

TOWN OF HILLSBOROUGH
1600 FLORIBUNDA AVENUE
HILLSBOROUGH, CA 94010

DEVELOPMENT STANDARDS

Annotated Excerpts from the
Town's Zoning Ordinance

Revised March 2007

If you need additional information or have questions, please contact the Planning Office
(650) 375-7411

Town of Hillsborough
DEVELOPMENT STANDARDS

These are the development standards for all projects within the Town of Hillsborough. **All exterior changes are subject to Design Review approval** (including re-roofing, landscape installations, fencing, additions, and other new construction), either by the Town's Architecture and Design Review Board (ADRB) or by Planning Staff (for minor projects only). It cannot be assumed that designing a project to the technical maximums (or minimums) contained in these standards will result in design approval.

The ADRB cautions prospective buyers from purchasing a home based on the assumption that the maximum permitted square footage (based on these standards) can be built. Each project is evaluated on a case-by-case basis, with strong consideration given to the compatibility of the proposal to the neighborhood (its best aspects, not its mistakes), authenticity of architectural style, quality of building materials and level of detailing.

Furthermore, if you are planning an addition or a new home and the floor area approaches the maximum permitted 25% Floor Area Ratio (FAR), the ADRB may determine that the project is too massive or too bulky, especially if there are areas of the home with excessive floor-to-ceiling heights or "open-to-below" areas. In addition, the ADRB tends to require a higher level of architectural quality and design detailing for larger houses and houses which approach the maximum permitted FAR. Increased building setbacks, beyond the minimum required front and side setbacks from property lines, are generally required for new homes of 8,000 square feet and larger.

Additional required parking spaces (other than those within the garage) need to be treated with sensitivity so that the street and the neighbors are not impacted by the view of parked vehicles. Be sure to mitigate the visual effects with screening and landscaping.

The Town's "Residential Design Guidelines," available in the Planning Office and from the Town's website (www.hillsborough.net), should be consulted to better understand the criteria used by the ADRB when considering an application. Project conformance with the Residential Design Guidelines will be strongly encouraged by the Town through the Design Review process as these guidelines express the community's values and the Town's expectations for new development. Project plans that demonstrate compliance with these guidelines are more likely to be successful.

*Copies of the complete Hillsborough Zoning Ordinance
can be obtained from the City Clerk.*

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Attached Handouts (attached in the printed version, not on the website version):

Preliminary Review by the ADRB (required for **all** new houses)

Swimming Pools, Spas, Hot Tubs

Standards for Mailboxes

Parking Strips

Also available from the Planning Office and the Town's website (www.hillsborough.net)

are handouts regarding:

- Applications for Design Review
- Residential Design Guidelines
- Landscaping
- Fencing, walls and driveways columns; standards and applications
- Roofing materials pre-approved list and application
- Variances

ZONING

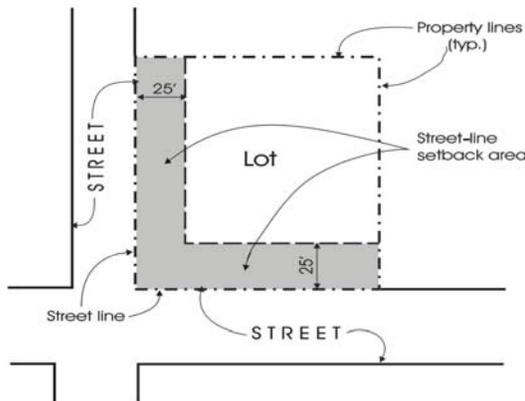
Annotated Excerpts from the Hillsborough Municipal Code Title 17

Setbacks

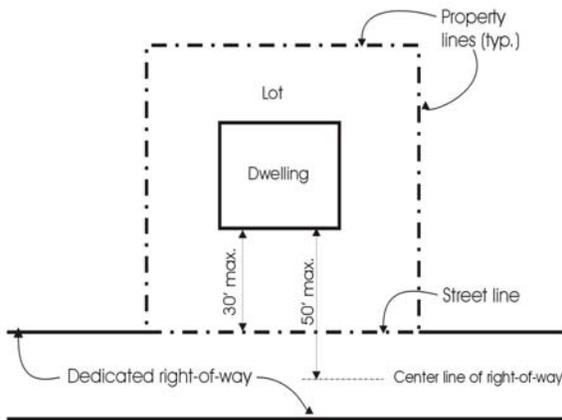
No structure can be placed, erected, or constructed unless it is set back from the property lines as described below.

Street Line Setbacks: Most streets in the Town are 40 or 50 feet wide. For lots located along 50-foot wide rights-of-way (streets), the required street line setback area is 25 feet from the property (or easement) line. However, for lots located along rights-of-way narrower than 50 feet wide, the street line setback area is 50 feet, but no more than 30 feet, from the center line of the street or right-of-way. On 40 foot-wide rights-of-way, the setback area is 30 feet from the property line. On 45 foot-wide rights of-way, the setback area is 27.5 feet from the property line; on 35 foot-wide rights-of-way, the setback area is 30 feet from the property line.

Site plans must indicate the width of the right(s)-of-way adjacent to the lot and show the setback line measured accordingly.

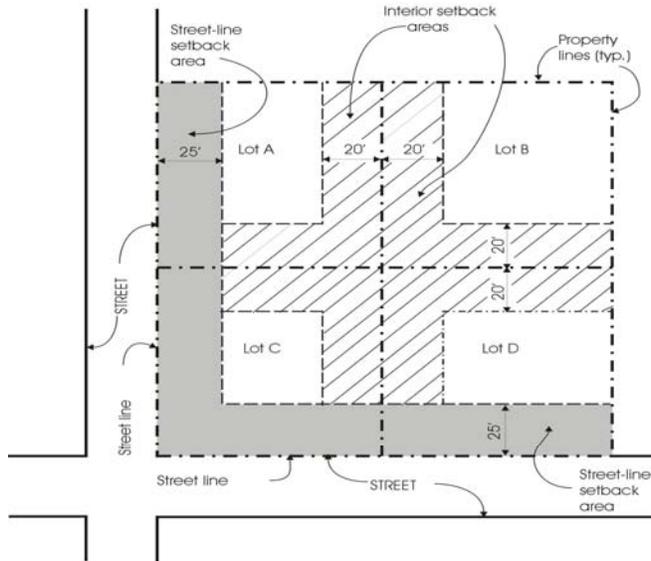


Example, on a corner lot, of street line setback areas where the "street" is a dedicated right-of-way.



Example of property located on a narrow street (less than 50 feet wide) with a street line setback of 50 feet from the center line.

Interior Setbacks: Interior setback areas are located along property lines which don't abut a street. The setback from any side and/or rear lot line is 20 feet.



Example of some interior and street line setback areas. Note that, for clarity, not all of the setback areas are shown for Lots A, B, and D.

Setbacks for Large Dwellings: On February 12, 2007, the Hillsborough City Council adopted an interim policy for additional minimum building setbacks totaling fifteen (15) feet, which may be taken at the front and/or sides but shall include a minimum additional setback of five (5) feet at the front, for all new houses of 8,000 square feet and larger developed in the Town. Please review with Planning Staff if this policy is applicable to your project.

Measurement: The distance between a lot line and a structure located on the lot is measured from the lot line perpendicular to:

- The edge of the pavement on tennis and other play courts
- The edge of the coping, if any, of a swimming pool, spa, or hot tub; if no coping, the edge of the water in a swimming pool, spa, or hot tub
- The nearest exterior wall for buildings
- The edge of the structure for all other buildings

Allowed Uses: Any fence, gate, or column may be located within setback areas if it meets the requirement specified in the Municipal Code. Other uses allowed in front and interior setback areas include: decks, stairs, and landings no higher than 18 inches; ponds (a pool of water no more that 18 inches deep); retaining walls (6 foot maximum height in street-line setback area and 4.5 feet maximum in the interior setback area); walkways, patios, terraces, driveways, benches, railings, and any other outdoor fixture.

Enclosed Structures: One enclosed structure (not exceeding 40 square feet in floor area) may be located within the interior setback area, if the structure:

- Is not greater than 6 feet in height;
- Is not closer than 5 feet from the side/rear lot lines;
- Is more than 25 feet from any property line along a street;
- Is at least 40 feet from any adjoining residence; and
- The adjoining affected property owner(s) has indicated in writing that the affected owner has no objections to the proposed location.

Unenclosed Structures: Unenclosed structures no greater than 8 feet in height (such as tennis courts or other courts, play structures, arbors, trellises, outdoor built-in BBQs, swimming pools, spas, and hot tubs) may be located within the interior setback area provided that the structure:

- Is not closer than 5 feet from the side/rear lot lines;
- Is not closer than 40 feet from any adjoining residence;
- Is more than 25 feet from any street line; and
- The adjoining affected property owner(s) has indicated in writing that the affected owner has no objections to the proposed location.

Any structure greater than 6 feet in height that is proposed within any setback area is subject to Design Review approval.

Encroachment: Architectural features such as bay windows, chimneys, and overhanging eaves can encroach a maximum of 24 inches into the street line setback area and interior setbacks area.

Distance Between Buildings: All buildings should be at least 10 feet away from any other building on the property.

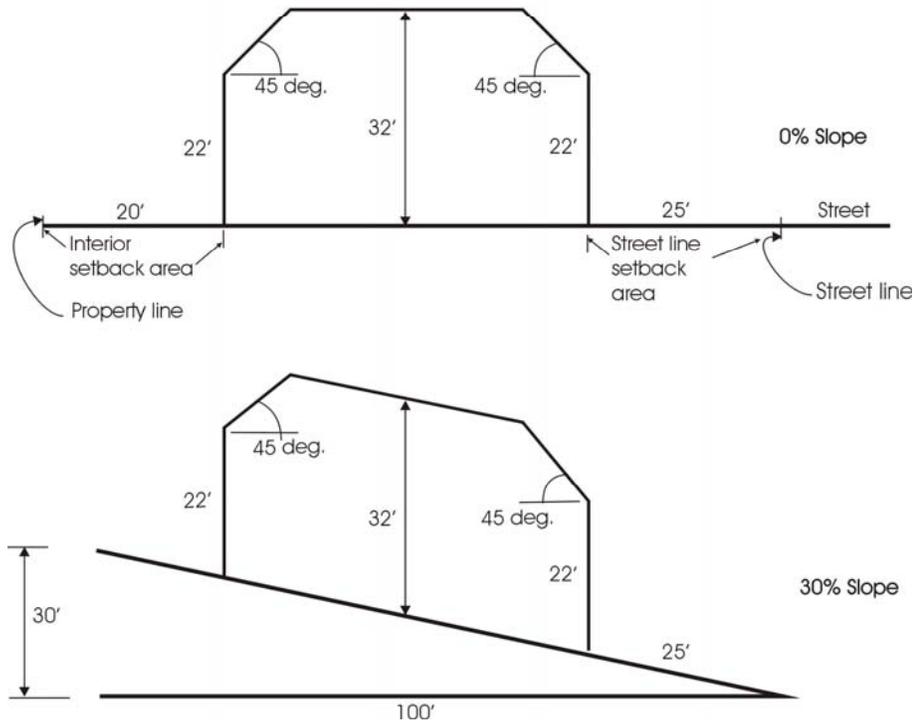
Driveway Gates and Columns: Driveway gates must be set back at least 15 feet from the edge of the pavement of the street to allow a vehicle to pull safely off the street in front of a gate. The minimum distance between gateposts, light posts, other posts, pillars, columns, walls, or fences located on either side of the driveway is 14 feet.

Height Limits

Building Envelope: A building envelope is established at every setback line, out of which no structure except chimneys can penetrate. The envelope starts at existing grade at all setback lines, rising to a height of 22 feet directly above grade, then extending at a slope of 45 degrees inward (away from the property line) to a maximum height of 32 feet measured from a warped plane parallel to existing grade.

The following diagram illustrates the building envelope profile, including the 32-foot height limitation, for 0 and 30 percent slopes.

Building Envelope Profiles



Fences, Columns, etc.: The maximum height of any fence, gate, column, pillar, post, light post, or similar lighting standard fixtures located within the street or street line setback area is 8 feet. This is measured from existing grade at the property line or the pavement. Keep in mind that the fence height most often approved is 6 feet.

Retaining Walls: The maximum height of retaining walls is 6 feet, measured from finished grade at the base on either side of the wall. If the retaining wall is located in the interior setback area, the maximum height is 4.5 feet.

Flagpoles: The maximum height of a flagpole is 12 feet. Flagpoles are not allowed in any setback areas. The maximum size of a flag flown from a flagpole is 3 feet by 5 feet.

Required Parking

The ADRB considers the parking standards contained in the Zoning Code as *minimum* standards only. In order to avoid the visual impact of parked cars in view of the street and/or neighboring properties, enclosed parking spaces should be provided to reasonably accommodate the number of cars which could be expected to be permanently associated with the house.

ADRB Requirements: The ADRB typically requires a 3-car garage for a home with 5 bedrooms. The ADRB believes the actual need is: 5 bedrooms = 3 garage spaces; 6 bedrooms = 4 garage spaces; etc. Also, the ADRB typically requires additional garage spaces for houses larger than 6,000 sq. ft. regardless of the bedroom count.

Bedrooms: A bedroom is a private room designed for or *capable of being used for* sleeping, separated from other rooms by a door and accessible to a bathroom (which includes a bathtub or shower) without crossing another room other than a hallway or open area.

Code Minimums: The minimum number of required parking spaces depends of the number of bedrooms. “Tandem” spaces are not counted as required parking spaces.

- 1 – 3 bedrooms: Two garage spaces*
- 4 – 5 bedrooms: Two garage spaces + one additional space*
- 6 or more bedrooms: Two garage spaces + two additional spaces*

** Plus any additional parking spaces, which may or may not be enclosed, as recommended by the ADRB. The required back-up space behind the garage doors may not be counted as required parking spaces.*

Minimum Garage Standards: Every garage parking space must be at least 10 feet wide and 20 feet long and have at least 7.5 feet vertical clearance. Outside and directly in front of each garage door must be an unobstructed backup space at least 25 feet long (measured in a straight line from and perpendicular to the front of the garage doors) and 20 feet wide.

Minimum Unenclosed Parking Spaces: All unenclosed parking spaces must be at least 8.5 feet wide and 18 feet long.

Additional Parking Requirements: Every substantially enlarged or newly constructed dwelling must include a garage which meets these standards. All required parking spaces must be on private property and not in the public right-of-way. A “newly constructed dwelling” is one for which a building permit is issued for the construction of an entirely, or almost entirely, new dwelling. A “substantially enlarged dwelling” is one for which a building permit is issued for the construction of an addition which results in a net increase in floor area that is greater than 50% of the dwelling’s existing floor area.

Minimum and Maximum House Size

Floor Area Ratio: Floor Area Ratio (“FAR”) is calculated by dividing the total covered floor area (in square feet) by the net lot area (in square feet). Net lot area means the gross lot area minus the area (if any) occupied by any right-of-way or private easement for driveway purposes. “Total covered floor area” is the total area of all buildings on the lot (except those listed below) measured to the **exterior** wall lines. This includes all roofed areas with a level floor-to-ceiling height of at least 6 feet, including garages, basements (described below), closets, stairwells, bay windows, turrets, and other projections bounded by two or more exterior walls.

Basements: For basement areas with exterior walls less than 2 feet above the surrounding natural grade, 33 percent of all floor area with a level floor-to-ceiling height of at least 6 feet is counted as floor area. For basement areas with exterior walls 2 feet or more above the surrounding natural grade, 100 percent of floor area with a level floor-to-ceiling height of at least 6 feet is counted as floor area.

Mechanical Rooms: Mechanical rooms are included in the floor area calculations only if the floor-to-ceiling heights are at least seven feet.

Floor plans must include floor-to-ceiling heights of basement and mechanical areas, and geometric verifications of square footage calculations must document the way that these areas are calculated. Elevations must show the point at which exterior basement walls are 2 feet above grade.

Areas with Low Sloping Ceilings: For rooms or areas with low sloping ceilings, such as attics, all areas with a level floor-to-ceiling height of at least 5 feet are counted as floor area.

Areas with High Ceilings: For areas with a floor-to-ceiling height greater than 12 feet, the first 300 square feet is counted at 100 percent; additional area with a floor-to-ceiling height greater than 12 feet is counted at 150 percent.

Floor plans must indicate areas with a floor-to-ceiling height greater than 12 feet, and geometric verifications of square footage calculations must document the way that high ceiling areas are calculated. Cross-sections may be necessary to demonstrate height of ceilings.

Minimum House Size: 2,500 square feet (FAR) is the minimum size of a house.

Maximum House Size: The maximum permitted house size, or floor area ratio (FAR), is 25 percent of the net lot area for the first acre plus 15 percent of the net lot area over one acre.

Large Dwellings: The City Council may make the final Design Review decision on houses 8,000 square feet and larger (newly constructed or after additions.)

Accessory Buildings and Structures: There is no limitation on the number of accessory buildings that are allowed on a lot, except that no individual accessory building (other than a detached Second Unit – see page 8) can exceed 1,000 square feet in floor area. The floor area for accessory buildings is considered part of the total floor area for the lot. The following accessory structures are not counted in the floor area calculations: arbors, trellises, open gazebos, open pergolas, open decks, carports open on at least two sides, and other structures similar in type as determined by the Planning Office.

Maximum Lot Coverage

Residential Lot Coverage: There are three types of residential lot coverage:

1) **Structural Coverage** consists of a house, a garage, a carport, and any accessory structures having more than one wall and a roof. This does not include porches, entries, porticos, balconies, etc. (as long as they are roofed and open on at least two sides) and does not include roof overhangs, if all of these excluded items together do not exceed 10 percent of the maximum permitted structural coverage area. Accessory structures not counted as FAR (listed above) are also not calculated as structural lot coverage.

The maximum surface area of a lot that may be covered by **structural coverage** is as follows:

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.

2) **Hardscape Coverage** consists of areas of the lot under a roof or covered by impervious materials but does not include anything included in structural coverage. This includes driveways, uncovered parking spaces, roofed porches, swimming pools, tennis and play courts, uncovered patios and decks, walkways and steps, gazebos and pergolas, and solar panels, etc.

3) **Landscape (or Softscape) Coverage** consists of all lot coverage that is not structural coverage or hardscape coverage. Examples of softscape are planted areas, dirt, indigenous grasses, gravel, and mulch.

Maximum Impervious Lot Coverage: Structural coverage plus hardscape coverage cannot exceed 50 percent of the net lot area. The remaining 50 percent of the lot must be landscape coverage. Structural coverage plus hardscape coverage within any street line setback area cannot exceed 40 percent.

Second Units

Second Units: A “Second Unit” refers to a residential dwelling that provides complete independent living facilities for one or more persons and is located on the same lot as a single-family dwelling. The second unit must include permanent provisions for living, sleeping, eating, cooking, and sanitation. An “attached second unit” refers to a second unit that is structurally attached to the primary dwelling but which has independent direct access from the exterior. A “detached second unit” refers to a second unit that is not structurally attached to the primary dwelling. A second unit can be:

- Created within an existing dwelling;
- Created by converting an existing detached accessory structure (such as a freestanding cabana or pool house);
- Developed as a new detached accessory structure to an existing dwelling; or
- Developed in conjunction with construction of a dwelling – either as a detached or attached Second Unit.

Requirements: Second Units must meet all of the Town’s zoning requirements relating to height, setbacks, lot coverage, FAR, and Design Review. A Second Unit may be approved if the following requirements are met:

- The lot already has an existing single-family dwelling, or the Second Unit is part of an application for a building permit for a new dwelling;
- The increased floor area of an attached Second Unit does not exceed 30 percent of the floor area of the primary dwelling, excluding garages; and
- The maximum total floor area of a detached Second Unit does not exceed 1,200 square feet

The property owner must submit written acknowledgement to the Town that a) the Second Unit may not be sold separately from the primary dwelling; b) either the Second Unit or the primary dwelling may be rented, but not both at the same time; and c) whenever the Second Unit or primary dwelling is rented, the property owner must occupy whichever unit is not rented.

Parking: The minimum required parking for a Second Unit is:

- Second Unit with one or two bedrooms = one unenclosed parking space
- Second Unit with three or more bedrooms = two unenclosed parking spaces (cannot be arranged in tandem)

Conversion of Existing Residential Space: Recognizing that there may be a considerable existing stock of potential Second Units in the Town and that this stock represents a valuable housing resource for the community, any property owner may apply, without penalty or fee, for the purpose of converting existing appropriate residential space (such as guest suites, guest quarters, pool houses, carriage houses, domestic quarters, etc.) into a Second Unit. This reflects policy of the Hillsborough City Council; please review with Planning Staff if this policy is applicable to your project.

NOTE: Private property may be subject to recorded Covenants, Conditions and Restrictions which may prohibit the type of Second Unit which you desire to create. The Town does not concern itself with the private contractual relationships among property owners. Therefore, before proceeding with a Second Unit application, it is strongly 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 a Second Unit.

Existing Nonconforming Structures

Encroaching into Setback Areas:

- 1) **Dwellings:** A nonconforming dwelling (encroaching into setback area) can be enlarged, reconstructed, or otherwise altered and continue the same or lesser encroachment into the setback area as long as:
 - a. It does not amount to a complete reconstruction;
 - b. The height within the setback area does not exceed 22 feet;
 - c. The fire chief and chief building official determine that it will not constitute a fire or safety hazard; and
 - d. The adjoining property owner(s) have been notified in writing of the proposed addition, reconstruction, or alteration and if no objections are raised, the proposal has been approved by the city council after a noticed public hearing.

- 2) **Accessory Structures:** A nonconforming accessory structure (encroaching into setback area) can be enlarged, reconstructed, or otherwise altered and continue the same or lesser encroachment into the setback area similarly to a nonconforming dwelling as long the square footage of the accessory structure is not increased (except that a garage may be increased to 400 feet.)

Exceeding the maximum allowable Floor Area Ratio (FAR) or Lot Coverage:

Any structure that is nonconforming because:

- it (together with other structures on the lot, if any) exceeds the maximum allowable floor area ratio (FAR)
- it exceeds the maximum square footage for an accessory structure
- it (together with other structures on the lot, if any) exceeds the maximum allowable lot coverage

can be enlarged, reconstructed or otherwise altered as long as it does not increase the existing lot coverage or floor area (i.e., a single-family dwelling having an FAR of 27% may be remodeled so that it has an FAR above 25% but not above 27%).

Exceeding Height Limitations: Any enlargement, reconstruction, or other alteration that would extend beyond the existing building envelope of the structure shall conform to current height limitations unless the ADRB recommends otherwise, provided, however, that in no event can any construction be higher than the existing structure.

Rebuilding Destroyed Nonconforming Structures: In the event of a fire, earthquake, or other natural disaster, all or portions of a legal nonconforming structure are allowed to be rebuilt, to the same or a lesser degree of nonconformity as the destroyed structure or portion(s) of the structure. Rebuilding shall not be permitted for any non-conforming structure or portion(s) of structure which are intentionally removed.