



## AGENDA REPORT

**Meeting Date:** February 4, 2014

**Item Number:** E-1

**To:** Honorable Mayor & City Council

**From:** Jonathan Lait, AICP, Assistant Director of Community Development

**Subject:** CITY COUNCIL CONSIDERATION OF A REQUEST FOR A MINOR ACCOMMODATION AND SECOND UNIT USE PERMIT TO ALLOW CONSTRUCTION OF A TWO-STORY ACCESSORY STRUCTURE THAT WOULD CONTAIN INDEPENDENT LIVING FACILITIES ON THE PROPERTY LOCATED AT 700 NORTH LINDEN DRIVE.

**Attachments:**

1. Planning Commission Resolution No. 1701
2. Planning Commission Staff Report
3. Public Correspondence Submitted to the Planning Commission By Neighboring Residents and Property Owners
4. Public Correspondence submitted to the City Council on January 21, 2014 By Neighboring Residents and Property Owners
5. Neighborhood Study – Two-Story Accessory Structures and Second Units
6. Public Notices
7. Architectural Plans

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### **RECOMMENDATION**

It is recommended that the City Council direct the City Attorney to prepare a resolution conditionally approving a Minor Accommodation and Second Unit Use Permit for the property located at 700 North Linden Drive.

### **REPORT SUMMARY**

This is a City Council ordered review of the December 12, 2013 decision of the Planning Commission approving a Minor Accommodation and Second Unit Use Permit authorizing the construction of a two-story accessory structure on the property located at 700 North Linden Drive. The project approved by the Planning Commission included a new two-story accessory structure located within the rear yard setback. As approved, the new accessory structure would

have a maximum height of 22' and would contain approximately 1,062 square feet<sup>1</sup> of floor area split between two levels. The accessory structure would contain a second unit<sup>2</sup> that would contain complete independent living facilities and include provisions for living, sleeping, eating, cooking, and sanitation.

Subsequent to the Planning Commission's approval of the project, Mayor Mirisch requested that the City Council review the Planning Commission's decision. At its December 17, 2013 meeting, the City Council ordered the review of the project. Consequently, the project has been scheduled for a de novo hearing before the City Council. This report summarizes the zoning regulations for accessory structures and second units, outlines the basis for the Planning Commission's approval, and makes a recommendation for approval of the Minor Accommodation and Second Unit Use Permit.

### **CONSTRUCTION OF ACCESSORY STRUCTURES AND SECOND UNITS**

The project is located within the Central Area of the City, north of Santa Monica Boulevard. In this area of the City, specific by-right development standards have been established for accessory structures and second units. The proposed project is seeking specific entitlements requesting relief from the by-right development standards. The specific development standards for accessory structures and second units, as well as the entitlements being requested, are outlined below:

**Accessory Structures.** In the Central Area of the City, north of Santa Monica Boulevard, accessory structures are permitted by-right if the structure complies with applicable development standards such as height and setbacks. Accessory structures located within the principal building area on a site are permitted to be constructed up to the same height as the primary residence; however, accessory structures that are located within either the required rear or side setbacks may only have a maximum height of 14', and must be set back 4' from any neighboring property line. In the event that a property owner wishes to construct an accessory structure that is over 14' in height and located within the required rear or side setbacks, the owner may request a Minor Accommodation or Central R-1 Permit to allow an accessory structure in excess of 14' in height to be located within a required rear or side setback, or both.

**Minor Accommodation.** As proposed, the accessory structure would have a maximum height of 22' and would be located within the required rear setback, but outside of the required side setbacks. Pursuant to BHMC §10-3-2414(C), the height limitations for accessory structures that are located within a required rear setback but outside of a required side setback may be modified pursuant to a Minor Accommodation. However, under no circumstances shall the height of an accessory structure exceed the maximum height that would be allowed in the principal building area<sup>3</sup>. Consequently, the proposed project seeks a Minor Accommodation to allow the accessory structure to be located in the rear setback and have a maximum height of 22'.

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<sup>1</sup> Pursuant to BHMC §10-3-100, Floor Area in a residential zone shall include all portions of floors which have a roof or floor above an enclosed by exterior wall by more than 50%. Floor area shall not include basements, crawl spaces, and up to 400 square feet of garage area. The floor area total of 1,062 for the proposed project does not include 400 square feet of garage area.

<sup>2</sup> Pursuant to Beverly Hills Municipal Code §10-3-100, 'second unit' is defined as an attached or detached residential dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and is located on the same site area as the primary dwelling.

<sup>3</sup> For the project site, the maximum height permitted in the principal building area is 32'.

**Second Units.** In the State of California, Second Units are allowed by law to be constructed in single-family residential zones. In 1983, the State of California adopted Senate Bill 1534 which provided local governments the option of adopting a second unit ordinance as well as the ability to make applications subject to a discretionary review process. In 1997 the City of Beverly Hills adopted its own version of a second unit ordinance, which incorporated a requirement for discretionary review of second units. In 2002, the State of California adopted Assembly Bill 1866, which mandated that second units may be regulated through locally devised development standards, but must be approved without discretionary review. Consequently, the City adopted an amended second unit ordinance (03-O-2427), which outlines two paths through which a second unit may be approved on a property located in the Central Area of the City, north of Santa Monica Boulevard. The first path (BHMC §10-3-409(A)) allows by-right second units that meet specific development standards regarding unit size, height, parking, and setbacks. The second path (BHMC §10-3-409(B)) allows for second units that do not meet all the by-right development standards to be permitted pursuant to a Second Unit Use Permit, which is a discretionary entitlement that may be granted by either the Director of Community Development or the Planning Commission.

General Plan Housing Element – Second Units. The City's recently adopted Housing Element encourages the construction of second units in the City, as the units contribute toward the City's overall housing stock, and in particular add to the affordable housing<sup>4</sup> supply in the City, which helps to address the community's regional housing needs. According to the City's Housing Element, the City processes an average of three building permits annually for second units. In order to collect information on second units to determine who lives in them, rent ranges, size, and additional steps the City can take to encourage the construction of second units, the City completed a City wide survey of residential property owners in July 2010. One of the questions posed in the survey is the amount of rent charged on existing second units (if any). Of the 40 occupied second units confirmed through the survey, 81% were provided rent free or for a rental amount affordable to very low income households. The results of the survey indicate that the majority of the second units in Beverly Hills are occupied by caregivers or elderly parents of the primary homeowner.

**Second Unit Use Permit.** As proposed, the accessory structure contains independent living facilities, and therefore qualifies as a second unit. As designed, the proposed second unit does not meet all of the by-right development standards pursuant to BHMC §10-3-409(A). Specifically, the proposed second unit does not meet the by-right standard for height. In addition to exceeding the by-right height, it should be noted that the staff report presented to the Planning Commission incorrectly stated that the proposed second unit also did not meet the by-right development standards with respect to unit size. The by-right unit size pursuant to BHMC §10-3-409(A) is 650 square feet in floor area and the Planning Commission staff report stated that the proposed Second Unit was a total 861 square feet; however, this calculation took into account a bathroom and recreation area located on the ground floor of the proposed structure. These facilities are separated from the proposed second unit on the second level and are therefore not considered to be part of the second unit. Consequently, the proposed

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<sup>4</sup> Affordable housing is determined based on state and federal government standards. Housing is considered to be affordable when the housing costs are no more than 30% of the household income. The state and federal government classify household income into five income categories including extremely low, very low, low, moderate, and above moderate.

second unit size is actually 522 square feet in area, less than the maximum 650 square feet permitted for a by-right second unit. Since the second unit complies with the maximum floor area regulation for by-right second units, approval of a Second Unit Use Permit for unit size is not required. Pursuant to BHMC §10-3-409(B), by-right second units must be located on the ground floor of accessory structures and must not exceed a maximum height of 14' unless authorized pursuant to a Second Unit Use Permit. The proposed second unit would be located on the second floor in an accessory structure that would have a maximum height of 22', and therefore requires a Second Unit Use Permit. It should be noted that second units are allowed to be rented or leased; however, there is no mandate that the property owner make the second unit available for rent or lease.

### **PROJECT DESCRIPTION**

The proposed project consists of a new two-story accessory structure that would be located within the rear yard setback and have a maximum height of 22' (lower than the maximum 32'-0" height of the proposed new single-family residence on the site). As designed, the structure provides the following setbacks:

- The first level of the structure would be set back 2'-0" from the rear property line, which abuts an alley;
- The second level of the structure would be set back 22'-6" from the rear property line, which abuts an alley;
- 15'-0" from the street side property line along Elevado Avenue;
- 33'-0" from the north side property line; and
- 99'-0" from the front property line along Linden Drive.

The total floor area<sup>5</sup> of the new structure would be approximately 1,062 square feet. The structure would contain the following elements:

- A three-car garage;
- Storage space;
- A ground-floor restroom intended to serve the backyard and pool area; and
- A second unit located on the second floor and occupying approximately 522 square feet of floor area. The proposed second unit would accommodate independent living facilities that include:
  - 1 bedroom;
  - 1 bathroom;
  - A kitchen;
  - A laundry room; and
  - A living area.

The zoning table provided on the following pages summarizes the allowed/required zoning regulations for the project as well as the proposed conditions and summary of requested entitlements.

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<sup>5</sup> Pursuant to BHMC §10-3-100, Floor Area in a residential zone shall include all portions of floors which have a roof or floor above an enclosed by exterior wall by more than 50%. Floor area shall not include basements, crawl spaces, and up to 400 square feet of garage area.

Zoning Compliance Table

REGULATIONS	ALLOWED / REQUIRED	PROPOSED	NOTES
<b><u>Accessory/Second Unit Structures:</u></b>			
Height	14'-0"	22'-0"	Requires a Minor Accommodation to allow the height to exceed 14'-0" when located within a required rear setback
Floor Area	6,548 SF maximum permitted for the project site	New SFR: 4,732 SF  Accessory structure: 1,061 SF (includes 522 SF second unit)  Total Floor Area: 5,793 SF (excludes 400 SF of garage area)	The second unit complies with the maximum floor area of 650 SF
Front Setback (Linden Drive)	100'-0" or located entirely within 50'-0" of the rear property line	99'-3"	Pursuant to BHMC §10-3-2410 accessory buildings must be set back 100'-0" from the front property line or be located entirely within 50'-0" of the rear property line. The proposed accessory structure is located entirely within 50'-0" of the rear property line.
Street Side Setback (Elevado Avenue)	15'-0" setback for the primary residence  15'-0" for accessory structures exceeding 14'-0" in height	15'-0"	
North Setback (neighbor side)	10'-0" setback for the primary residence  10'-0" setback for accessory structures exceed 14'-0" in height	33'-0"	
Rear Setback (alley)	33'-9" setback for the primary residence  0'-0" for accessory structures located in a required rear yard (abuts an alley) and complies with the minimum 14'-0" height standard.	First story: 2'-0" Second story: 22'-6"	Requires a Minor Accommodation and Second Unit Use Permit to allow the height to exceed 14'-0" when located within a required rear yard setback

Zoning Compliance Table Continued

REGULATIONS	ALLOWED / REQUIRED	PROPOSED	NOTES
Bedrooms	No limit	New SFR: 5 bedroom Accessory Structure: 1 bedroom Total: 6 bedrooms	
Parking Spaces	3 parking spaces for the new SFR (for 5 bedrooms) 1 parking space for a second unit Total Required Parking: 4 spaces	Accessory structure: 1 new space Total: 4 spaces	

Neighborhood Character

The subject property is located on a corner lot in the Central Area of the City, north of Santa Monica Boulevard, and has frontage along North Linden Drive and Elevado Avenue. The project site is irregularly shaped in comparison to the majority of other properties in the neighborhood, however is comparable in site area. The project site is currently vacant; however, a new single-family residence has been approved by the Design Review Commission and is currently being reviewed by the City's Development Services Team for compliance with all applicable zoning and building standards. The surrounding neighborhood consists of one- and two-story single-family residences with detached one- and two-story accessory structures.

In order to provide detailed information about the surrounding neighborhood, staff has conducted an analysis of the neighborhood surrounding the project site to document the number of existing two-story accessory structures and second units that currently exist in the neighborhood. It should be noted that there are a number of accessory structures within the neighborhood that contain kitchens but are not registered as second units as they were permitted prior to the City's current zoning regulations (established in 2003). For the purpose of staff's analysis, properties with either a second unit covenant or a second kitchen covenant have been identified as 'second units'.

A summary of staff's analysis along with aerial images and photographs gathered during staff's research have been provided in Attachment 5 of this report. Staff's research concludes that approximately 28 two-story accessory structures (structures exceeding 14' in height) exist within the neighborhood surrounding the project site. Through the City's permit records, staff also confirmed that approximately 7 second units and/or second kitchen covenants currently exist within the surrounding neighborhood. The images provided in Attachment 5 indicate the location of the existing two-story accessory structures and second units/second kitchens within the neighborhood area.

**PLANNING COMMISSION REVIEW**

The Planning Commission reviewed and approved the requested Minor Accommodation and Second Unit Use Permit at its meeting on December 12, 2013. At that meeting, the Planning Commission specifically considered the project's potential impact on the scale and massing of the streetscape and the neighborhood, the neighbor's privacy and access to light and air, the garden quality of the City, and the impact on adjacent properties and the public welfare. During the deliberations, the Planning Commission specifically discussed the scale of the proposed

structure, with the close proximity between the new accessory structure and the new single-family residence proposed on the property, and the second unit use. As a result of the Commission's deliberations, a condition of approval was imposed on the project that addressed potential privacy concerns for neighboring properties to the east and design concerns. Specifically, the project conditions adopted by the Planning Commission require the second story windows along the west building elevation to be fixed and contain translucent glass and that the applicant seek direction from the City's Urban Designer so that the architectural details of the accessory structure (see conditions Nos.1 and 2 of the Planning Commission Resolution No. 1701 found in Attachment 1 of this report). With the project-specific conditions imposed by the Planning Commission, in conjunction with the restrictions outlined in the Municipal Code regarding second units<sup>6</sup>, the Planning Commission determined that the proposed project would not result in substantial adverse impacts on the neighborhood and the project was unanimously approved. The Commission's findings in support of the project are provided in Attachment 1 of this report (Planning Commission Resolution No. 1701).

### **ANALYSIS**

In reviewing the Minor Accommodation and Second Unit Use Permit, specific findings must be made with regard to the scale and massing of the streetscape and the neighborhood, the neighbors' privacy and access to light and air, the garden quality of the City, and the impact on adjacent properties and the public welfare. The proposed project has been designed with the above criteria in mind and balances the potential development of the subject property and the preservation of the surrounding single-family neighborhood. The following analysis was considered by the Planning Commission in its review of the project, and is provided to assist the Council in its deliberations.

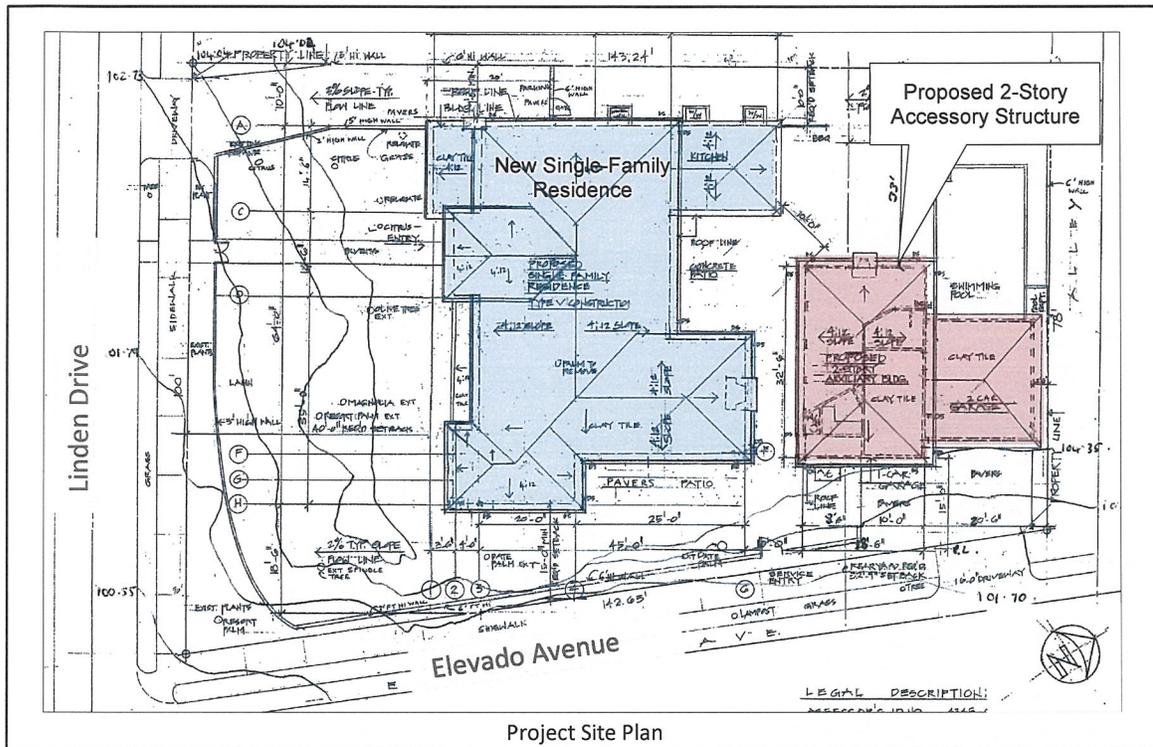
**Scale and Massing of the Streetscape and Neighborhood.** The proposed site plan on the following page provides an overview of the new single-family residence and proposed accessory structure location on the project site.

*See site plan on the following page.*

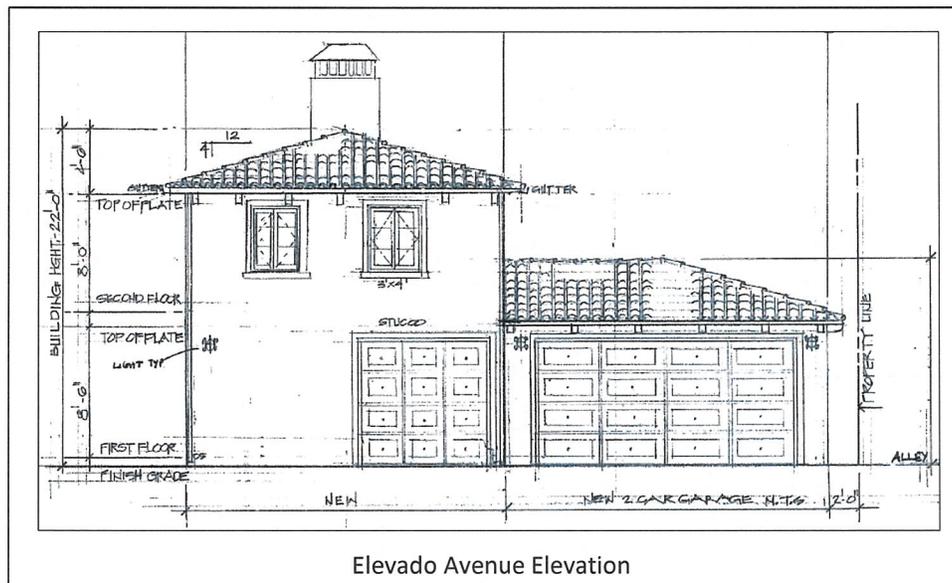
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<sup>6</sup> The Beverly Hills Municipal Code (§10-3-409) requires that all second units comply with the following restrictions in addition to any conditions imposed by the reviewing authority:

1. The second unit structure may be rented but shall not be sold, transferred, or assigned separately from the primary single-family dwelling.
2. A covenant shall be filed by the owner of record within 60 days of the approval of the second unit permit, in a form approved by the City Attorney, which shall place future buyers on notice of the approved size of the second unit, the required number of off-street parking spaces to be provided for the second unit, that the second unit may not be sold or transferred or assigned separately from the primary dwelling unit, and that such restrictions shall run with the land and be binding upon all future owners. The covenant shall be recorded in the Official Records of the County of Los Angeles, and a copy of the covenant shall be filed with the City of Beverly Hills Department of Community Development.



The streetscape along North Linden Drive will be altered as a result of the new two-story single-family residence on the project site, which will have a maximum height of 32'; however, the proposed two-story accessory structure will be blocked from view by the new single-family residence, so the proposed structure is not anticipated to be visible from North Linden Drive. Along Elevado Avenue the structure will be visible from the street. As proposed, the structure would be set back a minimum of 15'-0" from the side property line along Elevado Avenue, consistent with the setback required for the primary residence. The proposed structure would contain approximately 38' of linear frontage along Elevado Avenue. Approximately 18'-6" of the frontage would be two stories in height, and the remaining 20'-6" of street frontage would be one story in height. This massing configuration helps to reduce the impact of scale and massing of the proposed structure along the alley and along the Elevado Avenue streetscape.



The proposed structure is generally consistent with the scale and mass of other accessory structures in the area, which are generally one and two stories in height and are located near or abutting the rear property line. The aerial images provided in Attachment 5 illustrate the total number of two-story accessory structures within the general vicinity of the project site. Additional information and photos of the two-story accessory structures can be found in Attachment 5.

While the structure is consistent with the overall design and massing of other accessory structures in the area, the close proximity (10'-0" separation) of the proposed accessory structure to the new single-family residence may cause the structures to appear as one structure from the street. Although the separation between the two structures exceeds the minimum set forth in the Municipal Code (6'-0" minimum separation), the Planning Commission adopted a condition of approval that would require the applicant to work with the City's Urban Designer to design the accessory structure in a manner that is consistent with the design of the primary residence, but still reads as a separate structure. Staff discussed this condition with the City's Urban Designer, who has provided the following suggestion through which a design modification would assist in causing the accessory structure to read as a separate structure from the primary residence:

- The accessory structure façades facing Elevado Avenue and the alley could be wrapped with a green screen. The green screen would consist of wire meshing on which vine style landscaping would be installed (with irrigation). This type of landscaping would soften the accessory structures appearance from the street and the alley.

In addition to this condition, the Council may wish to discuss whether additional structure separation may be appropriate.

**Neighbor's Privacy and Access to Light and Air.** As proposed, the structure would have a maximum height of 22', would be set back 2' from the rear property line that abuts a 20' wide alley, would be set back approximately 15' from the street side property line along Elevado Avenue, would be set back approximately 33' from the north side property line, and would be set back approximately 99' from the front property line along North Linden Drive. The rear alley, as well as proposed landscaping, would provide a 20' buffer between the proposed structure and the neighboring properties to the east. As designed, only a portion of the structure will be two stories in height. Consequently, along the alley, the proposed structure would have a maximum height of approximately 13' and the two-story portion of the structure would be set back approximately 22'-6" from the rear property line. Due to the massing configuration, the two-story portion of the proposed structure would be set back approximately 40'-6" from the neighboring property line to the west (across the alley). The proposed setbacks of the structure and, specifically the second story setback of the structure, will buffer the structure from the neighboring properties to the north, east, and south, and provide for appropriate separation.

The building is oriented so that the majority of the windows and doors face toward the interior of the subject property. Two windows are proposed at the second story facing the alley, and two windows are proposed at the second story facing Elevado Avenue. Staff has included a recommended condition of approval (adopted by the Planning Commission) that would require the alley-facing windows to be fixed and to contain

translucent glass<sup>7</sup>. The setback from Elevado Avenue is 15' from the street side property line. The project site is separated from adjacent properties to the south by Elevado Avenue, which has a public right-of-way<sup>8</sup> width of approximately 70'-0" adjacent to the project site. Consequently, as designed and conditioned, the project is not anticipated to have a substantial adverse impact on the neighbor's privacy or access to light and air.

**Garden Quality of the City.** The project site is planned to be developed with a new single-family residence and the proposed accessory structure. A landscape plan has been provided in conjunction with the proposed development of the site. The landscape plan proposes to maintain a number of existing mature trees on the site, including a date palm tree, a spindle tree, an olive tree, a citrus tree, and a magnolia tree. In addition to maintaining some existing mature trees on the site, groundcover and additional trees are proposed throughout the project site. Finally, in comparison to the previously existing residence, which was located toward the rear of the project site and immediately adjacent to the alley, the proposed structure would occupy less of the rear yard area and allow for a greater degree of open space and landscaping adjacent to the alley. Since existing mature landscaping will be maintained and new landscaping is proposed, the project is not anticipated to have a substantial adverse impact on the garden quality of the City.

**Adjacent Properties and the Public Welfare.** The proposed two-story accessory structure will be located 2' from the rear property line that abuts a 20' wide alley, would be set back approximately 15' from the street side property line along Elevado Avenue, would be set back approximately 33' from the north side property line, and would be set back approximately 99' from the front property line along North Linden Drive. Along the alley, the structure will be one story in height, measuring approximately 13' in height. The second story will be set back approximately 22'-6" from the alley. As conditioned, the windows along the second story facing the alley will be fixed and will contain translucent glass in order to prevent any potential privacy impacts on neighboring properties across the alley. While the proposed second unit has the potential to result in some increased activity on the site, the project has been designed with substantial setbacks from all neighboring properties and has been conditioned to limit visibility from the second-floor windows facing the alley. Furthermore, and as noted in this report, second units are encouraged in the City's General Plan and are allowed by right in many instances. Consequently, the project is not anticipated to have a substantial adverse impact on adjacent properties or the public welfare.

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<sup>7</sup> The proposed condition requiring the alley windows to be fixed and to contain translucent glass is consistent with conditions imposed on other entitlements approving two-story accessory structures with windows/doors along an alley.

<sup>8</sup> The public right-of-way information provided is the width of the entire right-of-way which includes the street, parkway, and sidewalk.

**Summary of Project Benefits and Concerns.** In light of the analysis provided above, a summary of the project’s potential benefits and potential concerns is provided in the table below for the City Council’s consideration.

Potential Benefits	Potential Concerns
<ul style="list-style-type: none"> <li>• The proposed structure occupies a smaller footprint than a one-story structure with the same floor area, thereby creating more open space on the project site.</li> <li>• Consistent with other two-story accessory structures in the neighborhood</li> <li>• Second floor is set back from all property lines by a minimum of 15’</li> <li>• Landscaping proposed throughout the site</li> <li>• The second unit cannot be sold, transferred or assigned separately from the primary residence</li> <li>• The second unit will contribute to the City’s affordable housing supply</li> <li>• The project design will be further developed with the City’s Urban Designer in order to reduce the appearance of mass and scale</li> <li>• The structure provides three covered, off-street parking spaces</li> </ul>	<ul style="list-style-type: none"> <li>• The two-story accessory structure is taller than typical one-story accessory structures and some other two-story structures in the neighborhood</li> <li>• Perceived privacy impacts.</li> <li>• The cumulative on-site floor area will be at the maximum allowed</li> <li>• The second unit may be rented or leased, causing additional activity on the property</li> <li>• The structure is located close to the primary residence and could appear as one large structure in conjunction with the primary residence.</li> <li>• Increase of scale and massing on the subject property</li> <li>• Construction noise and hauling</li> </ul>

**GENERAL PLAN POLICIES**

The General Plan includes numerous goals and policies intended to help guide development in the City. Some goals and policies relevant to the project are provided below to assist the City Council in its review of the project.

- **Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors.** Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City’s distinctive residential neighborhoods, business districts, corridors, and open spaces.
- **Policy LU 5.1 Neighborhood Conservation.** Maintain the uses, densities, character, amenities, character, and quality of the City’s residential neighborhoods, recognizing their contribution to the City’s identity, economic value, and quality of life.
- **Policy LU 6.1 Neighborhood Identity.** Maintain the characteristics that distinguish the City’s single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.
- **Policy LU 6.4 Second Units.** Allow second unites in single-family residential districts in accordance with State law.

### **ENVIRONMENTAL DETERMINATION**

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines<sup>9</sup>, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 (Class 3(a) and 3(e)) of the Guidelines. Specifically, a Class 3 Categorical Exemption allows for the construction of a second dwelling unit and an accessory (appurtenant) structure including garages within a residential zone. The proposed project includes a second dwelling unit and an accessory garage and therefore, has been determined to be eligible for the exemption.

### **FISCAL IMPACT**

The proposed project is not anticipated to result in fiscal impacts to the City of Beverly Hills.

### **PUBLIC NOTICE**

The Planning Commission reviewed the proposed project at its public hearing on December 12, 2013. At that meeting, letters were submitted by neighboring residents and property owners for the Commission's consideration. Copies of the letters submitted to the Planning Commission are provided in Attachment 3 of this report.

As directed, by the City Council, the project was scheduled for the January 21, 2014 City Council Meeting. Prior to that meeting a public hearing notice was mailed on January 10, 2014 to all property owners and residential occupants within a 300-foot radius of the exterior boundaries of the subject property. At the City Council meeting on January 21, 2014, three (3) letters in opposition of the project were submitted by neighboring residents and property owners. Copies of the letters submitted are provided in Attachment 4 of this report.

At the January 21, 2014 meeting, the City Council continued the public hearing to the February 4, 2014 City Council meeting. Consequently, a public notice was mailed on January 24, 2014 to all property owners and residential occupants within a 300-foot radius of the exterior boundaries of the subject property. As of the writing of this report, no additional comments have been received.

### **RECOMMENDED ACTION**

It is recommended that the City Council direct the City Attorney to prepare a resolution conditionally approving a Minor Accommodation and Second Unit Use Permit for the property located at 700 North Linden Drive.

Susan Healy Keene, AICP  
Director of Community Development

  
Approved By

<sup>9</sup> The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>