

23.210.020 Hillside Overlay Zone.

- A. *Purpose.* The purpose of the Hillside (H) overlay zone is to:
1. Implement General Plan policies for hillside development;
 2. Protect the safety and health of residents where steep topography, unusual street conditions and proximity to the wildland-urban interface create severe risk from wildfire;
 3. Protect the character of Berkeley's hillside areas and their immediate environs;
 4. Give reasonable protection to views yet allow appropriate development of all property;
 5. Allow modifications in standard setback and height requirements when justified because of steep topography, irregular lot pattern, unusual street conditions, or other special aspects of the hillside areas.
- B. *Allowed Uses.*
1. *General.* Allowed uses in the H overlay zone are the same as the underlying base district except as provided in this subsection.
 2. *Multiple Dwellings in R-2.* When the H overlay zone is combined with the R-2 district, multiple dwellings on a single property are not permitted.
- C. *Development Standards.*
1. *General.* Development standards in the H overlay zone are the same as the underlying base district except as provided in this subsection.
 2. *Main Building Height.*
 - (a) Table 23.210-1 shows the maximum allowed building height in the H overlay zone.
 - (b) The Zoning Officer may approve an AUP to increase the allowed average and maximum main building height upon finding the project is consistent with the purpose of the H overlay zone as stated in [23.210.020.A](#) (Purpose).

Table 23.210-1. H OVERLAY ZONE MAXIMUM ALLOWED HEIGHT

UNDERLYING BASE DISTRICT	ALLOWED HEIGHT		MAXIMUM STORIES
	AVERAGE	MAXIMUM	
New Buildings			
R-1, R-1A, R-2, R-2A	28 ft.	35 ft.	3 stories
R-3, R-4, R-5, R-S, C-N, C-NS	35 ft.	35 ft.	3 stories

Table 23.210-1. H OVERLAY ZONE MAXIMUM ALLOWED HEIGHT

UNDERLYING BASE DISTRICT	ALLOWED HEIGHT		MAXIMUM STORIES
	AVERAGE	MAXIMUM	
Residential Additions	As required by the base district or the highest existing portion of the roof, whichever is lower	20 ft.	N/A

(c) For a residential addition located above the lowest existing story that is partially or fully above grade, not habitable, and projects beyond the footprint of the habitable portion of the building, the average height is measured from the floor plate of the lowest habitable story. Maximum height is measured from grade in all cases.

(d) Height provisions in Section [23.304.050](#)--Building Height apply in the H overlay zone.

3. *Accessory Building Height.*

(a) Accessory buildings are limited to 12 feet in average height and one story.

(b) The Zoning Officer may approve an AUP to increase the allowed height and/or stories upon finding that the proposed accessory building:

- i. Will not be detrimental to the light, air, privacy, and view of adjacent property; and
- ii. Is consistent with the purpose of the H overlay zone as stated in Section [23.210.020.A](#)--Hillside Overlay Zone (Purpose).

4. *Setbacks and Building Separation.*

(a) The Zoning Officer may approve an AUP to reduce the minimum required main building lot line setbacks and the minimum required building separation in the underlying base district upon finding that the reduction is consistent with the purpose of the H overlay zone as stated in [23.210.020.A](#) (Purpose).

(b) Setback provisions in Section [23.304.030](#)--Setbacks apply in the H overlay zone. (Ord. 7787-NS § 2 (Exh. A), 2021)

The Berkeley Municipal Code is current through Ordinance 7957-NS, passed April 15, 2025.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

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