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## Chapter 21.28 –Overlay Coastal Zoning Districts (MHP, PM, B, C, and H)

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### 21.28.010 – Purposes of Overlay Coastal Zoning Districts

The purposes of the individual overlay coastal zoning districts and the manner in which they are applied are outlined below. An overlay district may be initiated as a Coastal Zoning Map amendment in compliance with Chapter 21.14 (Maps). All development shall comply with the applicable development standards (e.g., setbacks, height) of the underlying coastal zoning district in addition to the standards provided in this chapter, if any. In situations where an inconsistency occurs between the development standards of the underlying coastal zoning district and the standards in this chapter the most restrictive standard shall prevail.

- A. **MHP (Mobile Home Park) Overlay Coastal Zoning District.** The MHP Overlay Coastal Zoning District is intended to establish a mobile home district on parcels of land developed with mobile home parks. The regulations of this district are designed to maintain and protect mobile home parks in a stable environment with a desirable residential character.
- B. **PM (Parking Management) Overlay Zoning District.** The PM Overlay Zoning District is intended to provide for areas where parking management plans are appropriate to ensure adequate parking.
- C. **Bluff (B) Overlay Coastal Zoning District.** The B Overlay District is intended to establish special development standards for areas of the City where projects are proposed on identified bluff areas. The specific areas are identified in Part 8 of this Implementation Plan (Maps).
- D. **Canyon (C) Overlay Coastal Zoning District.** The C Overlay District is intended to establish development setbacks based on the predominant line of existing development for areas that contain a segment of the canyon edge of Buck Gully or Morning Canyon. The specific areas are identified in Part 8 of this Implementation Plan (Maps).
- E. **Height (H) Overlay District.** The H Overlay District is intended to establish standards for review of increased building height in conjunction with the provision of enhanced project design features and amenities.

## **21.28.020 Mobile Home Park (MHP) Overlay Coastal Zoning District.**

- A. **Uses Allowed.** Uses allowed in the MHP Overlay Coastal Zoning District include only those uses listed below. When an MHP Overlay Coastal Zoning District is applied to an area, all uses previously allowed in the underlying Coastal Zoning district are no longer allowed.
1. **Mobile Home Parks.** Mobile home parks as regulated by the State of California pursuant to the Mobile Home Parks Act (Health and Safety Code Section 18300) and the California Coastal Act (Public Resources Code Division 20).
  2. **Accessory Structures and Uses.** Accessory structures and uses incidental to the operation of mobile home parks (e.g., recreation facilities and/or community centers of a noncommercial nature, either public or private, storage facilities for the use of the mobile home park residents, and any other structures or uses that are incidental to the operation of a mobile home park).
- B. **Land Use and Development Standards.** The standards are those established by the base zoning district (e.g., RM). The MHP Overlay does not modify land use or property development regulations.
- C. **Removal of the Mobile Home Park Overlay District.** Removal of the MHP designation shall be initiated as a Coastal Zoning Map amendment through a Local Coastal Program amendment. The Council shall not approve a Coastal Zoning Map amendment that would remove the MHP designation from a property, unless all of the following findings have first been made:
1. The proposed Coastal Zoning is consistent with the Coastal Land Use Plan, and in the event the proposed Coastal Zoning is Planned Community, the PC Development Plan has been submitted and is consistent with the Coastal Land Use Plan;
  2. The property which is the subject of the Coastal Zoning Map amendment would be more appropriately developed in compliance with the uses allowed by the underlying base coastal zoning, or proposed Coastal Zoning, and if the underlying base coastal zoning or proposed Coastal Zoning is Planned Community, that a PC Development Plan has been submitted and the property would be more appropriately developed with the uses specified in that development plan; and
  3. A mobile home park phase out plan and report on the impact of conversion, closure, or cessation of the use on the displaced residents of the mobile home park has been prepared, reviewed, and found to be acceptable and consistent with the provisions of the California Government Code.
    - a. A phase out plan shall not be found to be acceptable unless it includes all of the following:

- i. A time schedule and method by which existing mobile homes, cabanas, ramadas, and other substantial improvements and tenants are to be relocated or appropriately compensated;
  - ii. Methods of mitigating the housing impacts on tenants having low and moderate incomes, elderly tenants, and tenants who are handicapped; and
  - iii. The programs or other means that are to be implemented properly address the housing impacts on those described in subsection (B)(3)(a)(ii) of this section are mitigated.
- b. For purposes of this finding, “low and moderate incomes” shall be defined in compliance with the provisions of the City’s Housing Element.

**21.28.030 – Parking Management (PM) Overlay District**

- A. **Parking Management District Plan Required.** Before approving a Coastal Zoning Map amendment reclassifying land to a PM Overlay District, the Commission and Council shall approve a parking management district plan.
- B. **Establishment of Parking Management Program(s).** The parking management district plan shall identify existing and planned parking facilities and establish parking management programs necessary to adequately serve the parking needs of the area and address the following issues:
  - 1. The provision of adequate, convenient parking for residents, guests, business patrons, and visitors of the Coastal Zone;
  - 2. Optimizing the use of existing parking spaces;
  - 3. Providing for existing and future land uses;
  - 4. Reducing traffic congestion;
  - 5. Limiting adverse parking impacts on user groups;
  - 6. Providing improved parking information and signage;
  - 7. Generating reasonable revenues to cover City costs;
  - 8. Accommodating public transit and alternative modes of transportation.
- C. **Exemptions.** The parking management district plan shall also include a formula or procedure establishing the extent to which commercial, residential, and mixed-use properties shall be exempted from the requirements of Chapter 21.40 (Off-Street Parking).
- E. **Local Coastal Program Amendment Required.** The implementation of any future parking management district plans as a PM Overlay District shall require an amendment to the Local Coastal Program approved by the Coastal Commission.

## 21.28.040 – Bluff (B) Overlay District

- A. **Applicability.** This section applies to lots located in the Bluff (B) Overlay District as indicated on the Coastal Zoning Map. All development shall comply with the applicable development standards (e.g., setbacks, height) of the underlying coastal zoning district in addition to the standards provided in this section. In situations where an inconsistency occurs between the development standards of the underlying coastal zoning district and the standards in this section the most restrictive standard shall prevail.
- B. **Uses Allowed.** Land uses allowed in the Bluff (B) Overlay District are all those uses allowed in the underlying coastal zoning district.
- C. **Development Area Defined.** For the purpose of this section the development area of a lot is an area delineated for the purpose of regulating the placement and location of structures. Each lot within the B Overlay District shall be divided into two or more development areas. Development areas are delineated on the Development Area Maps attached to the ordinance codified in this Implementation Plan and are consistent with the development areas listed in subsection (D) of this section, unless modified pursuant to subsection (O) of this section. The setbacks provided in Tables 21.18-2 and 21.18-3 in Section 21.18.030 (Residential Coastal Zoning Districts General Development Standards) are not used to determine development areas, but are only used to determine the maximum floor area limit for the lot, if applicable.
1. **Development Area A — Principal and Accessory Structures.** Area A allows for the development and use of principal and accessory structures. Accessory structures allowed in Areas B and C are allowed in Area A.
  2. **Development Area B — Accessory Structures.** Area B allows for the development and use of accessory structures listed below. Principal structures are not allowed.
    - a. **Allowed Accessory Structures.** The following accessory structures are allowed in Area B:
      - i. Accessory structures allowed in Area C are allowed within Area B.
      - ii. Barbecues.
      - iii. Decks.
      - iv. Detached or attached patio covers (solid or lattice).
      - v. Fences, walls, and retaining walls in compliance with Section 21.30.040 (Fences, Hedges, Walls, and Retaining Walls).
      - vi. Fireplaces and fire pits.
      - vii. Gazebos.

- viii. Outdoor play equipment.
- ix. Patios.
- x. Platforms.
- xi. Porches.
- xii. Above ground spas and hot tubs.
- xiii. Swimming pools (25-foot setback required on bluffs subject to marine erosion).
- xiv. Terraces.
- xv. Similar structures.
- xvi. Benches.
- xvii. Guardrails and handrails required by building code.
- xviii. Property line fences and walls, not including retaining walls.

b. Development standards for accessory structures. The following development standards apply to Area B:

- i. Covered accessory structures (e.g., trellis, gazebos, patio covers) shall not exceed twelve (12) feet in height from existing grade or finished grade or exceed four hundred (400) square feet in cumulative total area.
- ii. Retaining walls shall comply with Section 21.30.040 (Fences, Hedges, Walls, and Retaining Walls).
- iii. Surficial grading for at-grade structures only; no caissons or accessory structures with deepened foundations allowed in Area B, other than the exemptions made for in subsection D of third section listed below.

3. **Development Area C—Limited Accessory Structures.** Area C allows for the development and use of limited accessory structures. The following accessory structures are allowed in Area C:

a. **Allowed Limited Accessory Structures.** Area C allows for the development and use of limited accessory structures.

- i. **Lots Not Subject to Marine Erosion.** For lots located on bluffs not subject to marine erosion, the following accessory structures are allowed in Area C:

- 1) Benches.
- 2) Drainage devices.
- 3) Guardrails and handrails required by building code.
- 4) Landscaping/irrigation systems.
- 5) On-grade trails (allowed only in Irvine Terrace (Map B-2 and B-3))
- 6) On-grade stairways (allowed only in Irvine Terrace (Map B-2 and B-3))
- 7) Property line fences and walls, not including retaining walls.
- 8) Underground utilities, only if not feasible to be placed elsewhere on the site.

ii. Lots Subject to Marine Erosion. For lots located on bluffs subject to marine erosion, the following accessory structures are allowed in Area C, unless prohibited in subsection (D) of this section;

- 1) Drainage devices, only if not feasible to be placed elsewhere on the site.
- 2) Landscaping/temporary irrigation systems.
- 3) On-grade public trails.
- 4) On-grade public stairways.
- 5) Underground utilities, only if not feasible to be placed elsewhere on the site.
- 6) Shoreline protective devices in compliance with Section 21.30.030 (C) (3).

D. **Location of Development Areas.** The development areas are listed below and depicted in the referenced map exhibits adopted in Part 8 of this Implementation Plan. The placement of structures and grading is limited by development areas as defined in this section and in subsection (C) of this section. The development areas for each parcel are polygons established by the property lines and the following development lines (See Map Exhibits B-2 through B-9, attached to the ordinance codified in this Implementation Plan). Development areas may be modified pursuant to subsection (O) of this section. All contour lines refer to NAVD88 contours.

2. **Map B-2—Irvine Terrace (Not Subject to Marine Erosion).**

a. Dolphin Terrace.

- i. Development Area A. Between the front property line adjacent to Dolphin Terrace and a ten (10) foot setback from the top of the existing bluff.
- ii. Development Area B. Between the ten (10) foot setback from the top of the existing bluff and a line established at an elevation that is thirteen (13) feet below the average elevation of the top of the curb adjacent to the lot.
- iii. Development Area C. All portions of the lot not located in Areas A and B.
- iv. Development Area Exemption. The basement of a principal structure in Area A is allowed to daylight into Area B. On-grade trails and stairways are allowed in Development Area C.

3. **Map B-3—Irvine Terrace (Not Subject to Marine Erosion).**

a. Bayadere Terrace (1607).

- i. Development Area A. The extent of the existing principal structure.
- ii. Development Area B. Between the extent of the existing development and a development line established at an elevation that is thirteen (13) feet below the average elevation of the top of the curb adjacent to the lot.
- iii. Development Area C. All portions of the lot not located in Areas A and B.
- iv. Development Area Exemptions. The basement of a principal structure in Area A is allowed to daylight into Area B. On-grade trails and stairways are allowed in Development Area C.

b. Bayadere Terrace (1615-1638) (Not Subject to Marine Erosion).

- i. Development Area A. Between the front property line adjacent to Bayadere Terrace and the forty-eight (48) foot contour line\*.
- ii. Development Area B. Between the forty-eight (48) foot contour line\* and a development line established at an elevation that is thirteen (13) feet below the average elevation of the top of the curb adjacent to the lot.

- iii. Development Area C. All portions of the lot not located in Areas A and B.
    - iv. Development Area Exemptions. The basement of a principal structure in Area A is allowed to daylight into Area B. On-grade trails and stairways are allowed in Development Area C.
  - c. Bayadere Terrace (1701-2201) (Not Subject to Marine Erosion).
    - i. Development Area A. Between the front property line adjacent to Bayadere Terrace and the fifty (50) foot contour line\*.
    - ii. Development Area B. Between the fifty (50) foot contour line and a development line established at an elevation that is thirteen (13) feet below the average elevation of the top of the curb adjacent to the lot.
    - iii. Development Area C. All portions of the lot not located in Areas A and B.
    - iv. Development Area Exemptions. The basement of a principal structure in Area A is allowed to daylight into Area B. On-grade trails and stairways are allowed in Development Area C.
- 4. **Map B-4—Avocado Avenue/Pacific Drive (Not Subject to Marine Erosion).**
  - a. Avocado Avenue.
    - i. Development Area A. Above the sixty-eight (68) foot contour line for 415 Avocado Avenue, above the fifty (50) foot contour line for 411 Avocado Avenue and the prolongation of such contour line along the shortest segment to the thirty-five (35) foot contour line<sup>2</sup> for 401 Avocado Avenue.
    - ii. Development Area C. Below the sixty-eight (68) foot contour line at 415 Avocado Avenue, fifty (50) foot contour line at 411 Avocado Avenue, and below the thirty-five (35) foot contour line\* along 401 Avocado Avenue.
  - b. Pacific Drive (2235-2329).
    - i. Development Area A. Between the front property line adjacent to Pacific Drive and the fifty-three (53) foot contour line.\*
    - ii. Development Area C. All portions of the lot not located in Area A.
- 5. **Map B-5—Carnation Avenue (Only 201-203 Subject to Marine Erosion).**
  - a. Carnation Avenue (201-233).

- i. Development Area A. Between the front property line adjacent to Carnation Avenue and the 50.7-foot contour line.\*
  - ii. Development Area C. All portions of the lot not located in Area A.
- b. Carnation Avenue (239-317).
  - i. Development Area A. As indicated by the specified distance (in feet) from the front property line adjacent to Carnation Avenue on the development area map.
  - ii. Development Area B. Between the Area A development line and the seventy (70) foot contour line.\*
  - iii. Development Area C. All portions of the lot not located in Area A or B.
  - iv. Additional Development Standards. If Area A overlaps Area B, the area of overlap shall be regulated as Area A.

**6. Map B-6—Ocean Boulevard/Breakers Drive (Subject to Marine Erosion)..**

- a. Breakers Drive (3100-3200).
  - i. Development Area A. Between the fifty-two (52) foot contour line\* and the property line adjacent to Breakers Drive.
  - ii. Development Area B. Between the forty-eight (48) foot contour line\* and the thirty-three (33) foot contour line.\*
  - iii. Development Area C. All portions of the lot not located in Area A or B.
  - iv. Additional Development Standards. Structure height may not exceed the fifty-two (52) foot contour line.\* No fences or walls allowed in Area C.
- b. Ocean Boulevard (3207-3309).
  - i. Development Area A. Between the forty-eight (48) foot contour line\* and the property line adjacent to Ocean Boulevard and between the thirty-three (33) foot contour line\* and the property line adjacent to Breakers Drive.
  - ii. Development Area C. Between the thirty-three (33) foot and forty-eight (48) foot contour lines.\*

- iii. Additional Development Standards. Covered walkways connecting a conforming garage and principal structure are allowed in Area C.
- c. Ocean Boulevard (3317-3431).
  - i. Development Area A. Between the forty-eight (48) foot contour line\* and the property line adjacent to Ocean Boulevard.
  - ii. Development Area B. Between the forty-eight (48) foot contour line and the thirty-eight (38) foot contour line.\*
  - iii. Development Area C. All portions of the lot not located in Area A or B.
  - iv. Additional Development Standards. No fences or walls in Area C.
- d. Ocean Boulevard (3601-3729).
  - i. Development Area A. Between the property line adjacent to Ocean Boulevard and the seaward extent of the existing development area.
  - ii. Development Area C. All portions of the lot not located in Area A.
  - iii. Additional Development Standards. New development shall not extend further onto the bluff face beyond existing development.

**7. Map B-7—Shorecliffs (Subject to Marine Erosion).**

- a. Shorecliff Road.
  - i. Development Area A. As indicated by the specified distance (in feet) from the front property line on the development area map. Setbacks shall be not less than twenty-five (25) feet from the bluff edge for principal structures and major accessory structures such as guesthouses and swimming pools, and not less than ten (10) feet from the bluff edge for accessory structures.
  - ii. Development Area B. Between the seaward boundary of Area A and a line established by a ten (10) foot setback from the bluff edge (not all lots have an Area B).
  - iii. Development Area C. All portions of the lot not located in Area A or B.
  - iv. Additional Development Standards. If Area A overlaps Area B, the area of overlap shall be regulated as Area A. No fences or walls shall be allowed in Area C.

**8. Map B-8—Cameo Shores (Subject to Marine Erosion).**

- a. Brighton Road.
  - i. Development Area A. As indicated by the specified distance (in feet) from the front property line on the development area map. Setbacks shall be not less than twenty-five (25) feet from the bluff edge for principal structures and major accessory structures such as guesthouses and swimming pools, and not less than ten (10) feet from the bluff edge for accessory structures.
  - ii. Development Area B. Between the seaward boundary of Area A and a line established by a ten (10) foot setback from the bluff edge (not all lots may have an Area B).
  - iii. Development Area C. All portions of the lot not located in Area A or B.
  - iv. Additional Development Standards. If Area A overlaps Area B, the area of overlap shall be regulated as Area A. No fences or walls shall be allowed in Area C.

**9. Map B-9—Upper Newport Bay Bluffs.**

- a. 1310-1542 and 1638-2018 (even numbers only) Galaxy Drive and 930 and 1001-1033 (odd numbers only) Mariner's Drive (Subject to Marine Erosion).
  - i. Development Area A. Between the front property line and (1) a line not less than 25 feet from the bluff edge or (2) the rear setback line, whichever is more restrictive, for principal structures and major accessory structures such as guesthouses and swimming pools.
  - ii. Development Area B. Between the seaward boundary of Area A and a line not less than ten (10) feet from the bluff edge (not all lots may have an Area B).
  - iii. Development Area C. All portions of the lot not located in Area A or Area B (not all lots may have an Area C). No development allowed in Area C.
- b. 2024-2042 Galaxy Drive and 2036-2130 Santiago Drive (even numbers only) – Not Subject to Marine Erosion.
  - i. Development Area A. Between the front property line and the rear setback line.
  - ii. Development Area B. Between the rear setback line and the rear property line.

- iii. Development Area C. All portions of the lot not located in Area A or Area B (not all lots have an Area C). No development allowed in Area C.
  - c. 1200-1244 Polaris Drive (even numbers only) – Not Subject to Marine Erosion.
    - i. Development Area A. Between the front property line adjacent to Polaris Drive and the seaward extent of the predominant line of existing principal structure development.
    - ii. Development Area B. Between the seaward extent of Area A and the seaward extent of the predominant line of existing accessory structure development.
    - iii. Development Area C. All portions of the lot not located in Area A or Area B (not all lots have an Area C).
    - iv. Additional Development Standards. New development shall not extend further onto the bluff face beyond existing development.

\*all contour lines refer to NAVD88 contours.

- E. **Basements.** Basements are allowed in Area A and may be constructed at an elevation (NAVD88) below any specified contour elevation. Basements shall not daylight on the bluff or slope face beyond Area A.
- F. **Grading—All Development Areas.** Grading in Development Area A is limited to the minimum necessary for the construction and placement of allowed structures. Surficial grading in Development Area B is limited to the minimum necessary for the placement of allowed structures with the exception of Map B-2 and Map B-3 (Irvine Terrace).
- G. **Swimming Pools.** Swimming pools shall be of double wall construction with subdrains between the walls and leak detection devices or an equivalent method.
- H. **Landscaping and Irrigation.** See Sections 21.30.030 (C)(2), 21.30.075 (Landscaping), and 21.30.085 (Water Efficient Landscaping).
- I. **Coastal Hazards and Geologic Stability Reports.** Coastal hazards and geologic stability reports shall be provided pursuant to Section 21.30.015 (C) (Development in Hazardous Areas).
- J. **Erosion Control Plan.** An erosion control plan shall be required pursuant to Section 21.30.015 (C) (8) (Erosion Control Plan).
- K. **Natural Landform and Shoreline Protection.** See Section 21.30.030 (Natural Landform and Shoreline Protection).

- L. **Scenic and Visual Quality Protection.** See Section 21.30.100 (Scenic and Visual Quality Protection).
- M. **Encroachments.**
1. **Above Grade Encroachments.** Balconies, bay windows, eaves, architectural features, and shading devices attached to principal or accessory structures may encroach from Area A into Area B without limitation, provided they do not require ground support. Balconies, bay windows, eaves, architectural features, and shading devices attached to principal or accessory structures may encroach from Area A or Area B into Area C, provided they do not require ground support and encroach no farther than five feet into Area C and comply with any required minimum setbacks.
  2. **Subterranean Structural Encroachments.** Foundations, basement walls, structural supports, and shoring for principal structures may encroach a maximum of twenty-four (24) inches into an adjacent development area (B).
- N. **Nonconforming Structures.** Principal and accessory structures that do not conform to the development standards of this chapter shall comply with Section 21.38.040 (Nonconforming Structures) of this Zoning Code.
- O. **Adjustment of Development Area Boundary.**
1. **Reduced Development Area(s).** A bluff development area shall be reduced whenever necessary to:
    - a. Ensure safety and stability against slope failure (i.e., landsliding) for the economic life of a development. At a minimum, the development area shall be adjusted to ensure a slope stability factor greater than or equal to 1.5 at the end of the economic life of the development for the static condition of the bluff or a factor of safety greater than or equal to 1.1 for the seismic condition of the bluff, whichever is further landward; and
    - b. Ensure that the principal structures are safe from hazards due to erosional factors and coastal hazards for the economic life of the building.
    - c. Ensure a minimum setback of twenty-five (25) feet from the bluff edge for the principal structure and major accessory structures such as guesthouses and pools and not less than ten (10) feet from the bluff edge for accessory structures on bluffs subject to marine erosion.

#### **21.28.050 – Canyon (C) Overlay District**

- A. **Applicability.** This section applies to lots located in the Canyon (C) Overlay District as indicated on the Coastal Zoning Map. All development shall comply with the applicable development standards (e.g., setbacks, height) of the underlying coastal zoning district in addition to the standards provided in this section. In situations where an inconsistency

occurs between the development standards of the underlying coastal zoning district and the standards in this section the most restrictive standard shall prevail.

- B. **Uses Allowed.** Land uses allowed in the C Overlay District are all those uses allowed in the underlying coastal zoning district.
- C. **Development Stringline Setback.** Development within the C Overlay District shall not extend beyond the predominant line of existing development on canyon faces by establishing a development stringline where a line is drawn between nearest adjacent corners of existing structures on either side of the subject property. Development stringlines shall be established for both principal and accessory structures.
  - 1. **Adjustments to the Development Stringline.** The review authority may adjust the development stringline under the following circumstances:
    - a. To ensure a slope stability factor of safety greater than or equal to 1.5 at the end of the economic life of the development for the static condition of the canyon or a factor of safety greater than or equal to 1.1 for the seismic condition of the canyon, whichever is farther upward from the canyon base;
    - b. To provide adequate protection from erosional factors for the economic life of the development;
    - c. To provide an adequate open space protective buffer to sensitive habitat areas.
    - d. To protect existing public views and where feasible enhance visual qualities of the coastal canyons as viewed from public areas.
  - 2. **Approved Future Development.** The review authority may permit the stringline setback lines to be drawn from approved, yet undeveloped, buildings and structures authorized by a coastal development permit.
- D. **Floor Area Limit Calculation.** The development stringline setback shall be used only to establish the development area on the site and shall not be used to determine the maximum floor area limit for the lot.
- E. **Swimming Pools.** Swimming pools shall be of double wall construction with subdrains between the walls and leak detection devices or an equivalent method.
- F. **Landscaping and Irrigation.** See Sections 21.30.030 (C)(2), 21.30.075 (Landscaping), and 21.30.085 (Water Efficient Landscaping).
- G. **Coastal Hazards and Geologic Stability Reports.** Coastal hazards and geologic stability reports shall be provided pursuant to Section 21.30.015 (C) (Development in Hazardous Areas).

- H. **Erosion Control Plan.** An erosion control plan shall be required pursuant to Section 21.30.015 (C) (8) (Erosion Control Plan).
- I. **Natural Landform and Shoreline Protection.** See Section 21.30.030 (Natural Landform and Shoreline Protection).
- J. **Scenic and Visual Quality Protection.** See Section 21.30.100 (Scenic and Visual Quality Protection).
- K. **Habitat Protection.** See Chapter 21.30B (Habitat Protection).
- L. **Waiver of Future Protection.** New development shall require a waiver of future protection as required by Section 21.30.015(C)(6).

### 21.28.060 – Height (H) Overlay District

- A. **Applicability.** The Height Overlay District includes properties located in the Multiple Residential (RM) Zoning District within Statistical Area A2 (See Map A-14 in Part 8 (Maps) of this Implementation Plan).
- B. **Discretionary Review.** A request for an increase in building height under the provisions of the Height (H) Overlay District requires discretionary review through a coastal development permit.
- C. **Eligibility.** Properties eligible for the Height (H) Overlay District must have a minimum lot size of one acre.
- D. **Maximum Height.** The maximum height limit is forty (40) feet for a flat roof and forty-five (45) feet for a sloped roof. The development shall be three stories maximum.
- E. **Required Findings.** The review authority may approve a coastal development permit to allow a project in compliance with this section only after finding all of the following in addition to the findings required for the coastal development permit application in Section 21.52.015 (F) and the findings required by Section 20.30.060(C)(3):
  - 1. The proposed project provides increased building setbacks from public streets and property lines above code requirements;
  - 2. The proposed project provides project enhancements and on-site recreational amenities for the residents above code requirements; and
  - 3. The proposed project provides quality architecture and quality materials.
- F. **Standards.** The following standards should be considered for compliance with subsection (E)(3) of this section:
  - 1. Enhanced treatment of building elevations facing public streets with respect to architectural treatment to achieve a high level of design and neighborhood quality (e.g., high quality doors, windows, moldings, metalwork, finishes, stoops, porches, etc.).

2. Building materials and colors should be selected that will complement the proposed design and existing buildings in the surrounding area.
3. Building materials should be high quality, durable, authentic to the architectural style, and applied in a quality fashion.
4. If stucco is used it should have a smooth finish. Sand and lace stucco finishes should be avoided.
5. Lighting should be selected to provide ambiance, safety, and security, without unnecessary spillover or glare.
6. Building owners and tenants should keep the building exteriors and facades clean and in good repair.

G. **Subdivisions.** Projects that include a subdivision shall adhere to the following criteria in order to ensure the provision of enhanced project design features:

1. **Overall Lot Setbacks.** The Multiple Residential (RM) Zoning District setback requirements are applicable to the overall development lot.
2. **Primary Structure Front Setback.** The minimum setback for primary structures is twenty-five (25) feet from any front property line abutting a public street.
3. **Street Enhancements.** A landscaped area is required within the first fifteen (15) feet of the front setback, and shall include trees, shrubs, and ground cover. Fences, walls, or hedges are allowed beyond the fifteen (15) foot front landscape setback.
4. **Side Landscape Setback.** A minimum five-foot landscape setback is required from any side property line abutting a public street, and shall include trees, shrubs, and ground cover. Fences, walls, or hedges are allowed beyond the five-foot setback.
5. **Public Sidewalks.** Sidewalks are required to be a minimum width of eight feet. A meandering sidewalk design is preferred for lots greater than three hundred (300) feet in width and must be designed to be compatible with abutting properties.
6. **Common Open Space.** A minimum of one hundred (100) square feet of common open space per unit is required, not including pathways, and must be dedicated to recreational amenities.
7. **Recreational Amenities.** Recreational amenities are required and may include a recreation building, seating areas, barbecue/grill, fire pit/fireplace, swimming pool/spa, bicycle racks/storage, activity area (such as playing field/lawn, sport court, horseshoe pit, playground, etc.), or similar amenities.
8. **Additional Guest Parking.** Where limited off-site, on-street parking is available, guest parking is required above the code requirement and must be distributed throughout the site.