



TOWN OF HILLSBOROUGH
California

Accessory Dwelling Unit (ADU) Review Application

January 2025

Review Process & Approvals

All proposed Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) must first be reviewed by the Planning Division for compliance with all applicable requirements. Once the proposed ADU and/or JADU has been reviewed by the Planning Division, staff will determine what type of review and approval is required prior to submitting to the Building Division for a building permit.

If Planning staff determines that an ADU or JADU complies with each of the general requirements below, no formal Planning review will be required, and a memo will be issued granting authorization to submit for a Building Permit.

Building Permit Only (after initial Planning Division review)

1. Converted on Single-family Lot - An ADU and/or JADU is either:
 - a. within the space of a proposed single-family dwelling;
 - b. within the existing space of an existing single-family dwelling; or
 - c. within the existing space of an accessory structure, plus up to 150 additional square feet.
(An expansion limited to accommodating ingress and egress may utilize reduced ADU setbacks. An expansion for purposed other than accommodating ingress and egress must comply with applicable setbacks.)
2. Limited Detached on Single-family Lot - One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling that satisfies all of the following requirements:
 - a. The side- and rear-yard setbacks are at least four-feet from the property line;
 - b. The total floor area is 800 square feet or smaller; and
 - c. The peak height above grade is 16 feet or less from finished grade.

ADU Planning Permit:

An ADU that does not qualify for a Building Permit Only, but complies with all the standards in Section 17.52.020 can approved ministerially (staff-level) through the ADU Planning Permit review process.

ADU Exception Review:

An ADU or JADU that does not comply with every applicable standard in Section 17.52.020 may nevertheless be permitted by the director of building and planning, or the director's designee, at the director's or designee's discretion if the ADU or JADU undergoes the design review process set forth in Chapter 2.12 of this code. An ADU or JADU that does not comply with all the standards in Section 17.52.020 is considered a "type B project" under Section 2.12.070.A.

After approval from the Planning Division is issued, construction drawings, permit application(s) and fees must be submitted to the Building Division. Plan check and permit fees are based on project valuation. Use this link for information on how to submit for a building permit:

<https://www.hillsborough.net/130/Building>

Planning Division

Regulations and Requirements for all ADUs and JADUs:

1. Rental Term: No ADU or JADU may be rented for a term that is shorter than 30 days.
2. No Separate Conveyance: Except as otherwise provided in Government Code Section 65852.26, no ADU may be sold or otherwise conveyed separately from the lot and the primary dwelling.
3. Owner Occupancy:
 - a. All ADUs created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.
 - b. An ADU that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.
 - c. All JADUs are subject to an owner-occupancy requirement.
4. Notice of Construction.
 - a. At least thirty calendar days before starting any construction of an ADU, the property owner shall mail written notice to all the owners of record of each of the adjacent residential parcels, utilizing the mail notice template provided by the town, which shall include the following information:
 - (1) Notice that construction has been authorized,
 - (2) The anticipated start and end dates for construction,
 - (3) The hours of construction,
 - (4) Contact information for the project manager, and
 - (5) Contact information for the Town building division.
 - b. Within one business day of completion of mailing, the property owner shall submit to the building division a completed and signed affidavit of mailing, utilizing the affidavit of mailing template provided by the town.
 - c. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under State law, the Town has no discretion in approving or denying a particular ADU project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

6. **Building and Safety:** All ADUs and JADUs must comply with all local building and fire code requirements.
7. **Structures and Equipment within Setbacks:** No structures or mechanical equipment may be located within the ADU setback area.

ADU Planning Permit Review Requirements

The following requirements apply only to ADUs that require an ADU Planning Permit

1. **Maximum Size:**
 - a. The maximum size of a detached or attached ADU subject to an ADU Planning Permit is as follows:
 - i. 850 square feet (Studio or 1 bedroom)
 - ii. 1,000 square feet (2 bedrooms or more)
 - b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
 - c. Application of other development standards in this subsection E, such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, or open-space requirements may require the ADU to be less than 800 square feet or 16 feet in height.
2. **Floor Area Ratio (FAR).** The total covered floor area of all dwellings and structures on the lot may not exceed 25 percent of the net lot area for the first acre, plus 15 percent of the net lot area over one acre, subject to subsection E.1.c above. This percentage is known as the floor-area ratio (FAR) and is calculated by dividing the total covered floor area (in square feet) by the net lot area (also in square feet).
3. **Lot Coverage.** Subject to subsection E.1.c above, ADUs are subject to lot coverage limits. For purposes of this chapter, there are two types of residential lot coverage limits to which ADUs are subject together with the other dwelling and structures on the lot. These types are: structural coverage and hardscape coverage.
4. **Structural Coverage.**

Structural coverage consists of areas of the lot covered by a dwelling, a garage, a carport, and any other accessory structure having a roof and more than one wall.

The maximum structural coverage of a lot is as follows:

Table 17.52.020-1

Lot Size (Net Lot Area)	Maximum Area of Lot Permitted to be Covered
Up to 17,500 sq. ft.	22 sq. ft. for each 100 sq. ft. or portion thereof of net lot area
17,500 up to 21,780 sq. ft.	3,850 sq. ft. plus 15 sq. ft. for each 100 sq. ft. or portion thereof of net lot area in excess of 17,500 sq. ft.
21,780 up to 32,670 sq. ft.	4,495 sq. ft. plus 10 sq. ft. for each 100 sq. ft. or portion thereof of net lot area in excess of 21,780 sq. ft.
32,670 through 43,560 sq. ft.	5,585 sq. ft. plus 6 sq. ft. for each 100 sq. ft. or portion thereof of net lot area in excess of 32,670 sq. ft.
Over 43,560 sq. ft.	6,239 sq. ft. plus 5 sq. ft. for each 100 sq. ft. or portion thereof of net lot area in excess of 43,560 sq. ft.

Hardscape.

Hardscape coverage consists of areas of the lot located beneath a roof or covered by manufactured, non-plant, pervious or impervious materials but does not include anything included in structural coverage.

Examples include, but are not limited to: decking, a concrete slab or walkway, a gazebo with no walls (just a roof).

Subject to the provisions of subsection E.3.a above, the combined total of structural plus hardscape coverage shall not exceed 50 percent of the net lot area; provided, however, that in any setback area adjacent to the street line, the combined total of structural plus hardscape coverage may not exceed 40 percent of such area.

Minimum Open Space. No ADU subject to this subsection E may cause the total percentage of open space of the lot to fall below 50 percent, subject to subsection E.1.c above.

Height.

Detached ADU that is at least 20 feet from side and rear property lines may not exceed 22 feet, measured from existing grade.

Attached ADU that is at least 20 feet from side and rear property lines: Must comply with the "building envelope" as defined by HMC Section 17.28.010 and may be up to 32 feet in height, measured from existing grade.

An ADU within 20 feet of a side or rear property line, may not exceed 16 feet in height, measured from existing grade.

Setbacks.

Side and Rear: minimum 4-foot side-and rear-yard setbacks.

Front: 25-foot front setback.

Parking.

One off-street parking space is required for each ADU, unless exempt under State law.

No Replacement: When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU.

Architectural Requirements.

- ☐ The materials and colors of the exterior walls, roof, windows, and doors of the ADU must match the materials and colors of the exterior walls, roof, windows, and doors of the primary dwelling.
- ☐ The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- ☐ The ADU or JADU must have an independent exterior entrance, apart from that of the primary dwelling.
- ☐ All second-story windows and doors in an ADU that are less than thirty feet from a property line that is not a street line shall either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.
- ☐ An ADU to be constructed on a lot that has an identified historical resource is subject to the ADU exception process.
- ☐ Outdoor showers are not permitted within setback areas and shall not be visible from adjacent properties or the public right-of-way.

Landscape Requirements.

The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for fire apparatus access, as determined by CCFD.

Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:

At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every 10 linear feet of exterior wall. This paragraph dictates the minimum number of required plantings, not the particular placement of those plantings.

For a ground-level ADU, plant specimens must be at least six feet tall when installed. As an alternative, for a ground-level ADU, a solid fence of at least six feet in height may be installed.

For a second-story ADU, plant specimens must be at least 12 feet tall when installed.

Roof Decks - prohibited on any ADU.

Notice of Application.

Within three (3) business days of submitting an application for an ADU under this section, the property owner shall mail written notice to all the owners of record of each of the adjacent residential parcels, utilizing the mail notice template provided by the town, which shall include the following information:

Notice that an ADU Planning Permit application has been submitted,

The anticipated start and end dates for construction,

Contact information for the town planning division, and

Contact information for the property owner.

Within one business day of completion of mailing, the property owner shall submit to the building division a completed and signed affidavit of mailing, utilizing the affidavit of mailing template provided by the town.

This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under State law, the Town has no discretion in approving or denying a particular ADU project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

Please indicate the proposed type of accessory dwelling unit in this proposal:

- ☐ An ADU Attached to the primary dwelling – New construction
- ☐ A Detached ADU – New construction
- ☐ A JADU created within existing exterior walls
- ☐ Conversion of an existing structure to be an ADU; pool house, recreation room, garage, etc.

NOTICE TO APPLICANTS

Your property may be subject to recorded Covenants, Conditions and Restrictions which may prohibit the type of accessory dwelling unit which you desire to create. The Town does not concern itself with the private contractual relationships among property owners. Therefore, before proceeding with an accessory dwelling unit application, it is recommended that you ascertain whether title to your property is subject to any such Covenants. If so, you may wish to consult legal counsel to determine whether such Covenants impact your ability to create an accessory dwelling unit.

If you have any questions, please call the Planning Office, 650/375-7422.

Application Form
Accessory Dwelling Unit (ADU) Planning Permit

Property Address: _____

Authorization of property owner(s): In signing this application, I/we, as property owner(s) have full legal capacity to, and hereby do, authorize the filing of this application. I/we understand that conditions of approval are binding. I/we agree to be bound by those conditions, subject only to the right to object at the hearing or during the appeal period.

Please circle: Mr. and Mrs. / Mr. / Mrs. / Ms. / Dr.

Name (s): _____

Signature(s): _____

Mailing Address: _____
(Street or P.O. Box)

(City, State and Zip Code)

Phone Number(s): _____ Email Address: _____

Project Designer/Contractor: _____

Mailing Address: _____
(Street or P.O. Box)

(City, State and Zip Code)

Phone Number: _____

Email Address: _____

Town Business License #: _____

General Data – Accessory Dwelling Unit

Project Address: _____

Assessor's Parcel Number: _____

Lot Size: _____ sq.ft. Net Lot Size (if applicable): _____ sq.ft.

"Traverse Closure Calculations" or the architect's verification **must be** attached. If the site includes an access easement (for right-of-way or driveway access to another lot), also provide "Traverse Closure Calcs." for the **net lot size**, which is the lot size to be used in calculating the F.A.R. and lot coverage.

Project Description: _____

Roof Material (manufacturer, style, color): _____

Exterior Materials: _____

Distance from the new construction to property lines at the closest points:

Front: _____ Back: _____

Left Side: _____ Right Side: _____

Height (in feet), at highest point, from:

Existing grade _____

New/final grade _____

Total number of bedrooms (or rooms which meet the definition of bedroom) in the accessory dwelling unit: _____.

Total number of bedrooms (or rooms which meet the definition of bedroom) in the primary dwelling:

_____.

Number of on-site parking spaces provided: In garages _____

Other, "open" parking spaces which are indicated (with dimensions) on the plans (not including those in the required back-up space behind garage doors: _____ ("Tandem" spaces are not counted.)

If applicable, preliminary grading calculations:

_____ c.y.; cut; _____ c.y. fill.

LOT COVERAGE Calculations This is the “footprint” – See the Development Standards:

You may attach additional pages, if necessary.

	Structure	Hardscape*	Landscape	Total
Existing sq. ft.				
To be removed sq. ft.				
To be added sq. ft.				
TOTAL sq. ft.				**
% of total lot				100%

Total allowable: _____ (to be completed by staff)

*Hardscape is impervious surface such as driveways, parking spaces, roofed porches, entries, lanais, porticos, swimming pools, courts, patios, decks, walkways, steps, solar panels, gazebos, pergolas, etc. See the Development Standards for information.

**This is the lot size, or the net lot size, from previous page.

FRONTYARD HARDSCAPE Calculations Required *only* for proposals involving work within the front yard setback area, which is usually the front 25 or 30 feet of the lot:

	Square Feet	% of Setback Area	% Allowed
Hardscape			40% maximum
Landscape			60% minimum
TOTAL			100%

FLOOR AREA (F.A.R.) Calculations Include all enclosed floor space, including garages; see the Development Standards for specifics as F.A.R. calculations for some areas such as those with low sloping ceilings, high ceilings, or basements may not be calculated at 100%. Additional columns may be added for accessory buildings, etc., if necessary:

FAR	Basement	First Floor	Second Floor	ADU	Total
Existing sq. ft.					
To be removed sq. ft.					
To be added sq. ft.					
TOTAL sq. ft.					

Total (proposed) floor area = _____ % F.A.R. (based on lot size, or net lot size, if applicable)

SQUARE FOOTAGE Calculations This is the actual house/structure size –. count all enclosed floor space, including garages, basements, attics, etc., at 100% (do not use FAR calculations):

Square Footage	Basement	First Floor	Second Floor	ADU	Total
Existing sq. ft.					
To be removed sq. ft.					
To be added sq. ft.					
TOTAL sq. ft.					

Staff Use Only

Total allowable FAR: _____ sq. ft.

Notes:



TOWN OF HILLSBOROUGH
California

ACCESSORY DWELLING UNIT (ADU) SURVEY

The Town of Hillsborough adopted an ordinance amending the municipal code regarding accessory dwelling units (ADUs) to comply with State law that became effective on January 14, 2019.

While Hillsborough is a single family residential community, ADUs provide an affordable housing opportunity without altering the unique character of the Town.

The Town's Housing Element commits the Town to gathering information and rental rates (as applicable). The information you provide in this survey is intended to reflect your initial planned use of the ADU and will not restrict how you may use it in the future.

The completed survey form shall be submitted to the Planning Department prior to submittal of a building permit. Please answer the following questions:

Address: _____

Is your second unit intended to be used for:

- Family member _____
- Rental _____
- Domestic help _____
- Short stay guest _____
- Other _____

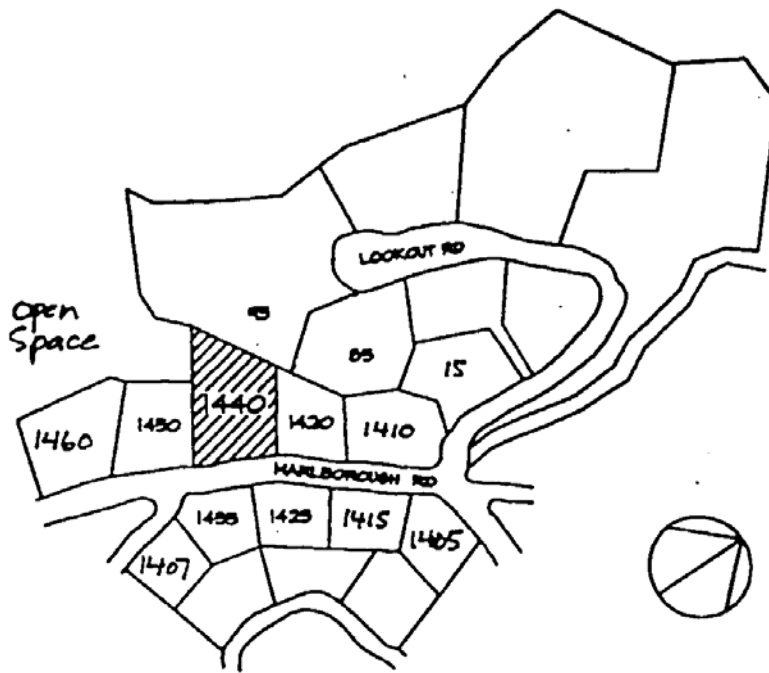
How many bedrooms are in your second unit? _____

How many people do you expect to occupy your second unit? _____

If your second unit is intended for rent, please check what range of monthly rent you intend to initially charge for the accessory dwelling unit:

☐ \$0 to \$888 ☐ \$889 to \$1,481 ☐ \$1,482 to \$1904 ☐ \$1905- 2962 ☐ \$2,963+

Thank you for taking the time to complete this survey.



Location Map

This is an example of a location map which must be on the first page of each planset. Show the project site relative to nearby properties and streets. Include the addresses of all adjacent (including to the back and across the street) properties. If a pre-printed map is used, be sure that the entire street name is included for all adjacent streets. The location map should be oriented on the page in the same manner as the project site plan