

# DRAFT CHAPTER 21.88: MULTIFAMILY HOUSING AND MIXED-USE DEVELOPMENT - OBJECTIVE DESIGN STANDARDS

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## 21.88.010 Purpose and Intent

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The purpose of the objective design standards of this chapter is to provide the public, building and design professionals, and decision-makers with objective criteria for eligible new residential and mixed-use development in the city. The intent is to provide clear design direction that enhances an area's unique character and sense of place, allows design flexibility, and promotes construction of new housing in the city.

## 21.88.020 Eligibility

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- A. The following sections provides objective design standards required for use in the review of "developments" governed by California Government Code Section 65913.4 (Streamlined Ministerial Approval Process) and "housing development projects" as governed by California Government Code Section 65589.5 (Housing Accountability Act). These sections detail the review processes required for projects that provide, generally, either affordable or market rate multifamily housing development projects with at least two units or mixed-use development projects with at least two thirds square footage designated for residential uses. For full eligibility criteria, see the California Government Code sections listed above or the city's development application materials.
- B. These objective design standards are intended to apply exclusively to multifamily and mixed-use residential developments that consist of at least two attached dwelling units. These objective design standards do not apply to any other land development type, including a detached dwelling unit. Developments proposing detached dwelling unit product types or any other land development types are subject to the applicable objective standards found in other relevant regulatory documents and sections of code.
- C. Modification or expansion of an existing conforming structure used for multifamily housing or mixed-use development that includes attached units is also eligible to use applicable standards of the Multifamily Housing and Mixed-Use Development Objective Design Standards Manual.

## 21.88.030 Additional Provisions

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- A. **Other Applicable Objective Standards.** Eligible projects must comply with all objective standards in the city's regulatory documents (including but not limited to the Carlsbad Municipal Code, Sign Ordinance, Landscaping Manual, Hillside Development Regulations, etc.) for topics on which this document is silent.
- B. **Waivers.** A project applicant may request up to four (4) waivers to the applicable objective design standards provided in the Multifamily Housing and Mixed-Use Development Objective Design

Standards Manual without the requirement for an additional application. The waiver process set forth in this section is in addition to and/or combined with the concessions/incentives and waiver process pursuant to Density Bonus Law (Govt Code Section 65915) and/or other applicable state laws. If the state density bonus concession/incentive or waiver is for an objective design standard in Section 21.88.030, it would be counted as one (1) of the four (4) allowed waivers under this section.

1. The request must be made in writing as part of the application for the proposed project. The written justification for a waiver(s) must identify the design standard(s) that is requested to be waived and how the request meets the waiver findings listed below.
  2. **Waiver Findings.** The decision maker will consider the request and information provided and make findings to approve or deny the request. A waiver shall be granted only if all the following findings are made:
    - a. The proposed project meets the intent of the design standard under consideration, or a similar design standard is implemented in substitution.
    - b. The project meets the allowed density with the proposed waiver(s).
- C. **Conflicting Standards.** It is the intent of these objective design standards that all qualifying building and construction projects to the exterior of a building achieve design conformance with the objective standards provided in this document. If there is any conflict between these objective design standards and other applicable standards, the standards provided in the Multifamily Housing and Mixed-Use Development Objective Design Standards Manual shall prevail. Exception: The objective design standards specified in the applicable master plan or specific plan shall prevail if such standards conflict with the standards of the Multifamily Housing and Mixed-Use Development Objective Design Standards Manual.

### **21.88.030 Incorporation of the Multifamily Housing and Mixed-Use Objective Design Standards Manual by Reference**

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The City of Carlsbad's Multifamily Housing and Mixed-Use Development Objective Design Standards Manual is incorporated by reference into this chapter.

### **21.88.040 Severability**

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Should any section, subsection, sentence, clause, or phrase of the ordinance codified in this chapter be held for any reason to be invalid or unconditional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The City Council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any part thereof be declared invalid or unconditional.