

## ZONING ADMINISTRATOR INTERPRETATION

**DATE:** March 3, 2009

**CODE SECTION:** 17.29.030 – Hillside Overlay District, Permit Requirements

**QUESTION NEEDING INTERPRETATION:** Section 17.29.030 of the Hillside Overlay District requires the approval of a Hillside Development Permit for a proposed subdivision, new dwelling or structure, or an addition to an existing structure within the HD or HD-SR overlay zoning districts unless the proposed project is under the thresholds listed in 17.29.030.A. Is a project with multiple additions only subject to each of the individual thresholds or to an overall threshold size?

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**INTERPRETATION:** For projects within the Hillside Overlay District (HD and HD-SR) any subdivision, new dwelling or structure, or an addition to existing structure requires the approval of a Hillside Development Permit unless the proposed project is under the thresholds listed in 17.29.030.A as stated below.

1. **Additions.** *The following additions to existing structures, when the additions otherwise comply with all other applicable requirements of this Chapter and this Zoning Code.*
  - a. *A single-story addition to a dwelling that increases the floor area by no more than 500 square feet or 20 percent of the existing floor area of the primary dwelling, including an attached garage, whichever is greater.*
  - b. *A second story addition of less than 500 square feet; provided it is in compliance with the guidelines in Section 17.29.060.E (View protection).*
2. **Accessory structures.** *One single-story detached accessory structure that constitutes no more than 20 percent of the floor area of the primary dwelling (including attached garage).*

*The thresholds listed in Section A.1 and A.2 above apply either individually or in the aggregate with all other additions and all prior additions in the previous three years to the same lot. The above additions and accessory structures shall comply with the permit requirements of the base zoning district. No credit shall be given for demolition or partial demolition of a structure.*

It is clear that if a project exceeds any one of the thresholds listed above, a Hillside Development Permit is required. For example, if a proposed second floor addition is 500 square feet, a Hillside Development Permit is required. However, if the proposed size is 499 square feet, a Hillside Development Permit is not required.

The first sentence of the last paragraph of 17.29.030.A states that the thresholds "...apply either individually or in the aggregate with all other additions and all prior additions in the previous three years to the same lot." What does the term "aggregate" apply to? The total size of all additions, all proposed additions within each category, or just those in the previous three years?

It is the interpretation of the Zoning Administrator that if a project includes, for example, multiple second floor additions whose individual size is less than 500 square feet, but when added together, is 500 square feet or more, a Hillside Development Permit is required, as the 'aggregate' of the second floor additions is

500 square feet or more. This also applies to multiple first floor additions and multiple accessory structures. In sum, within each category of threshold, the aggregate of that type of addition is subject to the threshold size listed. Similarly, if the multiple additions are proposed over a period of three years, the aggregate total of those additions is subject to the thresholds listed above.

However, what if a proposed project involves several additions that are within each of the categories listed above, but individually do not exceed their respective threshold? For example, a project that includes a 499 square foot second floor addition and a new accessory structure whose size is 19 percent of the size of the existing residence.

It is the interpretation of the Zoning Administrator that the 'aggregate' total shall not apply to the total size of all of the additions (all new square footage on the property), as there is no aggregate threshold which would trigger the Hillside Development Permit process. In sum, a project with multiple additions that are within each threshold category, without exceeding the respective thresholds, does not require the approval of a Hillside Development Permit.



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