

## **Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS**

### **Sections:**

- 17.13.010 Title, intent, and description.
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### **17.13.010 Title, intent, and description.**

- A. Title and Intent. The provisions of this Chapter shall be known as the RH Hillside Residential Regulations. The intent of the Hillside Residential (RH) Zones is to create, maintain, and enhance residential areas that are primarily characterized by detached, single unit structures on hillside lots.
- B. Description of Zones. This Chapter establishes land use regulations for the following four (4) zones:
  - 1. **RH-1 Hillside Residential - 1 Zone.** The intent of the RH-1 Zone is to create, maintain, and enhance areas for single-family living on lots of one acre or more, and is appropriate in portions of the Oakland Hills.
  - 2. **RH-2 Hillside Residential - 2 Zone.** The intent of the RH-2 Zone is to create, maintain, and enhance areas for single-family living on lots of at least twenty-five thousand (25,000) square feet, and is appropriate in portions of the Oakland Hills.
  - 3. **RH-3 Hillside Residential - 3 Zone.** The intent of the RH-3 Zone is to create, maintain, and enhance areas for single-family dwellings on lots of at least twelve thousand (12,000) square feet and is appropriate in portions of the Oakland Hills.
  - 4. **RH-4 Hillside Residential - 4 Zone.** The intent of the RH-4 Zone is to create, maintain, and enhance areas for single-family dwellings on lots of six thousand five hundred (6,500) to eight thousand (8,000) square feet and is typically appropriate in already developed areas of the Oakland Hills.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

### **17.13.020 Required design review process.**

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been

approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

### 17.13.030 Permitted and conditionally permitted activities.

Table 17.13.01 lists the permitted, conditionally permitted, and prohibited activities in the RH Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

"C" designates activities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

**Table 17.13.01: Permitted and Conditionally Permitted Activities**

Activities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Residential Activities</b>					
Permanent	P	P	P	P	
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Supportive Housing	P	P	P	P	
Transitional Housing	P	P	P	P	
Emergency Shelter	—	—	—	—	
Semi-Transient	—	—	—	—	
Bed and Breakfast	—	—	—	—	
<b>Civic Activities</b>					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	
Community Assembly	C	C	C	C	
Recreational Assembly	C	C	C	C	
Community Education	C	C	C	C	
Nonassembly Cultural	C	C	C	C	
Administrative	C	C	C	C	
Health Care	—	—	—	—	

Activities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Special Health Care	—	—	—	—	
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
<b>Commercial Activities (all)</b>	—	—	—	—	
<b>Industrial Activities (all)</b>	—	—	—	—	
<b>Agriculture and Extractive Activities</b>					
Limited Agriculture	P(L2)	P(L2)	P(L2)	P(L2)	
Extensive Agriculture	C(L3)	C(L3)	C(L3)	C(L3)	
Plant Nursery	C	C	C	C	
Mining and Quarrying	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	C	17.116.075
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	C	C	17.102.110

#### Limitations on Table 17.13.01:

**L1.** Residential Care is only permitted in a One-Family Dwelling Residential Facility. No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

**L2.** Limited Agriculture is permitted outright if the activity occupies less than one (1) acre of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

**L3.** Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.13.040 Permitted and conditionally permitted facilities.**

Table 17.13.02 lists the permitted, conditionally permitted, and prohibited facilities in the RH Zones. The descriptions of these facilities are contained in Chapter 17.10. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates facilities subject to certain limitations listed at the bottom of the table.

"—" designates facilities that are prohibited.

**Table 17.13.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Residential Facilities</b>					
One-Family Dwelling	P	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	P	17.103.080
Two-Family Dwelling	—	—	—	—	
Multifamily Dwelling	—	—	—	—	
Rooming House	—	—	—	—	
Mobile Home	—	—	—	—	
<b>Nonresidential Facilities</b>					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	P	P	P	P	
Sidewalk Cafe	—	—	—	—	
Drive-In Nonresidential	—	—	—	—	
Drive-Through Nonresidential	—	—	—	—	
<b>Telecommunications Facilities</b>					
Micro Telecommunications	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C(L1)	C(L1)	C(L1)	C(L1)	17.128
Tower Telecommunications	—	—	—	—	17.128
<b>Sign Facilities</b>					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104

Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	—	—	—	—	17.104
Advertising Signs	—	—	—	—	17.104

### Limitations on Table 17.13.01:

**L1.** Monopole Telecommunications Facilities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, the proposal must meet the following use permit criterion:

1. There is no existing structure that can accommodate the proposed antenna.

To meet this criterion, the applicant must provide a site alternative plan that demonstrates that there is no existing structure that can accommodate the antenna.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

### 17.13.050 Property development standards.

- A. **Zone Specific Standards.** Table 17.13.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

**Table 17.13.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Minimum Lot Dimensions</b>					
Lot Width mean	100 ft.	100 ft.	90 ft.	45 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	43,560 sf.	25,000 sf.	12,000 sf.	6,500 sf. or 8,000 sf	1, 2, 3
<b>Maximum Density</b>	1 primary dwelling unit per lot				4
<b>Minimum Setbacks</b>					
Minimum front ( $\leq 20\%$ street-to-setback gradient)	25 ft.	25 ft.	20 ft.	20 ft.	5, 6

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	5, 6, 7
Minimum interior side ≤20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft.	8, 9
Minimum interior side >20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft./10%	8, 9
Minimum street side	6 ft.	6 ft.	6 ft.	5 ft.	5, 10
Rear	35 ft.	35 ft.	25 ft.	20 ft.	7, 10, 11
<b>Maximum Lot Coverage and Floor Area Ratio (FAR)</b>	See Table 17.13.04				
<b>Height Regulations for All Lots with a Footprint Slope of ≤20%</b>					
Maximum wall height primary building	25 ft.	25 ft.	25 ft.	25 ft.	13, 14
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	30 ft.	13, 14
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	13, 14
<b>Height Regulations for all Lots with a Footprint Slope of &gt;20%</b>	See Table 17.13.05 for Height regulations for all lots with a footprint slope of >20%				
<b>Maximum Wall Length Before Articulation Required</b>	40 ft.	40 ft.	40 ft.	40 ft.	15
<b>Minimum Parking</b>					
Minimum parking spaces required per Primary Unit	2	2	2	2	16
Additional parking spaces required for Secondary Unit	1	1	1	1	16, 17

### Additional Regulations for Table 17.13.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations. In the RH-3 Zone, the minimum average lot width of all lots within a subdivision shall be ninety (90) feet, and the minimum lot width of any individual lot within such subdivision shall be seventy-five (75) feet.

2. In the RH-4 Zone, for Subdivision Maps of four (4) or fewer lots where each lot created has a buildable area slope of less than or equal to twenty percent (20%), the minimum lot size is six thousand five hundred (6,500) square feet. For Subdivision Maps where any one lot buildable

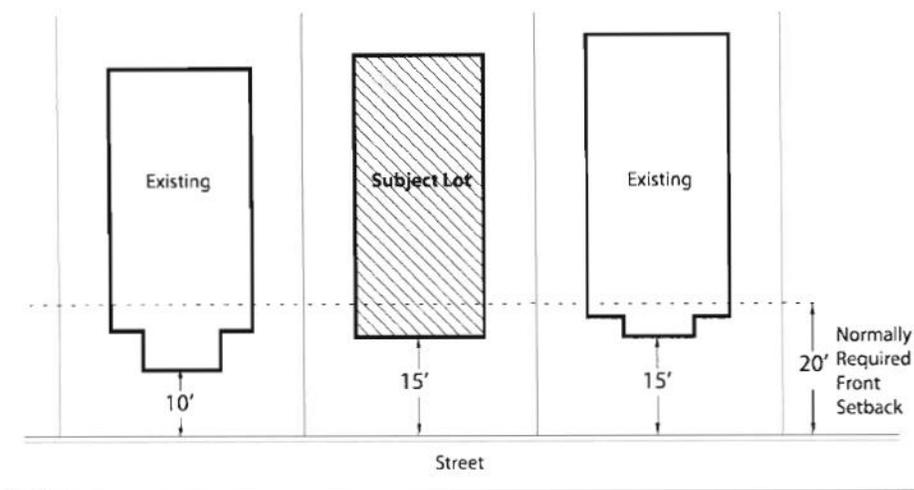
area slope is greater than twenty percent (20%) or for Subdivision Maps of five (5) or more lots, the minimum lot size is increased to eight thousand (8,000) square feet.

- a.** In order to determine buildable area slope of a subdivision, each lot shown on the Subdivision Map shall indicate the buildable area in dashed lines. The buildable area slope is measured at the steepest point between the front and rear setbacks (not included within the side setbacks).
- 3.** See Subsection 16.16.170.F in the Subdivision regulations for additional regulations regarding minimum lot size. In the RH-3 Zone, the minimum average lot area of all lots within a subdivision shall be twelve thousand (12,000) square feet, and the minimum lot area of any individual lot within such subdivision shall be ten thousand (10,000) square feet.
- 4.** A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.
- 5.** On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:
  - a.** Roadway construction or widening;
  - b.** Sidewalk construction or widening; and
  - c.** Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unit Development (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

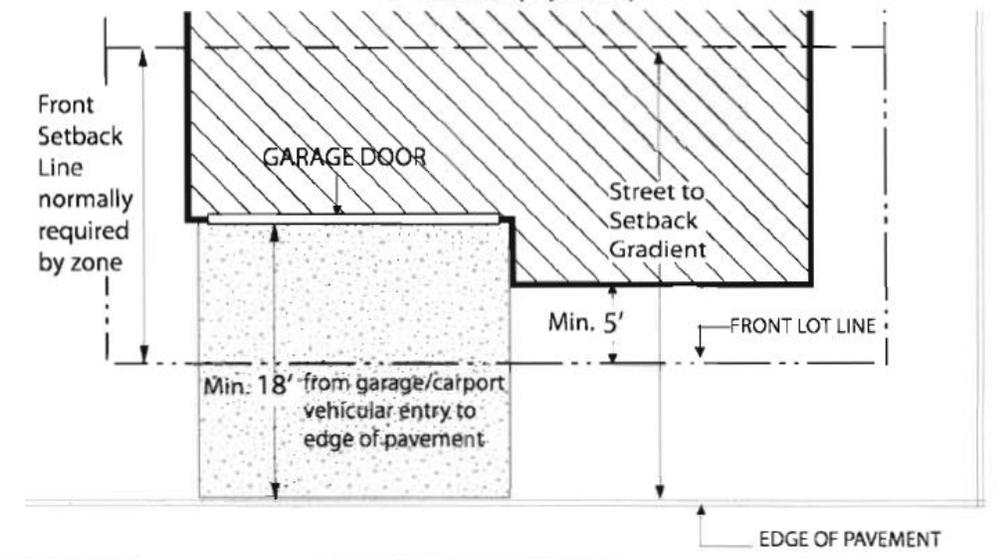
6. In the RH-4 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principle Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principle Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principle may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) foot front setback (see Illustration for Table 17.13.03, [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03 [Additional Regulation 6]  
\*for illustration purposes only



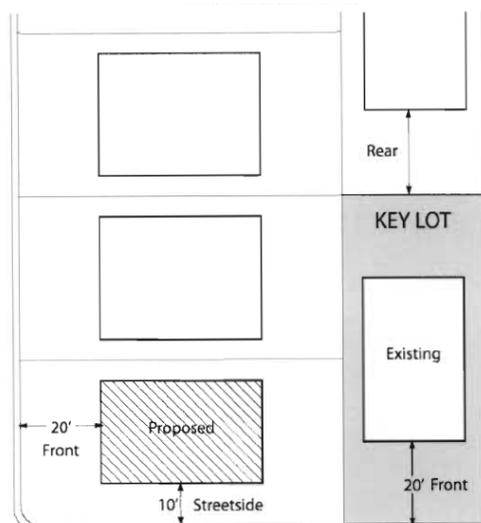
7. The minimum front setback depth required by the applicable individual zone shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty percent (20%), provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.13.03, [Additional Regulation 7], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03 [Additional Regulation 7]  
\*for illustration purposes only



8. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two (2) or more living units and opposite a legally-required living room window.
9. The minimum interior side setback is the greater of the two (2) listed setbacks. Also, see Section 17.108.130 for allowed projections into setbacks.
10. In all Residential Zones, on every corner lot which abuts to the rear a key lot which is in a Residential Zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ( $\frac{1}{2}$ ) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.13.03. [Additional Regulation 10], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots. See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03 [Additional Regulation 10]  
\*for illustration purposes only



**11.** Wherever a rear lot line abuts an alley, one-half ( $\frac{1}{2}$ ) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

**12.** For lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half ( $\frac{1}{2}$ ) foot of rear setback depth for each additional one (1) foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of forty (40) feet.

**13.** See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

**14.** If at least sixty percent (60%) of the buildings in the immediate context are no more than one (1) story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.

**15.** If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one (1) section of additional setback. See design guidelines for more specific bulk and context standards.

**16.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Additional parking standards apply within the S-11 Zone, as prescribed in Chapter 17.92.

17. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional parking regulations that apply to Secondary Units are provided in Section 17.103.080.

B. Floor Area Ratio (FAR) and Lot Coverage. Table 17.13.04 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.13.04 Floor Area Ratio (FAR) and Lot Coverage**

Regulation	Lot Size in Square Feet					Additional Regulations
	<5,000	≥5,000 and <12,000	≥12,000 and <25,000	≥25,000 and <43,560	≥43,560	
<b>Maximum FAR</b>	0.55	0.50	0.45	0.30	0.20	1
<b>Maximum Lot Coverage (%)</b>	40%	40%	30%	20%	15%	2

**Additional Regulations for Table 17.13.04:**

1. Lots with less than five thousand (5,000) square feet in area may have a dwelling with at least two thousand (2,000) square feet, regardless of FAR listed.

2. Lots with less than five thousand (5,000) square feet in area may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.

C. **Height.** Table 17.13.05 below prescribes height standards associated with different sloped lots. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified footprint slope category.

**Table 17.13.05 Height Regulations for all Lots with a Footprint Slope of >20%**

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	>20% and ≤40%	>40% and ≤60%	>60%	>20%	
<b>Maximum Height for Detached Accessory Structures</b>	15 ft.	15 ft.	15 ft.	15 ft.	1
<b>Maximum Wall Height Primary Building</b>	32 ft.	34 ft.	36 ft.	32 ft.	1, 2
<b>Maximum Wall Height Primary Building with a CUP</b>	36 ft.	38 ft.	40 ft.	35 ft.	1
<b>Maximum Pitched Roof Height Primary Building</b>	36 ft.	38 ft.	40 ft.	35 ft.	1, 2

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	>20% and ≤40%	>40% and ≤60%	>60%	>20%	
Maximum Height Above Edge of Pavement	18 ft.	18 ft.	18 ft.	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft.	1
Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft.	1, 3

#### Additional Regulations for Table 17.13.05:

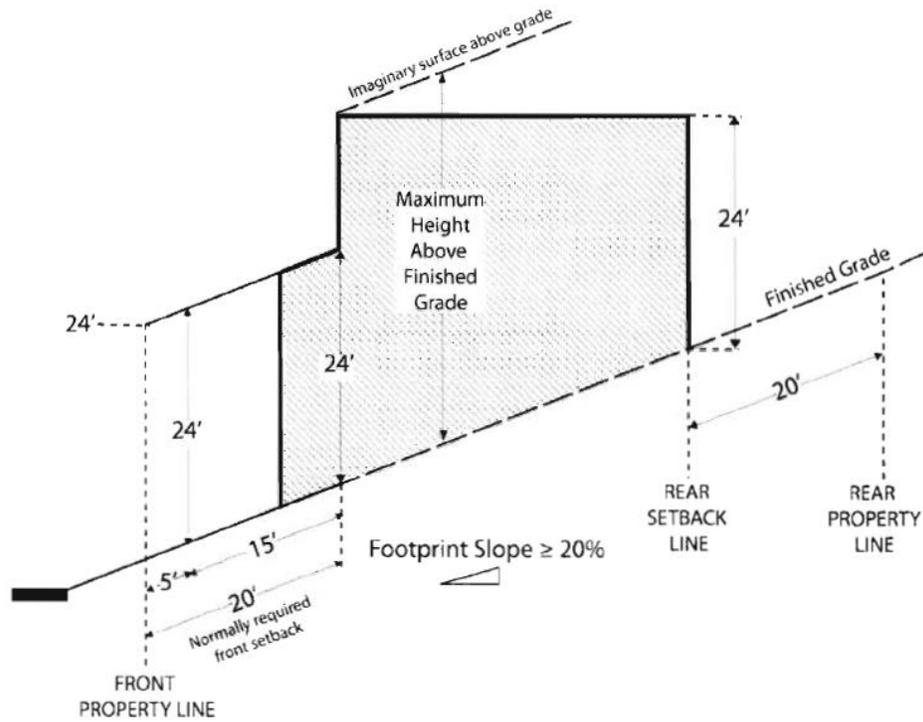
1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty percent (40%) footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
  - a. Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
  - b. Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
  - c. Maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof and twelve (12) feet for pitched roofs.

See Illustration for Table 17.13.05 [Additional Regulation 2], below.

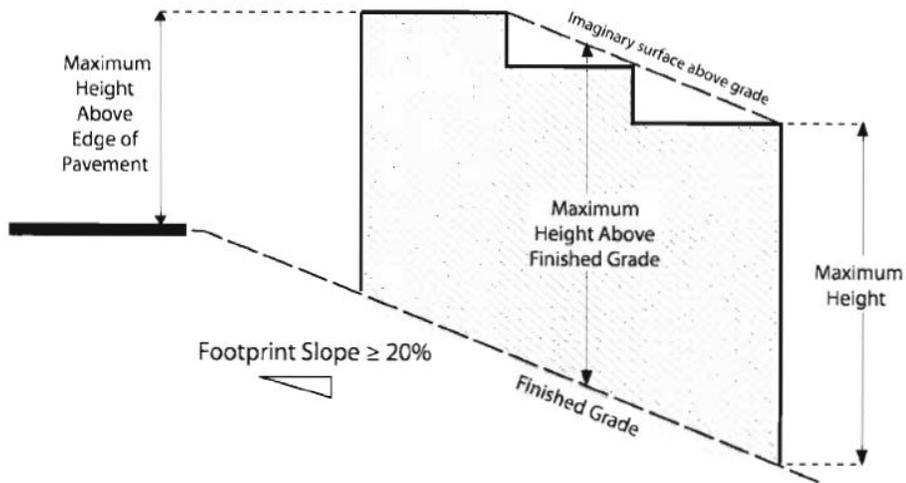
3. The building height is measured from finished or existing grade, whichever is lower.

Illustration for Table 17.13.05 [Additional Regulation 2]  
 \*for illustration purposes only

Upslope



Downslope



(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

### 17.13.060 Special regulations for Planned Unit Developments.

**Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RH zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

#### **Editor's note—**

Ord. No. 13172, § 3(Exh. A), adopted July 2, 2013, changed the title of Section 17.13.060 from "Special regulations for mini-lot and planned unit developments" to "Special regulations for planned unit developments." The historical notation has been preserved for reference purposes.

### 17.13.070 Other zoning provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RH Zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RH Zones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the RH Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)