

## **Appeal: 3635 Elm Project**

**Nov 11, 2008**

### **21.25.103 Proceedings.**

**2. Information Required.** The transmittal to the City Council shall give the reasons for the Commission's recommendation and shall indicate whether or not the decision was unanimous. In the event the decision was not unanimous, the view of the minority opinion shall also be disclosed.

**21.21.504 Time for conducting hearing of appeals.**

B. In the case of appeals to the City Council, within sixty (60) days of the receipt by the City Clerk from the Department of Planning and Building of the appeal filed with the Department.

**21.21.505 Findings on appeal.**

All decisions on appeal shall address and be based upon the same conclusionary findings, if any, required to be made in the original decision from which the appeal is taken.

**(Title 14 CA Code of Regulations,  
Chapter 3, Article 6, Section 15074(b))**

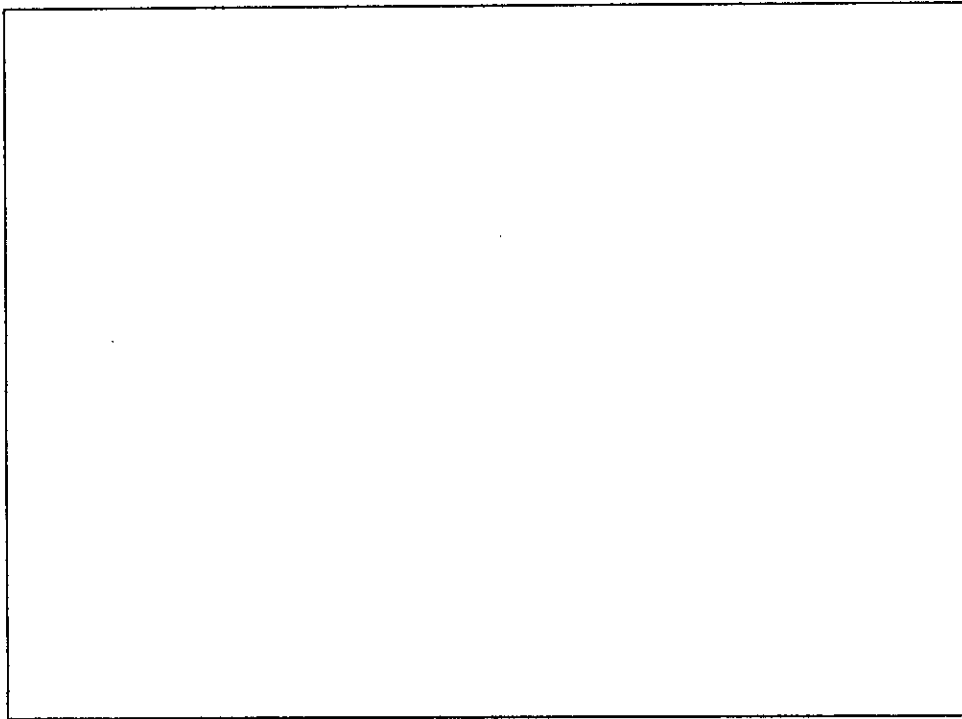
The decisionmaking body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment ...

## **An Environmental Impact Report is Required.**

- Air Quality Impacts
- Long Term, Regional, and Cumulative Impacts (Precedent)
- Potential Hazardous Materials

**View of site from 3716 Elm Avenue, 1950's**





## **21.63.080 Waiver of development standards.**

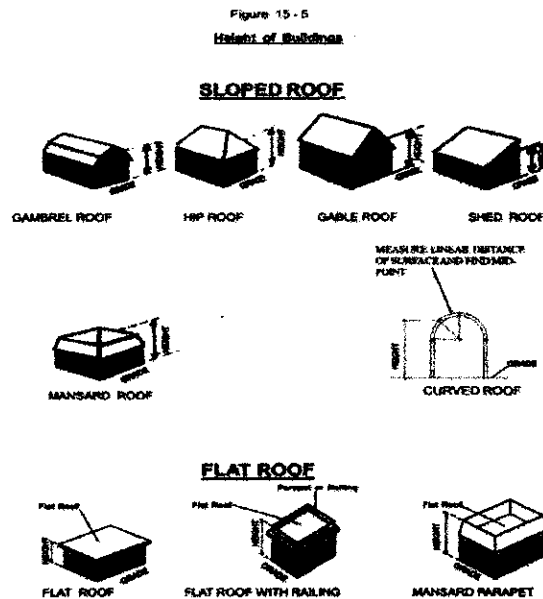
### **B. Priority order for waiver:**

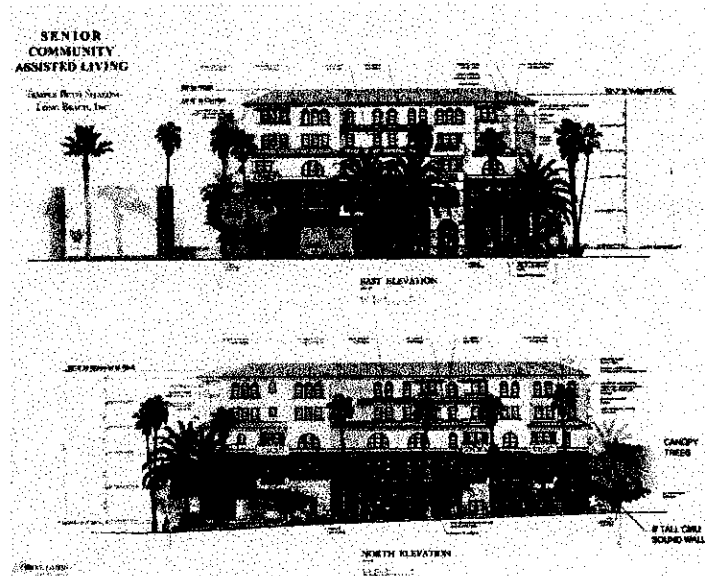
1. Percentage compact parking;
2. Tandem parking design limitations;
3. Privacy standards;
4. Private open space;
5. Common open space;
6. Height;
7. Distance between buildings;
8. Side yard setbacks;
9. Rear yard setbacks;
10. Number of parking spaces (but not less than one space per unit); and
11. Front setbacks.

**21.15.1190 Grade.**

B. If the average elevation of the rear property line differs from that of the front top of curb by five feet (5') or more, then grade shall be the plane connecting the average front elevation and the average rear elevation.

**Figure 15-5 HEIGHT OF BUILDING**





**21.52.271 Special group residence (board and care, convalescent home, half-way house, boardinghouse / lodging-house, communal housing and the like).**

- A. Density.
- B. Location.
- C. Concerns
- D. Continuation of Use.
- E. Open Space.
- F. Public Transit Stop.
- G. Parking.



### **California DSS Licensed Facilities**

- Bixby Towers 3747 Atlantic 65 Beds RCFE
- Palmcrest 3501 Cedar 262 Beds
- Regent Villa 201 W Wardlow 188 Beds

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**Table 41-1B**  
**Required Number of Parking Spaces for Special Residential**  
**Uses**

Use	Required Number of Spaces
1. Handicapped <sup>(a)</sup>	
-Low rent	1 space per each 2 bedrooms
-Market rent	1 space per each 1 bedroom
2. Senior citizen <sup>(a)</sup>	
-Low rent	1 space per each 2 bedrooms
-Market rent	1 space per each 1 bedroom
-Congregate care, low rent	1 space per each 2 bedrooms
-Congregate care, market rent	1 space per each 1 bedroom
3. Convalescent hospital	1.2 spaces per room, or 0.8 space per bed, whichever is greater, plus 5 per 1,000 SF-GFA for medical office in building
4. Residential care facility	1 space per bed
5. Fraternity, sorority, dormitory	1 space per bed
6. Monastery, convent, communal, religious home and other special group residences	1 space per each 2 beds

**21.31.205**

**Table 31-2A Residential Development Standards**

R-4-U District

Minimum Lot Width            180 ft

( c) These standards apply only to new subdivisions of land area. They do not apply to new construction on existing lots or to air space divisions of existing lots.

## 21.31.215 Yard requirements.

3. **Buffers.** In R-4-N, R-4-H and R-4-U districts and commercial zones which allow multi-family residential development, on sites adjoining, abutting or adjacent to R-1, R-2, or R-3 districts, a buffer setback facing the R-1, R-2 or R-3 district is required as follows:

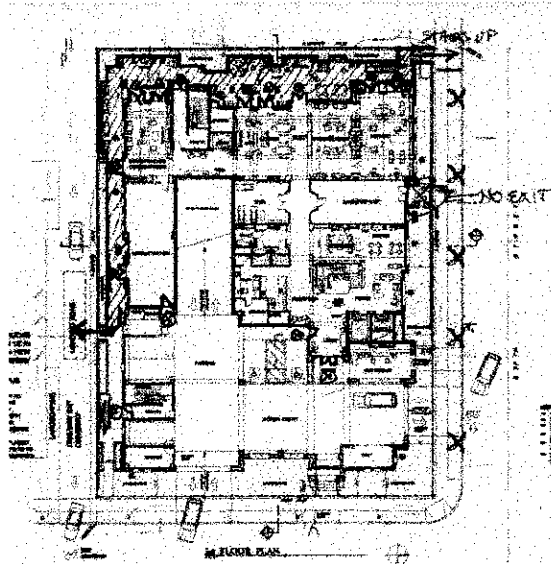
a. The minimum building setback shall be:

BUILDING STORY	SETBACK*
Two-story or less (excluding Mezzanine of the 2nd story and not to exceed 25' in height)	20'
Third story (and 2nd story mezzanine)	30'
Fourth story or more	40'

b. If a building facing low-density residential and exceeding twenty-five feet in height and fifty feet in length, at least one-half of such building facade shall be set back forty feet from the property line.

\*c. Within the required setback area, a five-foot-wide (5') planter strip containing a solid screen of trees planted ten feet (10') or closer shall be provided along the property line.

d. No continuous building wall shall extend eighty-four feet (84') in length without recess of the building. This recess shall be at least ten feet (10') in each dimension.



## **21.63.080 Waiver of development standards.**

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