

DENIAL DUE TO INACTIVITY REPORT TO THE HEARING OFFICER

DATE ISSUED: July 25, 2024

HEARING DATE: August 6, 2024 AGENDA ITEM: 5

PROJECT NUMBER: TR063444-(5)

PERMIT NUMBER(S): Tentative Tract Map No. 063444 (“TR063444”)

SUPERVISORIAL DISTRICT: 4

PROJECT LOCATION: 1125 & 1127 Kwis Avenue

OWNERS/APPLICANTS: Phi Hong Voong and Annie T Truong

CASE PLANNER: Phillip Smith, Senior Planner
psmith@planning.lacounty.gov

Item No. 5 is a request for a Tentative Tract Map (TR063444) to create a multi-family lot with five detached condominiums on 0.94 gross acres (“Project”) within the R-1 (Single-Family Residence) Zone pursuant to Los Angeles County (“County”) Code Section 22.18.020 (Residential Zones) and Chapter 21.40 (Tentative Maps). The Project is located at 1127 Kwis Avenue in unincorporated community of Hacienda Heights.

RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

LA County Planning Staff (“Staff”) recommends DENIAL of TR063444, based on the attached Findings (Exhibit A) contained within this report.

Staff recommends the following motion:

SUGGESTED MOTION:

I, THE HEARING OFFICER, DENY TENTATIVE TRACT MAP NO. 063444 SUBJECT TO THE ATTACHED FINDINGS.

BACKGROUND

The Project was initially filed on October 19, 2005. Since then, Staff has made attempts to inform the applicant of the information required to proceed with their application for the Project based on feedback given in Subdivision Committee Reports and Meetings. The last Subdivision Committee Report for this Project is dated August 11, 2008 and listed remaining holds regarding environmental review documentation as well as materials needed to proceed to public hearing, and provided the contact information for Staff.

Staff made several attempts to reach out to the applicant via telephone and in writing. Most recently, on February 8, 2023, Staff attempted to contact the owner by phone, but the phone numbers were either disconnected or not answered. Also on February 8, 2023, Staff contacted the engineer on file and explained that the application would be brought to denial proceedings if materials in response to the comments provided were not submitted. The engineer stated that they would make the property owners aware of the situation. Additionally, as an initial courtesy, Staff sent a Notice of Inactive Submittal Letter dated February 8, 2023 (Exhibit C) informing the applicant that the case was inactive and subject to denial proceedings if not reactivated by April 6, 2023. Staff did not receive a response to this letter.

On May 2, 2024, Staff sent a Public Meeting Notice: Denial Due to Inactivity Letter (Exhibit D) stating that the case would be scheduled before a Hearing Officer for denial due to inactivity on August 6, 2024. This letter directed the applicant to contact staff within 30 days, or by June 17, 2024, for the Project to remain active. Staff has not received a response, nor the requested information and as a result, is unable to process the application.

ANALYSIS

The tentative map and related application information does not comply with County Code Section 21.40.040 (Information Required) and Section 21.40.110 (Matters Required to Complete Submittal and Filing). Therefore, staff recommends that **Tentative Tract Map No. 063444** be denied due to inactivity pursuant to the attached findings.

Report

Reviewed By:



Joshua Huntington, Supervising Regional Planner

Report

Approved By:



Susan Tae, Assistant Administrator

LIST OF ATTACHED EXHIBITS

EXHIBIT A	Draft Findings
EXHIBIT B	Subdivision Committee Report (August 11, 2008)
EXHIBIT C	Notice of Inactive Submittal Letter (February 8, 2023)
EXHIBIT D	Public Meeting Notice: Denial Due to Inactivity Letter (May 2, 2024)

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. TR063444 - (4)
TENTATIVE TRACT MAP NO. 063444 (RTM-TR063444)**

1. **ENTITLEMENT REQUESTED.** The applicants, Phi Hong Voong and Annie T Truong, (“applicant”) request a Tentative Tract Map to create one multi-family lot with five detached condominiums on a 0.94 gross acre (40,946.4 square feet) (“Project”) in the R-1 (Single-Family Residential) Zone within the unincorporated community of Hacienda Heights pursuant to Los Angeles County (“County”) Code Section 22.18.020 (Residential Zones) and Chapter 21.40 (Tentative Maps).
2. **MEETING DATE.** August 6, 2024.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** *Reserved.*
4. **LOCATION.** The parcel is located at 1127 Kwis Avenue in the Unincorporated Community of Hacienda Heights in the East San Gabriel Valley Planning Area.
5. The Project was initially filed on October 19, 2005.
6. Since the time the application was filed, LA County Planning Staff (“Staff”) has asked the applicant for additional materials needed to proceed with the Project, including holds regarding environmental review documentation, as well as materials needed to proceed to public hearing, also providing Staff’s contact information.
7. On February 8, 2023, and May 2, 2024, Staff phoned, emailed, and mailed letters to the applicant requesting responses and missing materials.
8. On February 8, 2023, Staff also mailed a Notice of Inactive Submittal Letter informing the applicant that the case was inactive and subject to denial proceedings if not reactivated by April 6, 2023.
9. Staff has not received the requested information nor materials to enable further project evaluation.
10. On May 2, 2024, Staff sent a Public Meeting Notice: Denial Due to Inactivity Letter to the applicants informing them that pursuant to Section 22.222.100 (Denial of Inactive Application) of the County Code, the case would be scheduled before a Hearing Officer for denial due to inactivity.
11. The letter dated May 2, 2024, also directed the applicant to contact staff within 30 days for the Project to remain active.
12. The applicant has not contacted Staff and has failed to submit the required materials within the specified timeframe by June 17, 2024.
13. If the Project is denied, enforcement action may be taken to ensure compliance with Title 22 (Planning and Zoning) of the County Code.

14. **ENVIRONMENTAL.** The project is being denied due to inactivity. Therefore, pursuant to the California Public Resources Code Section 15270, the California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves. Therefore, the project qualifies as a Statutory Exemption (Projects Which Are Disapproved) and is not subject to CEQA.
15. **LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Subdivisions Section, LA County Planning.

THEREFORE, THE HEARING OFFICER:

1. Finds that CEQA does not apply to projects which a public agency rejects or disapproves pursuant to California Public Resources Code section 15270 and therefore qualifies as a Statutory Exemption (Projects Which Are Disapproved) and not subject to CEQA; and
2. Denies **TENTATIVE TRACT MAP NO. 063444**, subject to the findings presented herein.

JH:EGA:PS
7/25/24



Los Angeles County
Department of Regional Planning



Acting Director of Planning James E. Hartl, AICP

320 West Temple St, Los Angeles, 90012 (213) 974-6433 Fax: (213) 626-0434 http://planning.co.la.ca.us

SUBDIVISION COMMITTEE MEETING
REPORTS ONLY

Planner:	<u>Josh Huntington</u>	E-mail:	<u>jhuntington@planning.lacounty.gov</u>
SCM Reports Date:	<u>8/11/08</u>	Map Date:	<u>6/19/08</u>
Tract/Parcel Map No:	<u>063444</u>	Project No:	<u>TR063444</u>
Zoned District:	<u>Hacienda Heights</u>	Community:	<u>Hacienda Heights</u>
Supervisory District:	<u>Fourth</u>	APN No.:	<u>8218-015-011</u>

Map Stage: **Tentative** 1st Revised 3rd Revised Other:
 Map Stage: Revision Amendment

Proposal: **TO CREATE 1 MF WITH 5 DETACHED CONDOMINIUMS ON 0.94 ACRES (GROSS).**

Location: **1125 & 1127 Kwis Avenue, Hacienda Heights**

SUBDIVISION COMMITTEE HOLDS

<input type="checkbox"/> Revised Tentative Map	<input type="checkbox"/> Reschedule for SC Meeting
<input type="checkbox"/> Revised Exhibit/Exhibit "A" Map	<input checked="" type="checkbox"/> Reschedule for SC Reports Only
<input type="checkbox"/> Revised Application	

SUBDIVISION COMMITTEE DEPARTMENTS

Hold Cleared	
<input type="checkbox"/>	<input checked="" type="checkbox"/> Public Works: See Public Works Report
<input type="checkbox"/>	<input checked="" type="checkbox"/> Fire: See Fire Department Report
<input type="checkbox"/>	<input checked="" type="checkbox"/> Parks & Recreation:
<input type="checkbox"/>	<input checked="" type="checkbox"/> Health Services:

REGIONAL PLANNING

Hold Cleared	
<input checked="" type="checkbox"/>	<input type="checkbox"/> Environmental: Please contact Rudy Silvas 213-974-6461
<input type="checkbox"/>	<input checked="" type="checkbox"/> General Plan Determination:
<input type="checkbox"/>	<input checked="" type="checkbox"/> Revised Slope Map / Calculations:
<input type="checkbox"/>	<input checked="" type="checkbox"/> Plan Amendment:
<input type="checkbox"/>	<input checked="" type="checkbox"/> Zone Change:
<input type="checkbox"/>	<input checked="" type="checkbox"/> CUP:
<input type="checkbox"/>	<input checked="" type="checkbox"/> Oak Tree Permit:
<input type="checkbox"/>	<input checked="" type="checkbox"/> CSD:
<input type="checkbox"/>	<input checked="" type="checkbox"/> Proof of Legal Access:
<input type="checkbox"/>	<input checked="" type="checkbox"/> Other: Submit floor plans and elevations for the proposed condominiums
<input checked="" type="checkbox"/>	<input type="checkbox"/> Public Hearing Materials – only necessary once the map is cleared to go to hearing.
<input type="checkbox"/>	<input type="checkbox"/> 2 new sets of labels with affidavit, one photocopy, one ownership map
<input type="checkbox"/>	<input type="checkbox"/> 1 Blank Vicinity Maps
<input type="checkbox"/>	<input type="checkbox"/> 5 Land Use Maps
<input type="checkbox"/>	<input type="checkbox"/> 5 Additional Copies of the Tentative Map
<input type="checkbox"/>	<input type="checkbox"/> Other:
<input type="checkbox"/>	<input type="checkbox"/> Other Comments:

ADDITIONAL COMMENTS

February 8, 2023

PHI HONG VOONG AND ANNIE T TRUONG
1127 KWIS AVENUE
HACIENDA HEIGHTS, CA 91745

**NOTICE OF INACTIVE SUBMITTAL: PROJECT NO. TR063444 / TENTATIVE TRACT
MAP NO. 063444: 1127 KWIS AVENUE LA PUENTE, CA 91745, APN: 8218-015-011**

Hello,

The subject project has been identified as inactive and is subject to denial due to inactivity. The Subdivision Committee Meeting held on or around March 31, 2008, provided reports listing deficiencies/corrections to you. Staff has not received a follow-up from you regarding these items.

To not have the subject project scheduled for denial, you are required to provide the requested corrections as noted on the Subdivisions Committee Reports within sixty (60) days of the date of this letter, on or before April 6, 2023.

You may also request to withdraw your application and may be eligible for a refund of deposited fees. Please email a typed request to me, signed by the owner or the owner's representative withdrawing the project.

Please send all questions and/or forward all documents to tstapleton@planning.lacounty.gov. If deemed active, the project will be reassigned to another staff member for processing.

Sincerely,

Timothy Stapleton
TIMOTHY STAPLETON, AICP
PRINCIPAL PLANNER
TSTAPLETON@PLANNING.LACOUNTY.GOV

Timothy Stapleton

From: Timothy Stapleton
Sent: Wednesday, February 8, 2023 8:25 AM
To: Ping Yang; lee@callandeng.com
Subject: Notice of Inactive Submittal: Project No. TR063444 / Tentative Tract Map 063444 [APN: 8218015011: 1127 Kwis Avenue LA PUENTE, CA 91745]

Good morning,

The subject project has been identified as inactive and is subject to denial due to inactivity. The Subdivision Committee Meeting (on or after March 31, 2008) provided reports listing deficiencies/corrections to you. Staff has not received a follow-up from you regarding these items. In order to not have the subject project scheduled for denial, you are required to provide the requested corrections as noted on the Subdivisions Committee Report within sixty (60) days of this email, on or before **April 9, 2023**. Please forward all documents to me. If deemed active, the project will be reassigned to another staff member for processing.

You may also request to withdraw your application and may be eligible for a refund of deposited fees. Please email a typed request to me, signed by the owner or the owner's representative withdrawing the project.

TIMOTHY STAPLETON, AICP

PRINCIPAL PLANNER, Subdivisions

Office: (213) 974-6411 • Direct: (213) 893-7004

Email: tstapleton@planning.lacounty.gov

Los Angeles County Department of Regional Planning
320 West Temple Street, 13th Floor, Los Angeles, CA 90012
planning.lacounty.gov



Our [field offices](http://planning.lacounty.gov) are currently open to the public. Please visit planning.lacounty.gov for information about available services, public meeting schedules, and planning projects.

May 2, 2024

PHI HONG VOONG AND ANNIE T TRUONG
1127 KWIS AVENUE
HACIENDA HEIGHTS, CA 91745

PUBLIC MEETING NOTICE: DENIAL DUE TO INACTIVITY
PROJECT NO. TR063444
PERMIT: Tentative Parcel Map 063444
APN - 8218015011

Dear Applicant,

LA County Planning has made repeated attempts to inform you of the information that is required to proceed with your application for a tentative tract map. To create one Multi-Family lot with five Single Family detached condominiums on a 0.94 gross acre lot at the above-referenced location.

The most recent correspondence dated February 8, 2023 requesting project revisions and additional information is attached for your review. Additionally, staff attempted to reach you by telephone on March 21, 2024. To date, we have not received the requested information and as a result, we are unable to proceed with processing your application.

Section 22.222.100(C)(1) of the County Code provides that the Hearing Officer may deny, without public hearing, any application if such application is deemed inactive. Due to the longstanding inactive status of the project identified above, the project **will be scheduled for denial** before a County Hearing Officer on **August 6, 2024**.

If you wish to keep this project active, please send a written request to LA County Planning, Subdivisions, Room 150, 320 West Temple Street, Los Angeles, CA 90012, Attention: Phillip Smith. This correspondence must be received within **30 days from the date of this letter** in order to avoid being scheduled for denial. If you choose to keep your project active and submit a written request within the timeframe listed above, you must also submit all requested information **within 45 days of the date of this letter** or this project will be automatically scheduled for denial at the next available Hearing Officer meeting. Please be advised that if the project is denied, enforcement action may be taken by LA County Planning to ensure compliance with the Title 22 Planning and Zoning Code.

05/02/24

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For questions or for additional information, please contact Phillip Smith of the Subdivisions Section at (213) 974-6433, or psmith@planning.lacounty.gov.

Sincerely,

Amy J. Bodek, AICP
Director of Regional Planning

 FOR

Joshua Huntington, Supervising Regional Planner

JH:PS

Enclosures: Most recent incomplete Letter, 2/8/23
Most recent correspondence/email, 2/8/23

CP_DATE_FILENAME