Commission
APPLICANT:	Sunbelt Enterprises 1801 Solar Drive, Suite 250 Oxnard, CA 93030
CASE NO.:	09-INT-001
LOCATION:	Citywide
REQUEST:	Request for an interpretation of Zoning Ordinance Section 9652.13 regarding floor area ratio calculation criteria for hillside properties.
RECOMMENDATION:	Staff recommends that the Planning Commission interpret the Zoning Ordinance to allow for incremental calculations of the hillside floor area ratio criteria.

I. DESCRIPTION

Sunbelt Enterprises is requesting an interpretation from the Planning Commission on whether Zoning Ordinance Section 9652.13 allows for incremental floor area ratio calculations for hillside properties.

Commercially-zoned hillside properties in the city, which are defined as having average topographic slopes of at least 10%, are subject to development standards that include maximum floor area ratios for buildings. These ratios vary, depending on the average slope of the properties. Hillside lots that have steeper topographic slopes are subject to lower floor area ratios. Specifically, the Hillside Ordinance provisions of the Zoning Ordinance include the following floor area criteria for commercial properties:

Percent Slope	Maximum Building Floor Area Ratio
10-15%	0.25
16-20%	0.21
21-25%	0.18
26-30%	0.15
31-35%	0.12
>35%	0.08

As the applicant references their attached written request, one can interpret the above table as having discrepancies. While the table clearly shows the intent of lowering the maximum floor area ratios (FAR) for steeper lots, the ranges can be substantial. For example, the table allows the same FAR for both a 16% average slop and a 20% average slope. At the same time, the table requires a substantial decrease in the permitted FAR between a 15% average slope and 16% average slope. Using this example, the applicant notes that two properties with a minimal difference in slope can have a substantial difference in permitted FAR, while two other properties with slopes that vary widely may be permitted the same FAR.

A second example used by the applicant compares permitted floor area ratios for a hypothetical 10-acre lot by referencing the following table:

Percent Slope	FAR	Lot Size	Maximum Floor Area
15%	0.25	10 acres	108,900 sq. ft.
16%	0.21	10 acres	91,476 sq. ft.
20%	0.21	10 acres	91,476 sq. ft.
21%	0.18	10 acres	78,408 sq. ft.
25%	0.18	10 acres	78, 408 sq. ft.

In this example, the applicant notes that while the 16% slope is minimally steeper (0.067% on average) than the property with the 15% slope, the property with the 16% slope is permitted a floor area 17,424 square feet less than the 15% slope property. Conversely, the property with the 20% slope is comparatively much steeper (25% on average) that the 16% slope property, yet both properties are permitted the same floor area.

The applicant contends that the Zoning Ordinance FAR table has gaps for which the corresponding FAR is not defined. Slopes greater than 15%, but less than 16%, are not assigned a corresponding FAR. This omission is repeated for slopes between 20% and 21%, 25% and 26%, as well as 30% and 31%. Thus, the applicant is requesting an interpretation of the Zoning Ordinance that allows staff to apply a FAR calculation method that can be used to ensure that commercial development is limited in hillside areas according to the intent of the Zoning Ordinance, but is such a manner that development is permitted in a consistent, non-arbitrary way with regards to slope.

II. STAFF ANALYSIS

To avoid any arbitrariness regarding the interpretation of the hillside FAR requirements, staff supports the applicant's request to fill in the existing gaps in slope percentages, and to more finely calibrate the applicable FAR. Staff finds it appropriate to apply incremental slope percentages that would correspond to incremental FAR requirements. Slopes rounded to the nearest 0.1% can be applied. This means that 15% and 16% slopes, for example, staff could apply slopes of 15%, 15.1%, 15.2%, 15.3%, etc., to corresponding FARs that would have equivalent incremental ratios.

As shown in the exhibit attached to the draft Resolution, the application of 0.1% incremental slope ratios would still precisely match the maximum FAR currently allowed by the Zoning Ordinance for the slopes of 15%, 20%, 25%, 30%, 35%, and greater than 35%. Staff would note, however, that application of incremental slope ratios will allow for an increase in building floor area beyond that currently allowed by the Zoning Ordinance, specifically for hillside properties that have average slopes between the ranges currently within the Zoning Ordinance. For example, in applying staff proposed exhibit that is attached to the draft Resolution, a hillside lot with an average slope of 17%, which currently would have a 0.21 maximum FAR, would now have a 0.234 maximum FAR if the interpretation is approved.

Staff finds that interpretation of the Planning Commission to allow the incremental application for hillside FAR calculations will assist applicants in providing precise and consistent topographic slope calculations with clear and fair applications by staff. If the interpretation is approved, it would not require an amendment to the Zoning Ordinance. Rather, the Planning Commission's action on the draft Resolution would direct staff to apply the incremental FAR method referenced in the attached exhibit.

III. RECOMMENDATION

Staff recommends that the Planning Commission interpret the Zoning Ordinance to allow for incremental calculations of the hillside floor area ratio criteria.

III. ATTACHMENTS

- Draft Resolution and Exhibit
- Applicant's Request for Interpretation
- Zoning Ordinance Section 9652.13

CASE PLANNER: Doug Hooper, Assistant Director of Community Development

DRAFT RESOLUTION NO. ___

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF AGOURA HILLS
APPROVING AN INTERPRETATION OF ZONING ORDINANCE SECTION 9652.13
REGARDING HILLSIDE FLOOR AREA RATIO CALCULATIONS
CASE NO. 09-INT-001

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES AND ORDERS AND FOLLOWS:

Section 1. An application was duly filed by Sunbelt Enterprises requesting an interpretation of Zoning Ordinance Section 9652.13 to allow for incremental calculations of the commercial hillside floor area ratio criteria. The Planning Commission considered this matter on July 16, 2009, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, California.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearings.

Section 3. The Planning Commission finds pursuant to the Agoura Hills Zoning Ordinance, that:

A. The intent of the City Hillside Ordinance, specifically Zoning Ordinance Section 9652.13 (B), is to reduce the allowable building floor area ratio for commercial hillside properties. Accordingly, maximum floor area ratios are defined for specific ranges of topographic slopes. In order to provide greater clarity and to avoid any arbitrariness regarding the interpretation of the hillside floor area ratio requirements, it is appropriate to more finely calibrate the applicable floor area ratios for development of commercial hillside properties.

Section 4. Based on the aforementioned finding, the Planning Commission hereby makes an interpretation of the City Hillside Ordinance, Zoning Ordinance Section 9552.13(B) that incremental slope percentages, rounded to the nearest 0.1%, should be applied in determining the corresponding and incremental maximum floor area ratio, as shown in attached Exhibit 'A.'

PASSED, APPROVED, and ADOPTED this 16th day of July, 2009, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary

EXHIBIT A
INCREMENTAL SLOPE ANALYSIS AND FLOOR AREA RATIO

Percent Slope	Incremental FAR	Percent Slope	Incremental FAR
10-15%	**0.25**		
15.10%	0.2492	19.10%	0.2172
15.20%	0.2484	19.20%	0.2164
15.30%	0.2476	19.30%	0.2156
15.40%	0.2468	19.40%	0.2148
15.50%	0.246	19.50%	0.214
15.60%	0.2452	19.60%	0.2132
15.70%	0.2444	19.70%	0.2124
15.80%	0.2436	19.80%	0.2116
15.90%	0.2428	19.90%	0.2108
16%	**0.242**	**20%**	**0.21**
16.10%	0.2412	20.10%	0.2094
16.20%	0.2404	20.20%	0.2088
16.30%	0.2396	20.30%	0.2082
16.40%	0.2388	20.40%	0.2076
16.50%	0.238	20.50%	0.207
16.60%	0.2372	20.60%	0.2064
16.70%	0.2364	20.70%	0.2058
16.80%	0.2356	20.80%	0.2052
16.90%	0.2348	20.90%	0.2046
17%	**0.234**	**21%**	**0.204**
17.10%	0.2332	21.10%	0.2034
17.20%	0.2324	21.20%	0.2028
17.30%	0.2316	21.30%	0.2022
17.40%	0.2308	21.40%	0.2016
17.50%	0.23	21.50%	0.201
17.60%	0.2292	21.60%	0.2004
17.70%	0.2284	21.70%	0.1998
17.80%	0.2276	21.80%	0.1992
17.90%	0.2268	21.90%	0.1986
18%	**0.226**	**22%**	**0.198**
18.10%	0.2252	22.10%	0.1974
18.20%	0.2244	22.20%	0.1968
18.30%	0.2236	22.30%	0.1962
18.40%	0.2228	22.40%	0.1956
18.50%	0.222	22.50%	0.195
18.60%	0.2212	22.60%	0.1944
18.70%	0.2204	22.70%	0.1938
18.80%	0.2196	22.80%	0.1932
18.90%	0.2188	22.90%	0.1926
19%	**0.218**	**23%**	**0.192**

EXHIBIT A
INCREMENTAL SLOPE ANALYSIS AND FLOOR AREA RATIO

Percent Slope	Incremental FAR	Percent Slope	Incremental FAR
23.10%	0.1914	27.10%	0.1674
23.20%	0.1908	27.20%	0.1668
23.30%	0.1902	27.30%	0.1662
23.40%	0.1896	27.40%	0.1656
23.50%	0.189	27.50%	0.165
23.60%	0.1884	27.60%	0.1644
23.70%	0.1878	27.70%	0.1638
23.80%	0.1872	27.80%	0.1632
23.90%	0.1866	27.90%	0.1626
24%	**0.186**	**28%**	**0.162**
24.10%	0.1854	28.10%	0.1614
24.20%	0.1848	28.20%	0.1608
24.30%	0.1842	28.30%	0.1602
24.40%	0.1836	28.40%	0.1596
24.50%	0.183	28.50%	0.159
24.60%	0.1824	28.60%	0.1584
24.70%	0.1818	28.70%	0.1578
24.80%	0.1812	28.80%	0.1572
24.90%	0.1806	28.90%	0.1566
25%	**0.18**	**29%**	**0.156**
25.10%	0.1774	29.10%	0.1554
25.20%	0.1788	29.20%	0.1548
25.30%	0.1782	29.30%	0.1542
25.40%	0.1776	29.40%	0.1536
25.50%	0.177	29.50%	0.153
25.60%	0.1764	29.60%	0.1524
25.70%	0.1758	29.70%	0.1518
25.80%	0.1752	29.80%	0.1512
25.90%	0.1746	29.90%	0.1506
26%	**0.174**	**30%**	**0.15**
26.10%	0.1734	30.10%	0.1494
26.20%	0.1728	30.20%	0.1488
26.30%	0.1722	30.30%	0.1482
26.40%	0.1716	30.40%	0.1476
26.50%	0.171	30.50%	0.147
26.60%	0.1704	30.60%	0.1464
26.70%	0.1698	30.70%	0.1458
26.80%	0.1692	30.80%	0.1452
26.90%	0.1686	30.90%	0.1446
27%	**0.168**	**31%**	**0.144**

EXHIBIT A
INCREMENTAL SLOPE ANALYSIS AND FLOOR AREA RATIO

Percent Slope	Incremental FAR
31.10%	0.1434
31.20%	0.1428
31.30%	0.1422
31.40%	0.1416
31.50%	0.141
31.60%	0.1404
31.70%	0.1398
31.80%	0.1392
31.90%	0.1386
32%	**0.138**
32.10%	0.1374
32.20%	0.1368
32.30%	0.1362
32.40%	0.1356
32.50%	0.135
32.60%	0.1344
32.70%	0.1338
32.80%	0.1332
32.90%	0.1326
33%	**0.132**
33.10%	0.1314
33.20%	0.1308
33.30%	0.1302
33.40%	0.1296
33.50%	0.129
33.60%	0.1284
33.70%	0.1278
33.80%	0.1272
33.90%	0.1266
34%	**0.126**
34.10%	0.1254
34.20%	0.1248
34.30%	0.1242
34.40%	0.1236
34.50%	0.123
34.60%	0.1224
34.70%	0.1218
34.80%	0.1212
34.90%	0.1206
35%	**0.12**
>35%	**0.08**

ATTACHMENT A

ADDITIONAL INFORMATION

REQUEST FOR PLANNING COMMISSION INTERPRETATION

Overview

The Applicant, Sunbelt/Westland Enterprises, is requesting a Planning Commission interpretation of Agoura Hills Municipal Code Section 9652.13, relating to the table used to describe the maximum floor area ratio ("FAR") permitted based on the average percent slope of hillside properties zoned Commercial or Business Park.

The concept of linking increasing slope with decreasing FAR is reasonable as a way of limiting commercial development in hillside areas, and it seems clear this is one of the intents of Agoura Hills Municipal Code ("AHMC" or "Code") Section 9652.13 - General design and development standards [in Hillside areas]. However, if the relationship between slope and FAR is not consistent across an indicated range of slopes, then the resulting development limitations become arbitrary, and the size of permitted development becomes inconsistent with regards to slope.

There are two issues with the way the "Percent Slope/FAR" Table in Code Section 9652.13 relates Floor Area Ratio ("FAR") to slope, which lead to arbitrariness and inconsistency. The first issue is that the Table creates situations where an otherwise inconsequential difference in slope can lead to a substantial difference in permitted FAR. The second issue is that the Table has gaps for which a corresponding FAR is not defined. One may safely presume the intent of the Code was not to be arbitrary or inconsistent, but rather that the language of the Code did not take into account all possible scenarios with respect to a full range of figures for slopes from 10% to 35%.

Issue No. 1

The Table shown below in **Figure 1** is used in the Code to assess FAR based on average percent slope. It assigns a single FAR to a range of slopes. For example, the Table allows the same FAR for both a 16% average slope and a 20% average slope. At the same time, the Table requires a substantial decrease in the permitted FAR between a 15% average slope and a 16% average slope. In other words, two properties with a minimal difference in slope can have a substantial difference in permitted FAR, while two other properties with slopes that vary widely may be permitted the same FAR.

Fig. 1) Table in AHMC Section 9652.13 relating FAR to slope.

For properties zoned commercial and business park, the maximum allowable floor area ratio (ratio of square footage of building floor to square footage of lot) shall be determined based on the following table.

Percent Slope	Maximum Floor Area Ratio
1. 10--15	.25
2. 16--20	.21
3. 21--25	.18
4. 26--30	.15
5. 31--35	.12
6. Greater than 35	.08

For example, consider the hypothetical hillside properties in **Table 1** below, each containing 10 acres of land. The property with the 16% slope is minimally steeper (only 0.067% on average) than the property with the 15% slope, yet the property with the 16% slope is permitted a floor area 17,424 square feet less than the 15% slope property. Conversely, the property with the 20% slope is comparatively much steeper (25% on average) than the 16% slope property, yet both properties are permitted the same floor area.

The relationship between slope and FAR established in the Code reflects an arbitrariness that does not effectively link the slope of a property to the permitted FAR. As shown in the example above, the arbitrary nature of this relationship can unfairly punish or reward property owners.

Table 1) Comparison of Permitted Floor Area per AHMC

Slope	FAR	Lot Size	Floor Area
15%	.25	10 acres	108,900 sf
16%	.21	10 acres	91,476 sf
20%	.21	10 acres	91,476 sf
21%	.18	10 acres	78,408 sf
25%	.18	10 acres	78,408 sf

Issue No. 2

The Table used to assess FAR based on average percent slope has gaps for which the corresponding FAR is not defined. Slopes greater than 15% but less than 16% are not assigned to a corresponding FAR. This omission is repeated for slopes between 20% and 21%, 25% and 26%, as well as 30% and 31%.

What if a property were to have an average slope of 15.1%, or of 15.6%? According to a strict reading of the Code, the corresponding FAR is not addressed. A seemingly logical approach to bridging these gaps might be to say that any slope over 15% up to and including 20% would correspond to an FAR of 0.21. Or one might resort to rounding fractions so that an average slope of 15.4% would correspond to an FAR of 0.25, and an average slope of 15.5% would correspond to an FAR of 0.21.

Unfortunately, both of these approaches to filling in the gaps in the Table only serve to compound Issue No. 1. For example, consider two hypothetical properties each containing 10 acres of land with average slopes of 15% and 15.1% respectively. If any slope over 15% up to and including 20% corresponds to an FAR of 0.21, then the property with a 15.1% average slope is permitted a floor area of 91,476 square feet, while the property with a 15% average slope is permitted an FAR of 0.25, resulting in a floor area of 108,900 square feet. The difference in slope is only 0.0067%, yet the difference in floor area is appreciable: 17,424 square feet.

If one were to fill the gap by rounding fractions, so that an average slope of 15.4% corresponded to an FAR of 0.25, and an average slope of 15.5% corresponded to an FAR of 0.21, the resulting discrepancy would be virtually the same as the previous example.

Proposed Method of Interpretation

There is a method, based on the current Table, which can be used to ensure that commercial development is limited in hillside areas according to the intent of the Code, but in such a way that development is permitted in a consistent, non-arbitrary fashion with regards to slope. This method would take the current Table, fill in the existing gaps in percent slope, and then more finely calibrate slope to FAR. The current FAR limitations for each maximum percent slope would remain exactly as they are, but the abrupt changes in FAR would be smoothed out, removing the arbitrariness from the Table.

In order to fill in the existing gaps between 15% and 16%, 20% and 21%, 25% and 26%, and 30% and 31%, it is necessary to consider percent slopes with fractions. Slopes rounded to the nearest .1% should be adequate as will be demonstrated. This means that between 15% and 16% slopes, one would consider 15.1%, 15.2%, 15.3%, etc.[1]

[1] Fractions of 5/100th or greater should be rounded up to the nearest 1/10th; fractions less than 5/100th should be rounded down to the nearest 1/10th.

Then instead of having a *range* of slopes correspond to a *fixed-point* FAR, a *range* of slopes would be calibrated to a *range* of FAR's. The maximum slope in each range would still precisely match the maximum FAR as per the Code:

a 15% slope would still be limited to a 0.25 FAR;
a 20% slope would still be limited to a 0.21 FAR,
a 25% slope would still be limited to a 0.18 FAR,
a 30% slope would still be limited to a 0.15 FAR,
a 35% slope would still be limited to a 0.12 FAR,
and any slope over 35% slope would still be limited to a 0.08 FAR.

As shown in **Exhibit A**, instead of jumping from 15% to 16%, slope is measured in .01% increments, from 15.0% to 15.1% to 15.2%, etc. This .01% increment is carried through the entire Table up to 35%. For each .01% increase in slope (starting at 15.0%), the permitted FAR decreases by a corresponding amount. Each .01% slope interval is interpreted as corresponding to an FAR that has an equivalent, and therefore non-arbitrary, interval.

Table 2 below depicts an example similar to Table 1, with a number of hypothetical hillside properties each containing 10 acres of land, using the proposed method of interpretation. The property with the 16% slope is minimally steeper than the property with the 15% slope, and is permitted a floor area 3,485 square feet less than that permitted on the 15% slope property. The property with the 20% slope is comparatively much steeper than the 16% slope property, and is permitted a floor area commensurately less, a difference of 13,939 square feet, than that permitted on the 16% slope property.

Table 2) Comparison of Permitted Floor Area per Proposed Interpretation

Slope	FAR	Lot Size	Floor Area
15%	.2500	10 acres	108,900 sf
16%	.2420	10 acres	105,415 sf
20%	.2100	10 acres	91,476 sf
21%	.2040	10 acres	88,862 sf
25%	.1800	10 acres	78,408 sf

The relationship between slope and FAR as interpreted above effectively links the slope of a property to the permitted FAR in a non-arbitrary fashion. As shown in the example above, the consistent nature of the relationship between slope and FAR neither punishes nor rewards property owners in an unfair manner.

Conclusion

The method of interpreting the Code's Table proposed herein leaves intact the Table's existing correspondence between maximum slope and maximum permitted FAR for commercial Hillside projects, and in so doing maintains the intent of this portion of the Code.

But by utilizing this method of interpretation to fill in the Code Table's existing gaps in slope and smooth out the existing FAR intervals, the size of permitted development becomes consistent with regards to slope, and property owners are neither penalized nor rewarded by an arbitrary scale.

The Applicant respectfully requests the Commission to support interpretation of the Code as requested, and to provide direction to the Director of Planning and Community Development to act accordingly.

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EXHIBIT A

SLOPE/FAR CHART COMPARING

AHMC AND PROPOSED INTERPRETIVE METHOD

REQUEST FOR PLANNING COMMISSION INTERPRETATION

Percent Slope	FAR per Table	Floor Area (10 Acres)	Incremental FAR	Floor Area (10 Acres)
10-15%	**0.25**	**108,900**	**0.2500**	**108,900**
15.1%	not defined	not defined	0.2492	108,552
15.2%	not defined	not defined	0.2484	108,203
15.3%	not defined	not defined	0.2476	107,855
15.4%	not defined	not defined	0.2468	107,506
15.5%	not defined	not defined	0.2460	107,158
15.6%	not defined	not defined	0.2452	106,809
15.7%	not defined	not defined	0.2444	106,461
15.8%	not defined	not defined	0.2436	106,112
15.9%	not defined	not defined	0.2428	105,764
16.0%	0.21	91,476	0.2420	105,415
16.1%	0.21	91,476	0.2412	105,067
16.2%	0.21	91,476	0.2404	104,718
16.3%	0.21	91,476	0.2396	104,370
16.4%	0.21	91,476	0.2388	104,021
16.5%	0.21	91,476	0.2380	103,673
16.6%	0.21	91,476	0.2372	103,324
16.7%	0.21	91,476	0.2364	102,976
16.8%	0.21	91,476	0.2356	102,627
16.9%	0.21	91,476	0.2348	102,279
17.0%	0.21	91,476	0.2340	101,930
17.1%	0.21	91,476	0.2332	101,582
17.2%	0.21	91,476	0.2324	101,233
17.3%	0.21	91,476	0.2316	100,885
17.4%	0.21	91,476	0.2308	100,536
17.5%	0.21	91,476	0.2300	100,188
17.6%	0.21	91,476	0.2292	99,840
17.7%	0.21	91,476	0.2284	99,491
17.8%	0.21	91,476	0.2276	99,143
17.9%	0.21	91,476	0.2268	98,794
18.0%	0.21	91,476	0.2260	98,446
18.1%	0.21	91,476	0.2252	98,097
18.2%	0.21	91,476	0.2244	97,749
18.3%	0.21	91,476	0.2236	97,400
18.4%	0.21	91,476	0.2228	97,052
18.5%	0.21	91,476	0.2220	96,703
18.6%	0.21	91,476	0.2212	96,355
18.7%	0.21	91,476	0.2204	96,006
18.8%	0.21	91,476	0.2196	95,658
18.9%	0.21	91,476	0.2188	95,309
19.0%	0.21	91,476	0.2180	94,961
19.1%	0.21	91,476	0.2172	94,612
19.2%	0.21	91,476	0.2164	94,264
19.3%	0.21	91,476	0.2156	93,915
19.4%	0.21	91,476	0.2148	93,567
19.5%	0.21	91,476	0.2140	93,218
19.6%	0.21	91,476	0.2132	92,870
19.7%	0.21	91,476	0.2124	92,521
19.8%	0.21	91,476	0.2116	92,173
19.9%	0.21	91,476	0.2108	91,824
20.0%	**0.21**	**91,476**	**0.2100**	**91,476**

Percent Slope	FAR per Table	Floor Area (10 Acres)	Incremental FAR	Floor Area (10 Acres)
20.1%	not defined	not defined	0.2094	91,215
20.2%	not defined	not defined	0.2088	90,953
20.3%	not defined	not defined	0.2082	90,692
20.4%	not defined	not defined	0.2076	90,431
20.5%	not defined	not defined	0.2070	90,169
20.6%	not defined	not defined	0.2064	89,908
20.7%	not defined	not defined	0.2058	89,646
20.8%	not defined	not defined	0.2052	89,385
20.9%	not defined	not defined	0.2046	89,124
21.0%	0.18	78,408	0.2040	88,862
21.1%	0.18	78,408	0.2034	88,601
21.2%	0.18	78,408	0.2028	88,340
21.3%	0.18	78,408	0.2022	88,078
21.4%	0.18	78,408	0.2016	87,817
21.5%	0.18	78,408	0.2010	87,556
21.6%	0.18	78,408	0.2004	87,294
21.7%	0.18	78,408	0.1998	87,033
21.8%	0.18	78,408	0.1992	86,772
21.9%	0.18	78,408	0.1986	86,510
22.0%	0.18	78,408	0.1980	86,249
22.1%	0.18	78,408	0.1974	85,987
22.2%	0.18	78,408	0.1968	85,726
22.3%	0.18	78,408	0.1962	85,465
22.4%	0.18	78,408	0.1956	85,203
22.5%	0.18	78,408	0.1950	84,942
22.6%	0.18	78,408	0.1944	84,681
22.7%	0.18	78,408	0.1938	84,419
22.8%	0.18	78,408	0.1932	84,158
22.9%	0.18	78,408	0.1926	83,897
23.0%	0.18	78,408	0.1920	83,635
23.1%	0.18	78,408	0.1914	83,374
23.2%	0.18	78,408	0.1908	83,112
23.3%	0.18	78,408	0.1902	82,851
23.4%	0.18	78,408	0.1896	82,590
23.5%	0.18	78,408	0.1890	82,328
23.6%	0.18	78,408	0.1884	82,067
23.7%	0.18	78,408	0.1878	81,806
23.8%	0.18	78,408	0.1872	81,544
23.9%	0.18	78,408	0.1866	81,283
24.0%	0.18	78,408	0.1860	81,022
24.1%	0.18	78,408	0.1854	80,760
24.2%	0.18	78,408	0.1848	80,499
24.3%	0.18	78,408	0.1842	80,238
24.4%	0.18	78,408	0.1836	79,976
24.5%	0.18	78,408	0.1830	79,715
24.6%	0.18	78,408	0.1824	79,453
24.7%	0.18	78,408	0.1818	79,192
24.8%	0.18	78,408	0.1812	78,931
24.9%	0.18	78,408	0.1806	78,669
25.0%	**0.18**	**78,408**	**0.1800**	**78,408**

Percent Slope	FAR per Table	Floor Area (10 Acres)	Incremental FAR	Floor Area (10 Acres)
25.1%	not defined	not defined	0.1794	78,147
25.2%	not defined	not defined	0.1788	77,885
25.3%	not defined	not defined	0.1782	77,624
25.4%	not defined	not defined	0.1776	77,363
25.5%	not defined	not defined	0.1770	77,101
25.6%	not defined	not defined	0.1764	76,840
25.7%	not defined	not defined	0.1758	76,578
25.8%	not defined	not defined	0.1752	76,317
25.9%	not defined	not defined	0.1746	76,056
26.0%	0.15	65,340	0.1740	75,794
26.1%	0.15	65,340	0.1734	75,533
26.2%	0.15	65,340	0.1728	75,272
26.3%	0.15	65,340	0.1722	75,010
26.4%	0.15	65,340	0.1716	74,749
26.5%	0.15	65,340	0.1710	74,488
26.6%	0.15	65,340	0.1704	74,226
26.7%	0.15	65,340	0.1698	73,965
26.8%	0.15	65,340	0.1692	73,704
26.9%	0.15	65,340	0.1686	73,442
27.0%	0.15	65,340	0.1680	73,181
27.1%	0.15	65,340	0.1674	72,919
27.2%	0.15	65,340	0.1668	72,658
27.3%	0.15	65,340	0.1662	72,397
27.4%	0.15	65,340	0.1656	72,135
27.5%	0.15	65,340	0.1650	71,874
27.6%	0.15	65,340	0.1644	71,613
27.7%	0.15	65,340	0.1638	71,351
27.8%	0.15	65,340	0.1632	71,090
27.9%	0.15	65,340	0.1626	70,829
28.0%	0.15	65,340	0.1620	70,567
28.1%	0.15	65,340	0.1614	70,306
28.2%	0.15	65,340	0.1608	70,044
28.3%	0.15	65,340	0.1602	69,783
28.4%	0.15	65,340	0.1596	69,522
28.5%	0.15	65,340	0.1590	69,260
28.6%	0.15	65,340	0.1584	68,999
28.7%	0.15	65,340	0.1578	68,738
28.8%	0.15	65,340	0.1572	68,476
28.9%	0.15	65,340	0.1566	68,215
29.0%	0.15	65,340	0.1560	67,954
29.1%	0.15	65,340	0.1554	67,692
29.2%	0.15	65,340	0.1548	67,431
29.3%	0.15	65,340	0.1542	67,170
29.4%	0.15	65,340	0.1536	66,908
29.5%	0.15	65,340	0.1530	66,647
29.6%	0.15	65,340	0.1524	66,385
29.7%	0.15	65,340	0.1518	66,124
29.8%	0.15	65,340	0.1512	65,863
29.9%	0.15	65,340	0.1506	65,601
30.0%	**0.15**	**65,340**	**0.1500**	**65,340**

Percent Slope	FAR per Table	Floor Area (10 Acres)	Incremental FAR	Floor Area (10 Acres)
30.1%	not defined	not defined	0.1494	65,079
30.2%	not defined	not defined	0.1488	64,817
30.3%	not defined	not defined	0.1482	64,556
30.4%	not defined	not defined	0.1476	64,295
30.5%	not defined	not defined	0.1470	64,033
30.6%	not defined	not defined	0.1464	63,772
30.7%	not defined	not defined	0.1458	63,510
30.8%	not defined	not defined	0.1452	63,249
30.9%	not defined	not defined	0.1446	62,988
31.0%	0.12	52,272	0.1440	62,726
31.1%	0.12	52,272	0.1434	62,465
31.2%	0.12	52,272	0.1428	62,204
31.3%	0.12	52,272	0.1422	61,942
31.4%	0.12	52,272	0.1416	61,681
31.5%	0.12	52,272	0.1410	61,420
31.6%	0.12	52,272	0.1404	61,158
31.7%	0.12	52,272	0.1398	60,897
31.8%	0.12	52,272	0.1392	60,636
31.9%	0.12	52,272	0.1386	60,374
32.0%	0.12	52,272	0.1380	60,113
32.1%	0.12	52,272	0.1374	59,851
32.2%	0.12	52,272	0.1368	59,590
32.3%	0.12	52,272	0.1362	59,329
32.4%	0.12	52,272	0.1356	59,067
32.5%	0.12	52,272	0.1350	58,806
32.6%	0.12	52,272	0.1344	58,545
32.7%	0.12	52,272	0.1338	58,283
32.8%	0.12	52,272	0.1332	58,022
32.9%	0.12	52,272	0.1326	57,761
33.0%	0.12	52,272	0.1320	57,499
33.1%	0.12	52,272	0.1314	57,238
33.2%	0.12	52,272	0.1308	56,976
33.3%	0.12	52,272	0.1302	56,715
33.4%	0.12	52,272	0.1296	56,454
33.5%	0.12	52,272	0.1290	56,192
33.6%	0.12	52,272	0.1284	55,931
33.7%	0.12	52,272	0.1278	55,670
33.8%	0.12	52,272	0.1272	55,408
33.9%	0.12	52,272	0.1266	55,147
34.0%	0.12	52,272	0.1260	54,886
34.1%	0.12	52,272	0.1254	54,624
34.2%	0.12	52,272	0.1248	54,363
34.3%	0.12	52,272	0.1242	54,102
34.4%	0.12	52,272	0.1236	53,840
34.5%	0.12	52,272	0.1230	53,579
34.6%	0.12	52,272	0.1224	53,317
34.7%	0.12	52,272	0.1218	53,056
34.8%	0.12	52,272	0.1212	52,795
34.9%	0.12	52,272	0.1206	52,533
35.0%	**0.12**	**52,272**	**0.1200**	**52,272**
>35%	**0.08**	**34,848**	**0.0800**	**34,848**

EXHIBIT A

SLOPE/FAR CHART COMPARING

AHMC AND PROPOSED INTERPRETIVE METHOD

NOTES:

In order to have FAR decrease proportionately from 0.25 to 0.21 while slope increases from 15.1% to 20.0%, FAR must decrease by an interval of 0.0008 for each 0.1% increase in slope. In order to have FAR decrease proportionately from 0.21 to 0.18 while slope increases from 20.1% to 25.0%, FAR must decrease by an interval of 0.0006 for each 0.1% increase in slope. The 0.0006 interval holds for all slopes from 20.0% to 35.0% in the AHMC Table.

B. "Major slope failure" means the movement of an existing slope that results in a hazard to an existing habitable structure as determined by the building official.

C. "Natural slope" means the natural or existing contours of the land, including the natural or existing vegetation.

D. "Recorded development restrictions" means a grant by an instrument whereby the owner relinquishes to the public, either in perpetuity or for a term of years, the right to construct improvements upon the land except as may be expressly reserved in the instrument and which contains covenants with the city, running with the land, either in perpetuity or for a term of (1) not to construct or permit the construction of any improvements, except as such right is expressly reserved in the instrument and except for public service facilities installed for the benefit of the land subject to such covenant or public service facilities installed pursuant to an authorization by the city council or the public utilities commission; and (2) against the extraction of natural resources or other activities which may destroy the unique physical and scenic characteristics of the land including but not limited to the cutting of trees and other natural growth, except as may be required for fire prevention, elimination of diseased growth and similar protective measures. Any subsequent reservation shall not permit any action which will materially impair the open space character of the land.

(Ord. No. 189, § 1, 7-17-91)

9652.13. General design and development standards.

Subject to the limitations of the underlying district, as it relates to potential uses and except as modified by the planning commission in a manner consistent with the purposes of this section, any development of a hillside area shall be in conformity with the following design and development standards:

A. *Dwelling density.* The maximum number of dwelling units permitted on a parcel of land shall be determined according to the following table:

Percent Slope	*Minimum Average Acreage per Dwelling Unit (in acres)*
1. 10—15	0.50
2. 16—20	0.66
3. 21—25	1.00
4. 26—30	1.66
5. 31—35	2.50
6. 36—over	20.00

With respect to parcels of land five (5) acres or larger in size, the dwelling units shall be clustered on the flatter portions of such parcels when appropriate.

In the event that the foregoing density limitations would prohibit the use of a parcel of land otherwise permitted by this chapter, one (1) residential dwelling unit shall be permitted on such parcel provided that:

(a) Such parcel was lawfully created prior to the adoption of this section; and

(b) A change in ownership of such parcel occurring after the adoption of this section has not resulted in such parcel no longer being considered part of a larger parcel of land under this chapter; and

(c) A private septic system will not be installed for any dwelling unit located on a parcel of land consisting of less than one (1) acre in area; and

(d) A conditional use permit authorizing such dwelling unit is granted in accordance with the requirements of this section.

B. *Development area.* For properties zoned residential or open space, a minimum percentage of a parcel of land shall remain in open space. The minimum percentage shall be determined based upon the following table:

Percent Slope	Minimum Percent of Parcel to Remain in Open Space
1. 10—15	32.5
2. 16—20	47.5
3. 21—25	62.5
4. 26—30	77.5
5. 31—35	92.5
6. Greater than 35	97.5

In the event that the foregoing open space limitations would prohibit the use of a parcel of land otherwise permitted by this chapter, one (1) residential dwelling unit shall be permitted on such parcel provided that:

(a) Such parcel was lawfully created prior to the adoption of this section;

(b) A change in ownership occurring after the adoption of this section has not resulted in such parcel no longer being considered part of a larger parcel of land under this chapter;

(c) A private septic system will not be installed for any dwelling unit located on a parcel of land consisting of less than one (1) acre in area;

(d) A conditional use permit authorizing such dwelling unit is granted in accordance with the requirements of this section. The terms of such conditional use permit shall specify the minimum percent of required open space on such parcel of land.

For properties zoned commercial and business park, the maximum allowable floor area ratio (ratio of square footage of building floor to sqaure footage of lot) shall be determined based on the following table.

Percent Slope	Maximum Floor Area Ratio
1. 10—15	.25
2. 16—20	.21
3. 21—25	.18
4. 26—30	.15
5. 31—35	.12
6. Greater than 35	.08

Pre-graded pads that existed prior to January 1, 1999 shall be exempted from the above maximum allowable floor area ratio limitations.

C. *Circulation.*

1. Streets within any project proposed in a hillside area shall be designed and constructed to accomplish the following purposes:

(a) Minimize grading so as to compliment the natural features of the hillsides and reflect a rural rather than an urban character.

(b) Permit safe and efficient travel for motor vehicles, bicycles and pedestrians, and to provide access for emergency vehicles.

2. In order to accomplish the purposes of this subsection, all streets in a hillside area development shall be designed, where possible, to:

(a) Parallel the natural contours and natural grades of the land. Streets running perpendicular to the grade of the slope shall be avoided, when feasible, to reduce grading and aid in drainage. When streets must cut across grade contours, the principle of grading shall be half cut/half fill at locations not visible to a large area. Bridges shall be provided when streets must cross drainage ways and ravines of exceptional environmental setting.

(b) Use split level streets when access to abutting parcels of land is from other streets to avoid