



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER
 2016-001820-(1)

HEARING DATE
 November 16, 2016

REQUESTED ENTITLEMENTS

Site Plan No. RPPL 2016000998 (Yard Modification)

PROJECT SUMMARY

APPLICANT

Henry Ho

MAP/EXHIBIT DATE

February 18, 2016

PROJECT OVERVIEW

Appeal of an approved Yard Modification Request associated with the construction of a new 2,435 square feet two-story single-family residence with an attached 454 square feet two-car garage in the R-A zone. The project is requesting to allow a 5-foot rear yard setback in lieu of the required 10 feet for a flag lot configuration.

LOCATION

South San Gabriel

ACCESS

Delta Avenue/Private Driveway

ASSESSORS PARCEL NUMBER(S)

APN 5279-020-054

SITE AREA

0.23 Acres (gross) / 0.13 Acres (net)

GENERAL PLAN / LOCAL PLAN

Los Angeles County

ZONED DISTRICT

South San Gabriel

LAND USE DESIGNATION

H9 – Residential (0-9 du/ net ac)

ZONE

R-A – Residential-Agricultural

PROPOSED UNITS

1

MAX DENSITY/UNITS

1

COMMUNITY STANDARDS DISTRICT

South San Gabriel

ENVIRONMENTAL DETERMINATION (CEQA)

Class 3 Categorical Exemption – New Construction or Conversion of Small Structures

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.48.180 (Yard Modification Burden of Proof Requirements)
 - 22.44.131 (South San Gabriel CSD requirements)
 - 22.20.450 (R-A Zone Development Standards)

CASE PLANNER:

Ramon Cordova

PHONE NUMBER:

(213) 974 - 6458

E-MAIL ADDRESS:

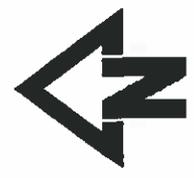
rcordova@planning.lacounty.gov



Created in GIS-NET3 PROPERTY LOCATION MAP

Printed: Oct 19, 2016

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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

Date: November 16, 2016

TO: Laura Shell, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Ramon Cordova
Land Divisions Research & Enforcement Section

Project No. 2016-001820 / RPPL No. 2016000998 (Yard Modification)
RPC Meeting: November 16, 2016 - Agenda Item: 10

PROJECT DESCRIPTION

This is the appeal of Yard Modification Case No. RPPL 2016000998, approved on August 1, 2016, for a 5-foot rear-yard setback in lieu of the required 10 feet. This yard modification was associated with the construction of a new 2,435-square foot two-story single-family residence with an attached 454-square foot two-car garage. The first story was approved for a 5-foot rear-yard setback, but the second story observes a 10-foot setback.

The subject property has a flag lot configuration with a 13.5-foot-wide drainage easement which runs in a southwest-northeast direction through the lower portion of the project site. Construction within the drainage easement is prohibited. The subject property is located within the South San Gabriel Zoned District.

The Los Angeles Countywide General Plan land use designation for the subject property is Residential 9 (H9-Residential - 0-9 dwelling units per net acre) with a zoning designation of R-A (Residential Agricultural - 5,000 Square Feet Minimum Required Lot Area). Both designations allow for development of a single-family residence.

The subject property is also located within the South San Gabriel Community Standard District (CSD). The single-family residence is in compliance with all other applicable CSD requirements.

REASONS FOR APPEAL

Proposed two-story single-family residence will block appellant's view of mountains. Please see the attached appeal letter.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Section 22.48.180 of the Los Angeles County Code ("County Code") authorizes the Director of Planning ("Director") to grant a modification to yard or setback regulations where topographic features, subdivision plans or other conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance. The applicant has demonstrated that the modification is warranted due to the existing 13.5-foot-wide drainage easement which runs in a southwest-northeast direction through the lower portion of the project site.

Also, the existing flag lot configuration makes it difficult to meet the required 20-foot rear yard setback. This flag lot configuration was legally established per Lot Line Adjustment (RLLA 201400003) recorded on March 24, 2014, Instrument No. 20140292949.

The proposed two-story single-family residence is consistent with Section 22.44.131.D.1.g of the County Code (South San Gabriel Community Standards District), which allows the maximum number of stories above grade to be two.

ENVIRONMENTAL DOCUMENTATION

This project qualifies for a Class 3(a) (New Construction or Conversion of Small Structures) categorical exemption under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA).

IT IS RECOMMENDED THAT YOUR COMMISSION, AFTER THE PUBLIC HEARING:

1. Finds that the project qualifies for a Class 3(a) (New Construction or Conversion of Small Structures) Categorical Exemption under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA);
2. Deny the appeal; And
3. Approve Yard Modification Case No. RPPL 201600098 and instruct staff to prepare any revised or additional findings as necessary to affirm the approval.

If you need further information, please contact Ramon Cordova at (213) 974-6458 or rcordova@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

GF: REC

Enclosure(s):
Director Decision Package
Additional Materials
Regional Planning Commission Appeal Form
Photos



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 1, 2016

CERTIFIED MAIL – RETURN RECEIPT
REQUESTED

HENRY HO
P. O. BOX 411
ROSEMEAD CA 91770

Dear Applicant:

**RE: RPPL 2016000998
DELTA AVENUE (APN 5279-020-054)**

The Director has approved **RPPL 2016000998** for a Yard Modification Request associated with the construction of a new 2,435 square feet two-story single-family residence with an attached 454 square feet two-car garage in the R-A zone. The project is requesting to allow a 5 feet rear yard in lieu of the required 10 feet for a flag lot configuration.

Pursuant to Part 5 of Section 22.60 of the Los Angeles County Code ("County Code"), the applicant or any other interested person may appeal the Director's decision to the Los Angeles County Regional Planning Commission (Commission) through the Commission's secretary in Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission's secretary at (213) 974-6409 for information on the appeal procedure and fee.

The appeal must be received **in person** by the 14th calendar day following the date of this notice, unless said 14th day falls on a non-business day in which case the deadline shall be extended to the next business day. **The appeal period for this project will end at 5:00 p.m. on August 15, 2016.** The Director's decision may also be called up for review by the Commission during the appeal period.

If no appeal is made during this period, the Director's decision is final. For any other questions or information regarding this approval, please contact Mr. Ramon Cordova at (323) 881-7057.

Cc: Paul Nghiem

DIRECTOR'S FINDINGS AND ORDER:

1. This Yard Modification Request is requesting the approval of a new 2435 square feet two-story single-family residence with an attached 454 square feet two-car garage in the R-A zone. The project is requesting to allow a 5 feet rear yard in lieu of the required 10 feet for a flag lot configuration.
2. The subject property is located on Delta Avenue (APN 5279-020-054) in the South San Gabriel Zoned District and the South San Gabriel Community Standards District ("South San Gabriel CSD").
3. The Los Angeles Countywide General Plan land use designation for the subject property is Residential 9 ("H9" - Residential - 0 - 9 dwelling units per net acre) which allows for a single-family residence.
4. The subject property is zoned R-A (Residential - Agricultural). Pursuant to Section 22.20.410 of the Los Angeles County Code ("County Code"), a single-family residence is permitted in this zone.
5. Per the South San Gabriel CSD, the following yard requirements shall be met:

Front Yard: the front yard shall not be less than the average depth of all of the front yards on the same side of the street on the same block, but in no case less than required in Section 22.20.120 of the County Code. The required average front yard for this project is 33 feet. However, the project site is a flag lot configuration which is providing a 10 feet front yard as permitted per Section 22.48.50 of the County Code.

Side yard: Each side yard shall not be less than 10 percent of the average width of the lot or parcel, but in no case less than five feet. However, the project site is a flag lot configuration which is providing a minimum of a 10 feet side yard as permitted per Section 22.48.50 of the County Code.

Rear Yard: Each required rear yard shall not be less than 20 feet where any portion of a residence or other structure exceeds 20 feet in height. The project is requesting a yard modification to allow a five feet rear yard for the proposed two-car garage in lieu of the required 10 feet for a flag lot configuration. However, the proposed second-floor shall meet the 10 feet rear yard for a flag lot configuration.

6. Section 22.48.180 of the County Code authorizes the Director to grant a modification to yard or setback regulations where topographic features, subdivision plans or other conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance. The applicant has demonstrated that the modification is warranted due to the existing 13.5-foot-wide drainage easement which runs in a southwest-northeast direction through the lower portion of the project site. Also, the existing flag lot configuration makes it difficult to meet the required 20 feet rear yard. This flag lot

configuration is legally established per Certificate of Compliance (RCOC 201300127) recorded on February 25, 2014, Instrument No. 20140195993.

7. The applicant has identified two neighboring properties with conditions similar to what is proposed. These properties are located at:
 - a. 1507 Delta Avenue – five feet rear yard;
 - b. 1601 Delta Avenue – five feet rear yard
8. Notices for the requested yard modification were mailed to 12 property owners within 100 feet of the subject property on April 26, 2016.
9. Two opposition letters were received for the proposed project. The first letter stated that the proposed project would hinder the existing 25-foot-wide access easement. The second letter stated that the proposed two-story single-family residence will be converted to a multi-family residence and obstruct their views.
10. This project qualifies for a Class 3(a) (New Construction or Conversion of Small Structures) categorical exemption under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA).

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

- A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of the County Code;
- B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and
- C. That the use, development of land and/or application of development standards are suitable from the standpoint of functional developmental design.

THEREFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.48.180 of the County Code.

DIRECTOR'S ACTION:

1. The Director finds that the project qualifies for a Class 3(a) (New Construction or Conversion of Small Structures) Categorical Exemption under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA).

2. In view of the findings of fact presented above, yard modification request to allow a five feet rear yard in lieu of the required 10 feet for a flag lot configuration to construct a new 2,435 square feet two-story single-family residence with an attached 454 square feet two-car garage is **APPROVED**.

BY: Ramon Cordova DATE: 8/1/16

**Ramon Cordova
Senior Regional Planning Assistant
Department of Regional Planning
County of Los Angeles
C: Paul Nghiem**

13. Yard Modification Burden of Proof (only required for a yard modification)* (Carga de la Prueba para una Modificación de Yarda)

Los Angeles County Zoning Ordinance Section 22.48.180 authorizes the Director of Planning without notice or hearing to grant a modification to specified setback regulations of the Zoning Ordinance where topographic features, subdivision plans and other conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with the setback requirements. (See page 10 for additional requirements that must be submitted along with this application)

A. What topographic features, lot design or other conditions justify the setback modification? (If necessary attach additional pages)

There is an existing storm drain runoff running east-west direction in the middle of the property. With the storm drain runoff it limited square footage to place the proposed new single family house. Please see the enclosed photos pages 1 & 2.

B. Are other adjacent or neighboring properties enjoying setbacks similar to what you propose? If so, please list addresses, relevant setback, height and description of structure involved. Include photos and a vicinity map showing the location of all listed properties. (If necessary attach additional pages)

These are the following properties we found have 5' or less setbacks for their garage.

→ (5' rear)	(5' rear)	(5' side)	(5' side)
1507 Delta Ave.	1601 Delta Ave.	1415 Delta Ave.	1417 Delta Ave.
	1419 Delta Ave. (5' side)		

Please see the enclosed photos page 3 & 4.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

Plot Plan Number RPPL 2016000998

LETTER OF CONSENT FOR MODIFICATION OF RESIDENTIAL BUILDING SETBACKS

Date: April 26, 2016

Dear Property Owner:

The County of Los Angeles Department of Regional Planning is currently reviewing a request by Paul Nghiem, the owner of the property located at Delta Avenue (APN 5279-020-054) to build a new two-story 2435 square feet single-family residence with an attached two-car garage.

The applicant is requesting that the Director of Planning of the County of Los Angeles allow the development:

1.) to have a reduced rear yard of 5 feet in lieu of the required 10 feet for the first-floor.

As a matter of Department of Regional Planning policy, the department makes a diligent effort to notify all property owners who own property within 100 feet of the subject property to inform them of the development proposal if it involves a modification to standard setback or fence height requirements. Please review the attached plot plan sketch and acknowledge on this letter that you understand this development proposal. Please sign below to indicate your acknowledgement of this request. If you do not object to the proposal, please indicate by marking the space provided. If you object to the proposal, please mark in the appropriate space and explain the reason(s) for your opposition to the proposal in the space below. Please respond within 15 days of receiving this notice. If we do not receive a response we will assume that you have no objection to the request. Please return this letter to:

Los Angeles County Regional Planning, 4801 East Third Street, Los Angeles, CA 90022

Attn: Ramon Cordova

ACKNOWLEDGEMENT/ACCEPTANCE

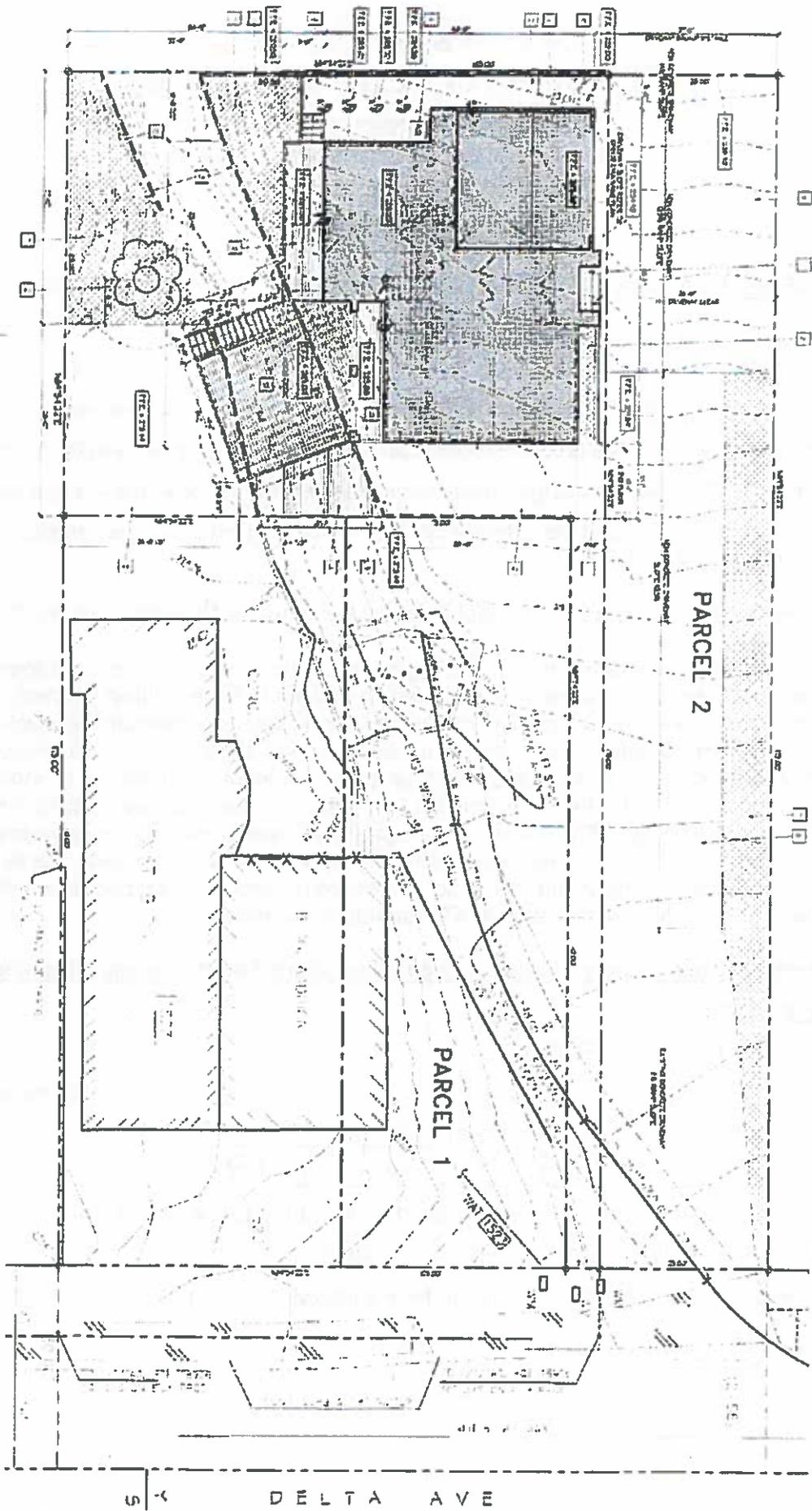
I, (print name) MCARTHUR D. MUTUC am the legal owner of
the property located at (print street address) 1521 DELTA AVE.
SOUTH SAN BARRIELO, CA 94770

and am aware of the development proposal as shown on the attached plot plan.

I have no objection to granting the yard modification.

I object to the proposed development for the following reason(s)

IT BLOCKS OUR VIEW OF THE MOUNTAINS
AND THE PROPOSED "SINGLE FAMILY RESIDENCE"
WILL BE USED TO BE SUBLETTED TO MULTIPLE
RESIDENTS AS IS THE CURRENT ADDITION.



S DELTA AVE

PARCEL 2

PARCEL 1

LOT 17314

LOT 17315

LOT 17316

LOT 17317

LOT 17318

LOT 17319

LOT 17320

LOT 17321

LOT 17322

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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

Plot Plan Number RPPL 2016000998

LETTER OF CONSENT FOR MODIFICATION OF RESIDENTIAL BUILDING SETBACKS

Date: April 26, 2016

(RECEIVED 5/13/16) JCB

Dear Property Owner:

The County of Los Angeles Department of Regional Planning is currently reviewing a request by Paul Nghiem, the owner of the property located at Delta Avenue (APN 5279-020-054) to build a new two-story 2435 square feet single-family residence with an attached two-car garage.

The applicant is requesting that the Director of Planning of the County of Los Angeles allow the development:

1.) to have a reduced rear yard of 5 feet in lieu of the required 10 feet for the first-floor.

As a matter of Department of Regional Planning policy, the department makes a diligent effort to notify all property owners who own property within 100 feet of the subject property to inform them of the development proposal if it involves a modification to standard setback or fence height requirements. Please review the attached plot plan sketch and acknowledge on this letter that you understand this development proposal. Please sign below to indicate your acknowledgement of this request. If you do not object to the proposal, please indicate by marking the space provided. If you object to the proposal, please mark in the appropriate space and explain the reason(s) for your opposition to the proposal in the space below. Please respond within 15 days of receiving this notice. If we do not receive a response we will assume that you have no objection to the request. Please return this letter to:

Los Angeles County Regional Planning, 4801 East Third Street, Los Angeles, CA 90022

Attn: Ramon Cordova

ACKNOWLEDGEMENT/ACCEPTANCE

I, (print name) JOHN BRANDSTETTER am the legal owner of the property located at (print street address) 1601 DELTA AVE
ROSEMead CA, 91770

and am aware of the development proposal as shown on the attached plot plan.

I have no objection to granting the yard modification.

I object to the proposed development for the following reason(s)

MY EASEMENT AND ACCESS WILL BE HINDERED
ALSO MY GATE, PLUMBING ETC.

RC *ECLA*



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

October 19, 2016

Henry Ho
P O Box 411
Rosemead CA 91770

**SUBJECT: CATEGORICAL EXEMPTION CLASS 3(A)
APPEAL OF RPPL 2016000998-(1)
APN 5279-020-054 (DELTA AVENUE)**

On August 1, 2016, Los Angeles County ("County") staff determined that based on examination of the project proposal and the supporting information included in the application, the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA). The project qualifies as a Class 3(a) Categorical Exemption under State CEQA Guidelines Section 15303, as a class of projects which does not have a significant effect on the environment.

For questions or additional information, please contact Ramon Cordova of the Land Divisions Research & Enforcement Section at (213) 974-6458, or by email at rcordova@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:00 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

A handwritten signature in blue ink that reads "Ramon Cordova".

Ramon Cordova, Senior Planner
Land Divisions Research & Enforcement Section

GF:REC



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

REGIONAL PLANNING COMMISSION
APPEAL FORM

COPIES: EACH COMMISSIONER
STAFF

DATE: Aug. 8, 2016

Document # _____

TO: Ms. Rosie Ruiz
Regional Planning Commission Secretary
Department of Regional Planning
County of Los Angeles
320 W. Temple Avenue, Room 1350
Los Angeles, California 90012

AUG - 8 2016
J. nicolitta

M. Glaser
N. Paldar
R. Cordova

FROM: McArthur & Rebecca Mutuc, McNeal Mutuc
Name

SUBJECT: Project Number(s): RPPL 2016000998

Case Number(s): _____

Case Planner: Ramon Cordova

Address: 1533 Delta Ave. So. San Gabriel

Assessors Parcel Number: APN 5279-020-054

Zoned District: South San Gabriel

Entitlement Requested:
a new 2345 sq. feet two-story single-family
w/attached 454 sq. feet 2 car garage

Related Zoning Matters:

Tentative Tract/Parcel Map No.	
CUP, VAR or Oak Tree No.	
Change of Zone Case No.	
Other	

(Reverse)

I am appealing the decision of (check one and fill in the underlying information):

Director

Hearing Officer

Decision Date: August 1, 2016

Public Hearing Date: _____

Hearing Officer's Name: _____

Agenda Item Number: _____

The following decision is being appealed (check all that apply):

The Denial of this request

The Approval of this request

The following conditions of approval:

List conditions here

The reason for this appeal is as follows:

Primary concern blocking our view because we have in the hill. It's already blocked off by a structure.
It is a residential agricultural single family residence. There's already an existing structure w/ garage. It seems he's going to make it a multi-family residence which is happening right now. Forthcoming concerns will be submitted.

Are you the applicant for the subject case(s) (check one)? YES NO

\$155.00

Submitted herewith is a check or money order for the amount of \$ 1,352* (if applicant) \$677* (if non-applicant).

Rebecca Matuc
Appellant (Signature)

Rebecca Matuc, McArthur Matuc
Print Name McNeal Matuc

1521 Delta Ave. Sisseton San Gabriel, CA 91770
Address

626 227 - 6356

Day Time Telephone No.

*Fee subject to change.

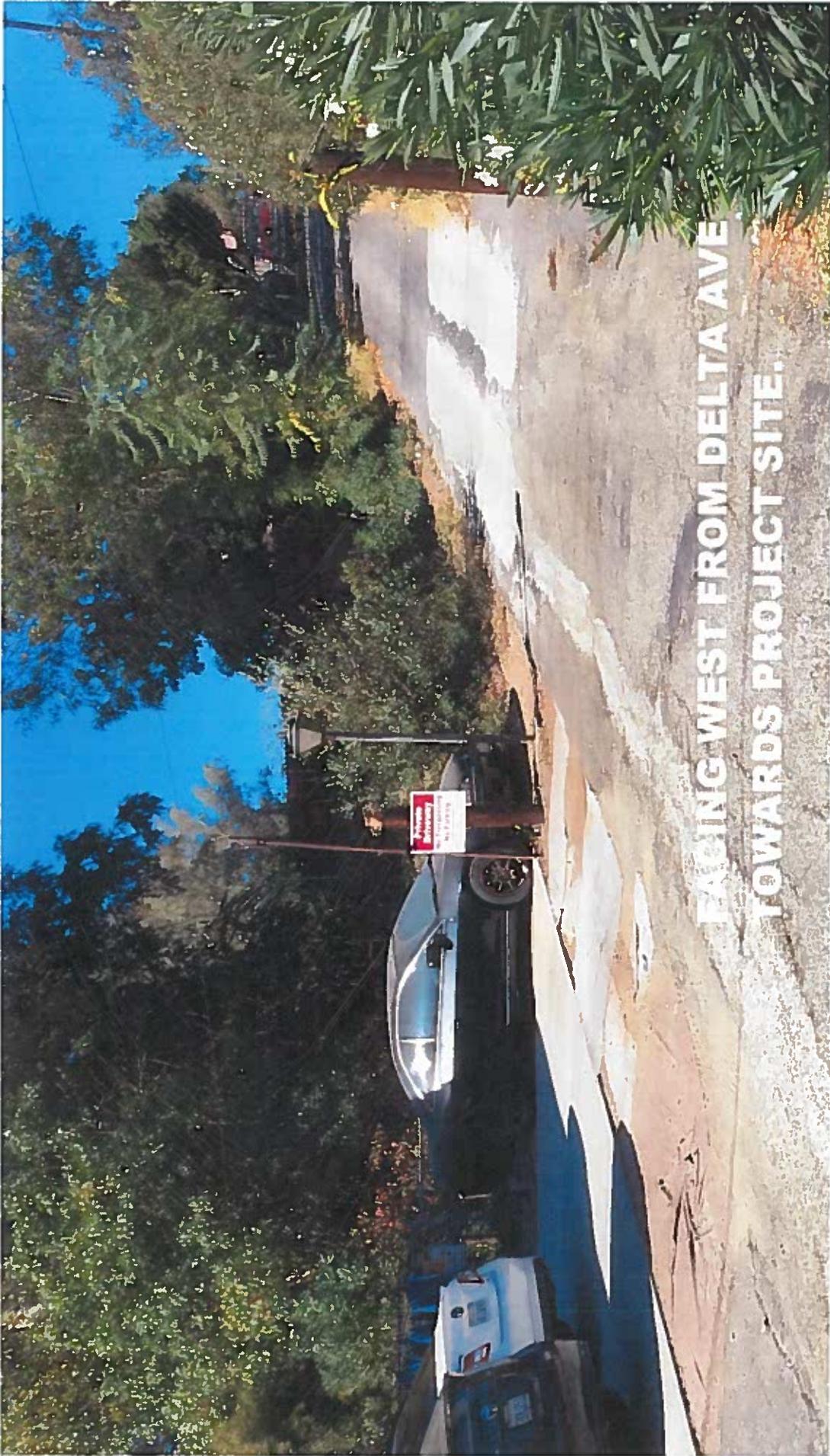
Pls. do not schedule from Aug. 22, 2016 to Oct. 15, 2016. We'll be on vacation.

Prefers hearing date late Oct early Nov 2016.

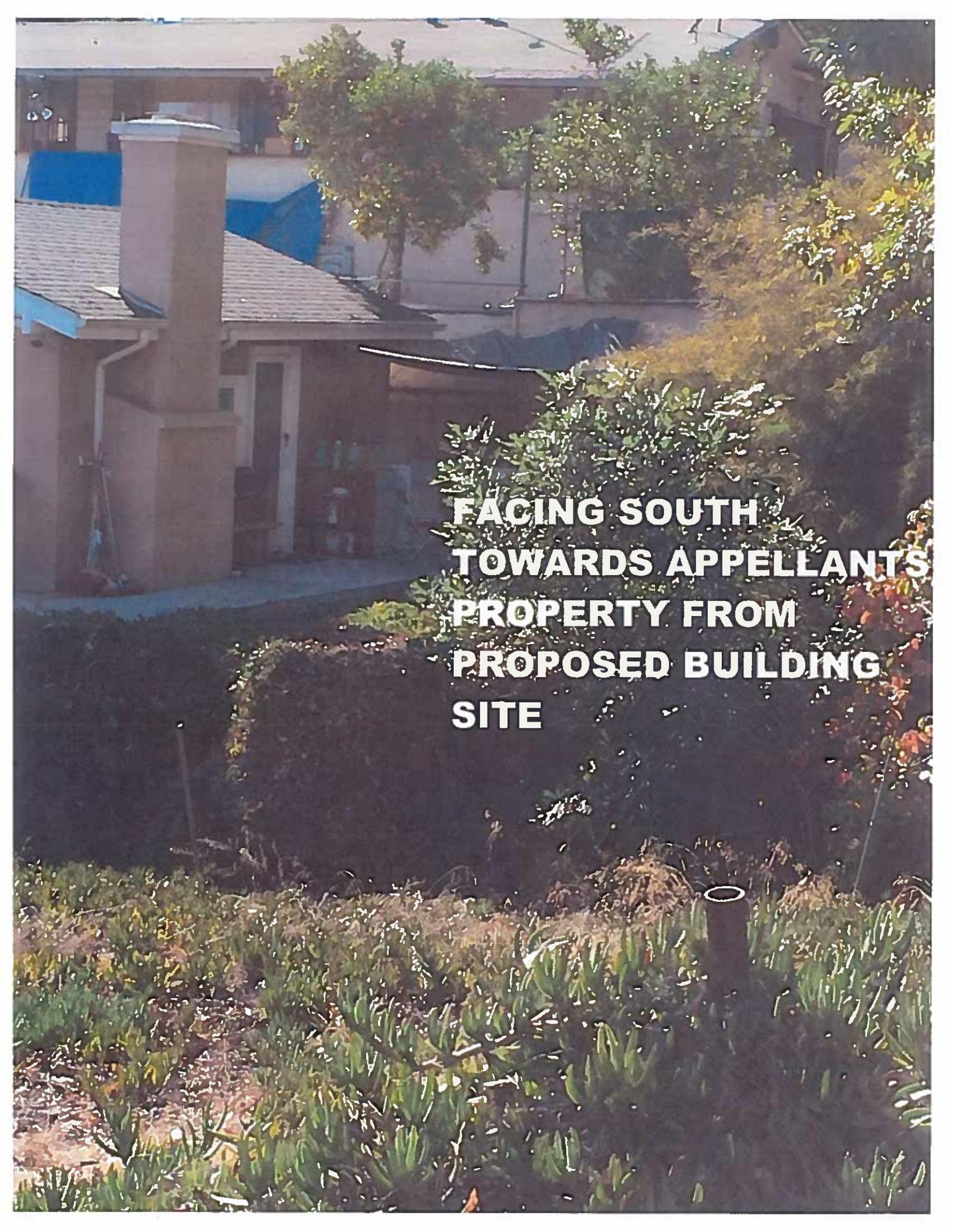




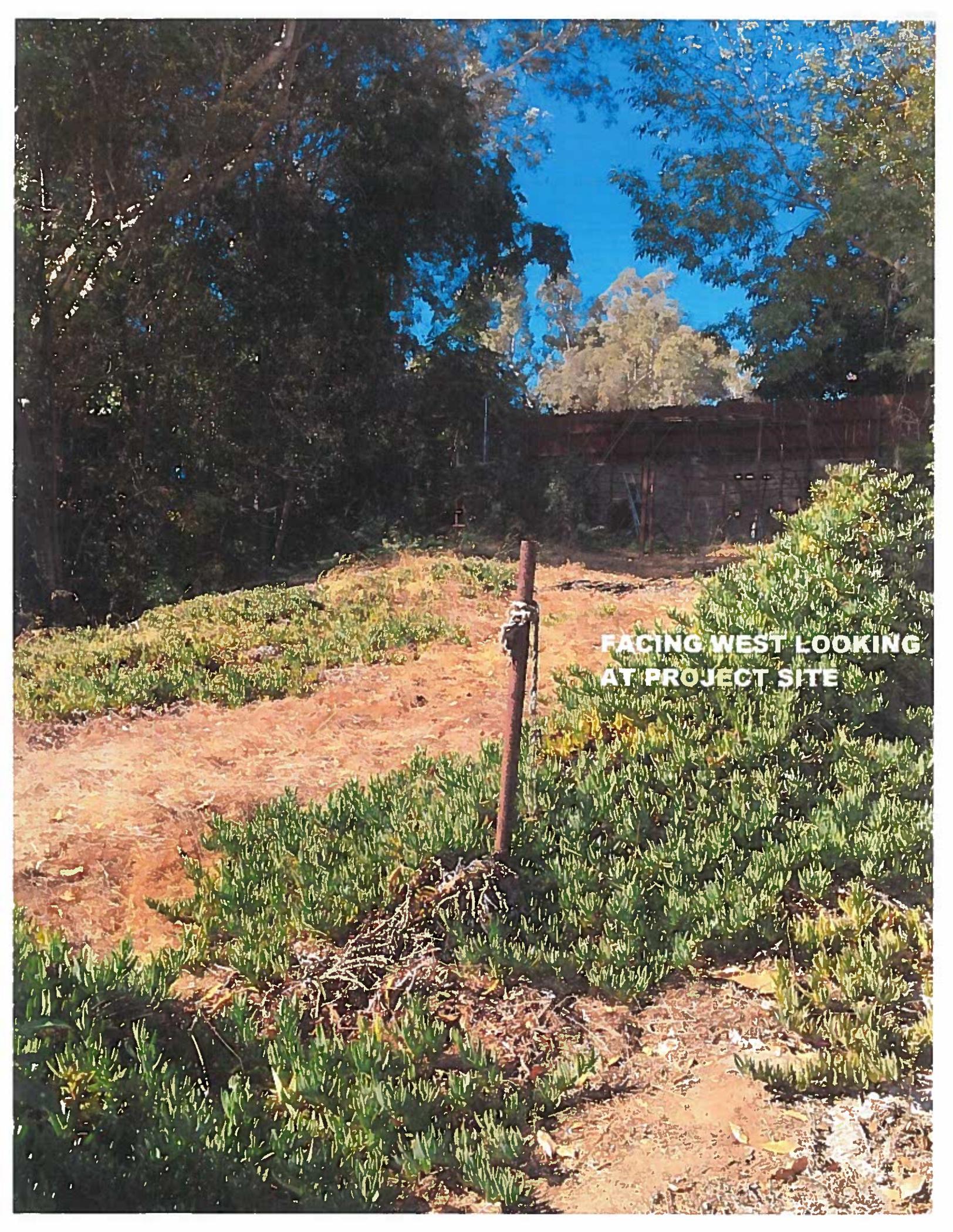




FACING WEST FROM DELTA AVE
TOWARDS PROJECT SITE.



**FACING SOUTH
TOWARDS APPELLANTS
PROPERTY FROM
PROPOSED BUILDING
SITE**

A photograph showing a dirt path leading towards a project site. In the foreground, there is a wooden post with a metal fastener. The path is surrounded by green vegetation and reddish-brown soil. In the background, there are trees and a structure. The sky is blue.

**FACING WEST LOOKING
AT PROJECT SITE**