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Chapter 17.xx

HILLSIDE RESIDENTIAL DISTRICT ZONES (RH) REGULATIONS

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17.xx.010 Title, Purpose, and Applicability

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

17.xx.020 Required Design Review Process

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Local Register Property, Building Facility, 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.

17.xx.030 Permitted and Conditionally Permitted Activities

Table 17.xx.01 lists the permitted, conditionally permitted, and prohibited activities in the RH-1, RH-2, RH-3, and RH-4 zones. The descriptions of these activities are contained in Chapter 17.10.

- “P” designates permitted activities in the corresponding zone.
- “C” designates activities that are permitted only upon the granting of a conditional use permit 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.xx.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Residential Activities					
Permanent	P(L1)	P(L1)	P(L1)	P (L1)	17.102.212
Residential Care	--	--	--	--	
Service-Enriched Permanent Housing	--	--	--	--	
Transitional Housing	--	--	--	--	
Emergency Shelter	--	--	--	--	
Semi-Transient	--	--	--	--	
Bed and Breakfast	--	--	--	--	
Civic Activities					
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	--	--	--	--	
Special Health Care	--	--	--	--	
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Activities					
General Food Sales	--	--	--	--	
Full Service Restaurants	--	--	--	--	
Limited Service Restaurant and Café	--	--	--	--	
Convenience Market	--	--	--	--	
Fast-Food Restaurant	--	--	--	--	
Alcoholic Beverage Sales	--	--	--	--	
Mechanical or Electronic Games	--	--	--	--	
Medical Service	--	--	--	--	
General Retail Sales	--	--	--	--	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	
Consumer Service	--	--	--	--	
Consultative and Financial Service	--	--	--	--	
Check Cashier and Check Cashing	--	--	--	--	
Consumer Laundry and Repair Service	--	--	--	--	
Group Assembly	--	--	--	--	
Personal Instruction and Improvement Services	--	--	--	--	
Administrative	--	--	--	--	
Business, Communication, and Media Services	--	--	--	--	
Broadcasting and Recording Services	--	--	--	--	

Table 17.xx.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Commercial Activities					
Research Service	--	--	--	--	
General Wholesale Sales	--	--	--	--	
Transient Habitation	--	--	--	--	
Wholesale and Professional Building Material Sales	--	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	--	--	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	
Taxi and Light Fleet-Based Services	--	--	--	--	
Automotive Fee Parking	--	--	--	--	
Animal Boarding	--	--	--	--	
Animal Care	--	--	--	--	
Undertaking Service	--	--	--	--	
Industrial Activities					
Custom Manufacturing	--	--	--	--	
Light Manufacturing	--	--	--	--	
General Manufacturing	--	--	--	--	
Heavy/High Impact	--	--	--	--	
Research and Development	--	--	--	--	
Construction Operations	--	--	--	--	
Warehousing, Storage, and Distribution					
A. General Warehousing, Storage and Distribution	--	--	--	--	
B. General Outdoor Storage	--	--	--	--	
C. Self- or Mini Storage	--	--	--	--	
D. Container Storage	--	--	--	--	
E. Salvage/Junk Yards	--	--	--	--	
Regional Freight Transportation	--	--	--	--	
Trucking and Truck-Related	--	--	--	--	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	--	--	--	--	
B. Primary Recycling Collection Centers	--	--	--	--	
Hazardous Materials Production, Storage, and Waste Management	--	--	--	--	
Agriculture and Extractive Activities					
Crop and animal raising	C	C	C	C	
Plant nursery	C	C	C	C	

Table 17.xx.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Mining and Quarrying	--	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	17.102.110

Limitations on Table 17.xx.01:

- L1. No Residential Care Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

17.xx.040 Permitted and Conditionally Permitted Facilities

Table 17.xx.02 lists the permitted, conditionally permitted, and prohibited facilities in the RH-1, RH-2, RH-3, and RH-4 zones. 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 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.xx.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Residential Facilities					
One-Family Dwellings	P	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	P	17.102.360
Two-Family Dwelling	--	--	--	--	
Multifamily Dwelling	--	--	--	--	
Rooming House	--	--	--	--	
Mobile Home	--	--	--	--	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	P	P	P	P	
Sidewalk Café	--	--	--	--	
Drive-In Nonresidential	--	--	--	--	
Drive-Through Nonresidential	--	--	--	--	
Telecommunications Facilities					
Micro Telecommunications	C	C	C	C	17.128

Table 17.xx.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	--	--	--	--	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
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

17.xx.050 Property Development Standards

A. **Zone Specific Standards.** Table 17.xx.03 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.xx.03: Property Development Standards					
Development Standards	Zones				Additional Regulations
	(R-1)	(R-10)	(R-20)	(R-30)	
	RH-1	RH-2	RH-3	RH-4	
Minimum Lot Dimensions					
Width	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
Maximum Density	1 primary unit per lot, plus a secondary unit				4
Minimum Setbacks					
Minimum front	25 ft	25 ft	20 ft	20 ft	5, 6
Minimum interior side	6 ft/15%	6 ft/15%	6 ft/10%	5 ft/10%	7, 8
Minimum street side	6 ft	6 ft	6 ft	5 ft	9
Rear	35 ft	35 ft	25 ft	20 ft	10, 11
Maximum Wall Length Before Articulation Required	40 ft	40 ft	40 ft	40 ft	12
Minimum Parking					
Minimum Parking Spaces Required per Unit	2	2	2	2	13, 14

Table 17.xx.03: Property Development Standards					
Development Standards	Zones				Additional Regulations
	(R-1)	(R-10)	(R-20)	(R-30)	
	RH-1	RH-2	RH-3	RH-4	
Additional Parking Spaces Required for Secondary Unit	1	1	1	1	14, 15

Additional Regulations for Table 17.xx.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. For Tentative Parcel Map subdivisions of 4 or less lots where each lot created has a buildable area slope of less than 20%, the minimum lot size is 6,500 square feet. For Tentative Tract Map subdivisions of 5 or more lots where each lot created has a buildable area slope of 20% or greater, the minimum lot size is increased to 8,000 square feet.
 - a. In order to determine slope of a subdivision, each lot shown on the Tentative Parcel Map should indicate the buildable area in dashed lines. The slope is measured at the steepest point between the front and rear setbacks (not included within the side setbacks).
3. See Section 16.16.170(F) in the Subdivision regulations for additional regulations regarding minimum lot size.
4. When there is no more than one unit on a lot a Secondary Unit may be permitted, subject to the provisions of Section 17.102.360.
5. In the RH-4 Zone, the minimum front setback may be reduced 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, buildings and other structures on the subject lot may be located 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 (5) five feet. In the case of a corner lot this same principle may apply if the two lots adjacent to the corner lot along its front lot line have less than a twenty (20) foot front setback.
6. In all residential zones the minimum front setback depth otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty (20) percent, 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. The street to setback gradient shall be based on the existing grade as measured from the outer edge of the sidewalk or, if there is no sidewalk, from the edge of the pavement to the normally required front setback line. The measurement shall be taken at the midpoint of the front lot line and perpendicular to the edge of the pavement.
7. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two or more living units and opposite a legally-required living room window.
8. The minimum interior side setback is the greater of the two listed setbacks. For RH-1 and RH-2 it is either six (6) feet or fifteen (15) percent of lot width, whichever is greater. For RH-3 it is either six (6) feet or ten (10) percent of the lot width, whichever is greater. And for RH-4 it is either five (5) feet or ten (10) percent of the lot width, whichever is greater.

9. Where There Is a Key Lot in a Residential Zone. 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 (½) 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 in any other residential zone, to the extent that 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 also Section 17.110.040 C for special controls on location of detached accessory buildings on such corner lots.
10. Wherever a rear lot line abuts an alley, one-half of the right-of-way width of the alley may be counted toward the required minimum rear setback depth; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be reduced to less than ten feet.
11. For lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half foot of rear setback depth for each additional one foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of forty (40) feet.
12. 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 section of additional setback. See design guidelines for more specific bulk regulations and context standards.
13. 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.
14. Additional parking standards apply within the S-11 Zone, Section 17.92 94.
15. One parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Tandem parking may be permitted for one of the required parking spaces on a lot containing a One-Family Dwelling Unit with Secondary Unit if the floor area of the Secondary Unit is 500 square feet or less. All required parking shall be non-tandem if the Secondary Unit exceeds 500 square feet. Additional regulations that apply to Secondary Units are provided in Section 17.102.360.

B. Bulk and Intensity. Table 17.xx.04 below prescribes bulk and intensity standards associated with lot sizes. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.xx.04 Bulk Regulations						
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	
Maximum Floor Area Ratio (F.A.R.)	0.55	0.50	0.45	0.35	0.25	1
Maximum Lot Coverage (%)	40%	40%	30%	20%	15%	2

Additional Regulations for Table 17.xx.04:

1. Lots less than 5,000 square feet may have a dwelling with a maximum of 2,000 square feet, regardless of F.A.R listed.
2. Lots less than 5,000 square feet may have a lot coverage of up to 2,000 square feet regardless of lot coverage percentage (%) listed.

C. Height. Table 17.xx.05 below prescribes height standards associated with different sloped lots. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.xx.05 Height Regulations						
Regulation	Height Regulations For All Lots With a Footprint Slope of:	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
		< 20 %	≥ 20 % and < 40 %	≥ 40 % and < 60 %		
Maximum Height for Detached Accessory Structures	15 ft	15 ft	15 ft	15 ft	15 ft	1
Maximum Wall Height Primary Building	25 ft	32 ft	34 ft	36 ft	32 ft	1, 2
Maximum Wall Height Primary Building With a CUP	N/A	36 ft	38 ft	40 ft	35 ft	1
Maximum Pitched Roof Height Primary Building	30 ft	36 ft	38 ft	40 ft	35 ft	1, 2
Maximum Height Above Edge of Pavement	N/A	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	N/A	24 ft	1
Maximum Height From Grade Within 20' of the Front Property Line	N/A	N/A	N/A	N/A	24 ft	1

Additional Regulations for Table 17.xx.05:

1. Exceptions to the maximum heights are provided in Section 17.108.030, and Chapter 17.128.
2. On a downslope lot greater than or equal to forty (40) percent footprint slope the rear wall away from the street side 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.

17.xx.060 Limitations on Signs.

All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.

17.xx.070 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.

17.xx.080 Special regulations for mini-lot and planned unit developments.

- A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the RH-1, RH-2, RH-3, and RH-4 zones may be waived or modified when and as prescribed in Section 17.102.320.
- B. 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-1, RH-2, RH-3, and RH-4 zones, and certain of the other regulations applying in said zone may be waived or modified.

17.xx.90 Other zoning provisions.

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. 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-1, RH-2, RH-3, and RH-4 zones.
- F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RH-1 RH-2, RH-3, and RH-4 zones.
- G. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the RH-1, RH-2, RH-3, and RH-4 zones.