

# Hearing Officer Transmittal Checklist

Hearing Date  
09/06/2016  
Agenda Item No.  
14

Plan Number: RPPL 2016000937  
Case(s): Conditional Use Permit  
Planner: Jolee Hui

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Findings and Conditions of Previous Permit

Reviewed By: 



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

**PLAN NUMBER**  
 RPPL2016000937-(4)

**HEARING DATE**  
 September 6, 2016

**REQUESTED ENTITLEMENTS**  
 Conditional Use Permit No. RPPL2016000937

# PROJECT SUMMARY

**OWNER / APPLICANT**

PK II Bixby Hacienda Plaza LP/ Yaki Yan USA LLC

**MAP/EXHIBIT DATE**

**PROJECT OVERVIEW**

The applicant, Yaki Yan USA LLC, is requesting a conditional use permit (CUP) to allow the sale of a full-line alcoholic beverages (beer, wine, distilled spirits) for on-site consumption (Type 47 License) at a restaurant (Yaki Yan Japanese BBQ) located in an existing shopping center in the C-2 (Neighborhood Business) Zone in the Hacienda Heights Zoned District pursuant to Los Angeles County Code Section 22.28.160.

**LOCATION**

17188 Colima Road, Unit C

**ACCESS**

Colima Road

**ASSESSORS PARCEL NUMBER(S)**

8295-012-158

**SITE AREA**

5.2 Acre

**GENERAL PLAN / LOCAL PLAN**

Hacienda Heights Community Plan

**ZONED DISTRICT**

Hacienda Heights ZD

**LAND USE DESIGNATION**

CG- General Commercial

**ZONE**

C-2 (Neighborhood Business)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT**

N/A

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 1 Categorical Exemption – Existing Facilities

**KEY ISSUES**

- Consistency with the Hacienda Heights Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.56.195 (Alcoholic Beverage Sales Burden of Proof Requirements)
  - 22.28.170 (C-2 Zone Development Standards)

**CASE PLANNER:**

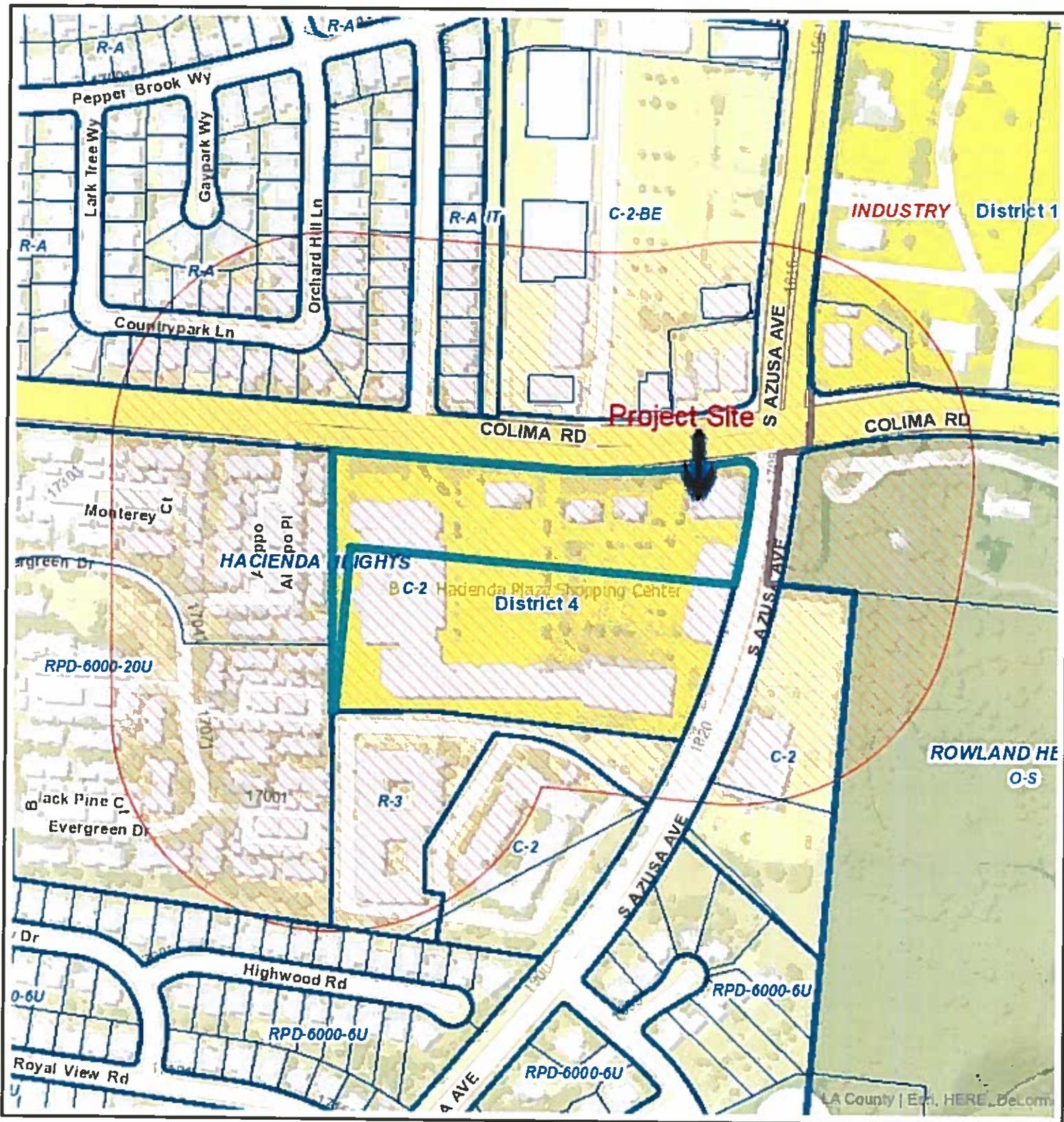
Jolee Hui

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**RPPL2016000937**

**Property Location**

Printed: Aug 03, 2016



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**ENTITLEMENTS REQUESTED**

- Conditional Use Permit (CUP) to authorize the sale of a full-line alcoholic beverages for on-site consumption (Type 47 License) at a new restaurant located within an existing shopping center in the C-2 (Neighborhood Business) Zone in the Hacienda Heights Zoned District pursuant to Los Angeles County ("County") Code Section 22.28.160.

**PROJECT DESCRIPTION**

The applicant, Yaki Yan USA LLC, is requesting a CUP to authorize the sale of beer, wine, and distilled spirits for on-site consumption at a 2,500-square-foot restaurant (Yaki Yan Japanese BBQ) located at 17188 Colima Road (APN 8295-012-158), Unit C, within the Bixby Hacienda Plaza Shopping Center ("Project"). The storage of alcohol for sale would be located away from the front entrance of the restaurant.

The restaurant was previously established by Site Plan Review No. 201501023 on November 4, 2015. The restaurant would sell alcoholic beverages for on-site consumption from 11:00 a.m. to 1:00 a.m. daily. Approximately 15 to 20 employees would work per shift, two to three shifts per day. The occupant load of the restaurant is calculated at 131 persons.

**EXISTING ZONING**

The subject property is zoned C-2 Zone. Surrounding properties within a 500-foot radius of the subject property are zoned as follows:

- North: C-2-BE (Neighborhood Business- Billboard Exclusion); IT (Institutional); R-A (Residential Agricultural)
- South: C-2; R-3 (Limited Density Multiple Residence)
- East: O-S (Open Space); C-2
- West: RPD-6000-20U (Residential Planned Development- 6,000 square feet minimum required lot area –20 units per acre)

**EXISTING LAND USES**

The subject property is developed as a shopping center with multiple commercial buildings around a 524-space surface parking lot. The restaurant is located near the northeast corner of the subject property. Surrounding properties within a 500-foot radius of the subject property are developed as follows:

- North: Commercial shopping center; single-family residential
- South: Commercial shopping center; hotel; senior living units
- East: Parking lot; medical facilities; park
- West: Multi-family residential; single-family residential

**PREVIOUS CASES/ZONING HISTORY**

The zoning history of the subject property is as follows:

- Ordinance No. 5122, adopted by the Board of Supervisors on May 25, 1948, established the subject property in the A-1-10000 Zone.
- Ordinance No. 9562, adopted by the Board of Supervisors on May 7, 1968, established the subject property in the C-3 Zone.
- Ordinance No. 10877, adopted by the Board of Supervisors on April 9, 1974, established the subject property in the Hacienda Heights Zoned District.
- Ordinance No. 820131Z, adopted by the Board of Supervisors on June 15, 1982, established the subject property in C-3-BE Zone.

The subject property contains numerous Site Plan Review, Zoning Conformance Review, Business License Referral, and Conditional Use Permit cases for a variety of commercial uses associated with the operation of the Bixby Hacienda Plaza Shopping Center. The following cases are summarized:

- Site Plan Review No. 200701055 – approved on February 8, 2008 for the conversion of an existing structure from Burger King into Bank of East Asia and floor area addition of 165 square feet.
- Site Plan Review No. 200800023 – approved on February 14, 2008 for the conversion of a retail store into a new restaurant (Guppy House).
- Site Plan Review No. 200601141 – approved on August 14, 2008 for new signage.
- Site Plan Review No. 200801076 – approved on September 23, 2008 for the installation of neon channel letter sign for “Barrett’s Jewelers.”
- Site Plan Review No. 200900591 – approved on July 16, 2009 for one new exterior wall signage and one interior signage for the US Bank.
- Site Plan Review No. 200900592 – approved on August 5, 2009 for one new 28-square-foot wall sign, three monument sign face changes, and five ATM face changes outside the bank.
- Site Plan Review No. 200900919 – approved on October 22, 2009 for tenant improvements to a medical clinic (Quest Diagnostics).
- Site Plan Review No. 200901397 – approved on February 10, 2010 for new channel letter LED illuminated wall sign for existing medical clinic (Quest Diagnostics).

- Site Plan Review No. 201000775 – approved on October 5, 2010 for tenant improvement to convert an office space to a bakery (85C Degree Bakery Cafe).
- Site Plan Review No. 201100082 – approved on May 19, 2011 for a foot massage business (Dynasty Foot Spa) within an existing retail unit.
- Site Plan Review No. 201100088 – approved on July 12, 2011 for two new internally illuminated channel letter wall signs.
- Site Plan Review No. 201200123 – approved on March 28, 2012 for three new illuminated channel letter wall signs for Mega Bank.
- Site Plan Review No. 201200926 – approved on November 27, 2012 for a new LED illuminated channel letter wall sign for the Industrial and Commercial Bank of China
- Site Plan Review No. 201301032 – approved on January 21, 2014 for new wall and monument signage for El Pollo Loco.
- Site Plan Review No. 201301075 – approved on December 17, 2013 for tenant improvement for a furniture store. The tenant space was formerly occupied by a medical clinic.
- Site Plan Review No. 201500783 – approved on October 22, 2015 for new face lit channel letter sign for Cricket.
- Site Plan Review No. 201501023 – approved on November 4, 2015 for tenant improvements at a restaurant (Yaki Yan Japanese BBQ).
- Zoning Conformance Review No. 201300888 – approved on September 11, 2013 for a tenant improvement to the existing El Pollo Loco restaurant.
- Conditional Use Permit No. 201400117 – approved on January 29, 2015 to allow the sale of a full-line of alcohol for off-site consumption (Type 21) at a 44,128-square-foot retail market (formerly Albertsons, now 168 Market).

There is currently no open enforcement case on the subject property. No enforcement history related to the Yaki Yan restaurant exists. From 1994 to 2015, there were 11 code enforcement cases. The most recent enforcement case dated June 25, 2015 was associated with banners displayed on the premise and the case closed on August 20, 2015.

**ENVIRONMENTAL DETERMINATION**

Los Angeles County ("County") Staff determines that the Project is eligible for a Categorical Exemption (Class 1 Exemption — Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines because there is negligible or no expansion of use beyond that which was previously existing. The Project is a request to allow the sale of alcoholic beverages at a restaurant in an existing commercial structure and no exceptions to the categorical exemption apply to the Project per Section 15300.2 of the California Code of Regulations. The Project Site is not located within or in close proximity to an environmentally sensitive area, a historical resource, a hazardous waste site, or a scenic highway. No significant effect due to "unusual circumstances" and no cumulative impact are anticipated. Therefore, County Staff recommends that the Hearing Officer determine that the Project is categorically exempt from CEQA.

**STAFF EVALUATION**General Plan/Community Plan Consistency

The subject property is within the CG- General Commercial land use category of the Hacienda Heights Community Plan. This land use category is intended for locally serving commercial, office, and professional businesses, retail and service establishments, including day care centers. The sale of beer, wine, and distilled spirits for on-site consumption at an existing eating establishment provides the locally serving commercial service that is consistent with the underlying land use category.

The following policy from the Hacienda Heights Community Plan is applicable to the proposed project:

- Policy LU 2.3: Maintain and improve existing commercial areas.

The sale of a full-line alcoholic beverages at an eating establishment would provide greater services to dining customers. Access to such services would be improved by the proposed Project and provide convenience to these dining customers who wish to enjoy their meals with greater beverage selection.

The following policies of the General Plan are applicable to the proposed Project:

- Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.
- Policy LU 5.4: Encourage community-serving uses, such as early care and education facilities, grocery stores, farmers markets, restaurants, and banks to locate near employment centers.

The Project would not alter the nature of the existing multi-tenant shopping center where a variety of community-serving businesses operate, including a grocery store, restaurants, banks, bakery, general and medical offices, and provide employment. The Bixby Hacienda Plaza Shopping Center draws both local and regional visitors. The

Project would enhance the dining services of the restaurant and accommodate the dining needs of the shopping center visitors and the employees in the surrounding area.

#### Zoning Ordinance and Development Standards Compliance

The sale of alcoholic beverages for either on-site or off-site consumption in the C-2 Zone is allowed by a CUP pursuant to Section 22.28.160 of the County Code. The existing shopping center is subject to the development standards of the C-2 Zone set forth in Section 22.32.070. These standards include maximum lot coverage, minimum landscape area, parking minimums, height limits, and outside display restrictions. The existing shopping center and the restaurant are in conformance with the development standards prescribed for the C-2 Zone. The retail structures are compatible with the surrounding area. The operation of the Yaki Yan restaurant would require 44 parking spaces per Section 22.52.1110 parking requirement (i.e., one space for each three persons based on the occupant load). The existing surface parking lot at the shopping center provides 524 spaces and the shopping center would have an excess of 25 spaces after meeting the parking requirement for the Yaki Yan restaurant.

Pursuant to Section 22.56.195 of the County Code, establishments selling alcoholic beverages for either on-site or off-site consumption must meet the following findings:

1. *The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.*

There are two sensitive uses, Schabarum Regional Park and a dance center, located within a 600-foot radius of the subject property. These sensitive uses are either sufficiently buffered by Azusa Avenue, a surface parking lot or other building structures. The park is further buffered by the various businesses located within the large shopping center. The proposed conditions of approval will further ensure that Project would remain consistent and compatible with the surrounding community.

2. *The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.*

The Project is located within an existing commercially zoned lot that already uses traditional methods of buffering associated with commercial uses. The existing retail building that houses the Yaki Yan restaurant within the shopping center is located near the busy intersection of Azusa Avenue and Colima Road and is situated within a corner of the property that is furthest from the senior living unit to the southwest and single-family residences to the northwest.

3. *The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility*

*selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limit to not more than five percent of the total shelf space in the establishment.*

A total of nine other establishments are licensed to sell alcohol within a 500-foot radius of the subject property. The following table summarizes these licenses:

License Type	Establishment Name	Total
Type 41 – On sale beer & wine –eating establishment	Little Sheep Mongolian Hot Pot Thai Specialty 2 Tokyo Lobby Shanghaiander Palace Tamaya	5
Type 47 – On sale general – eating place	Courtyard Marriott Hotel - Bistro	1
Type 20 – Off sale beer & wine	AM/PM Gas Station & Mini Mart Circle K 76 Gas Station	2
Type 21 – Off sale general	168 Market	1

Two licenses (i.e., Type 21 at a grocery store and Type 41 at another restaurant) out of the nine licenses actually exist within the same shopping center. According to the County Code Section 22.56.195.B.3, a facility selling alcoholic beverages within 500 feet of another facility selling alcoholic beverages is construed as undue concentration. Even though the Project constitutes an undue concentration under the County Code, the sale of alcoholic beverages at a full service restaurant is typically expected by dining patrons and found at other restaurants. It would serve a public convenience and necessity to the surrounding community by providing products and services that are consistent with other restaurants in the area.

- The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.*

The sale of alcoholic beverages at a full service restaurant for on-site consumption will not adversely affect the economic welfare of the surrounding community and will actually bring added dining services to the existing commercial center. Furthermore, sales from alcoholic beverages will likely generate additional tax revenue for the County.

- The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.*

The Project does not propose any substantial changes to the exterior appearance of the building that houses the Yaki Yan restaurant. Its current appearance is consistent with the general appearance of the shopping center.

Site Visit

A site visit was conducted on June 22, 2016 by County Staff. The Project was found to be consistent with the site plan. Staff took photographs of the Project.

Neighborhood Impact/Land Use Compatibility

The sale of alcoholic beverages at the Yaki Yan restaurant on the subject property is compatible with the surrounding neighborhood as well as the operation of the shopping center. It provides additional commercial services and offers greater convenience to restaurant patrons who dine at Yaki Yan. Alcoholic beverage sale is a permitted use in the C-2 Zone when a CUP is first obtained.

The subject property has been zoned for commercial uses since 1968. The subject property is currently developed as a shopping center with various types of retail and office uses. Although the subject property is located within 600 feet of two sensitive uses, the entrance of the restaurant is oriented toward a large surface parking lot and not oriented toward the sensitive uses. All alcohol consumption will be limited within the restaurant premise and no alcohol will be consumed outside of the restaurant. The storage of the alcohol would also kept in the back and away from the front entrance of the building. With the proposed draft conditions, the project would remain consistent and compatible with the surrounding community.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 and Section 22.56.195 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Staff received a letter from the County of Los Angeles Sheriff's Department, Industry Station, dated June 21, 2016. The letter stated that reports from April 12, 2011 to April 12, 2016 included one grand theft, one arson to structure, one vehicle repossessed, and 34 calls for service to the shopping center, but none specifically to Unit C where the Project is located. On August 24, 2016, staff received an email that stated the Sheriff's Department did not find any issues of concern with the sale of alcoholic beverages ending at 1:00 a.m. The Sheriff's Department letter concluded that based on the crime history, the establishment does not appear to pose a risk to public safety and has not been a problem. Therefore, the Sheriff's Department recommends approval of the CUP.

**OTHER AGENCY COMMENTS AND RECOMMENDATIONS**

Staff received a Business and Practices Worksheet from the California Department of Alcoholic Beverage Control (ABC), dated April 19, 2016. Based on the statistical information provided by ABC, there is no overconcentration of licenses within the Census Tract 4086.28 ("Census Tract") where the subject property is located.

Five on-sale licenses are allowed and two currently exist. There is a restaurant (Tamaya) with a Type 41 on-sale license, a hotel bistro with a Type 47 on-sale license, and a grocery store (168 Market) with a Type 21 off-sale license within the Census Tract. Both the Tamaya restaurant and 168 Market are located within the same shopping center as the Project. The alcohol sale at 168 Market was approved by CUP No. 201400117 but the Tamaya restaurant operates without a CUP because its ABC license predates the County requirement of a CUP for alcohol sale.

Per the Business and Practices Worksheet, the subject property is located in a high crime reporting district (district number 1470) where 147 offenses occurred. The average number of offenses per reporting district is 85.7. The district number 1479 exceeds 120% of the average number of offenses per district.

**LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and Department of Regional Planning website posting.

**PUBLIC COMMENTS**

On July 18, 2018, the applicant's representative, David Weissglass, attended the Hacienda Heights Improvement Association (HHIA) monthly business meeting to seek input on the proposed Project. On August 8, 2016, staff received a letter (dated July 25, 2016) via email that stated the HHIA's support of the proposed Project and stated that they do not support the sale of alcoholic beverages prior to 11 a.m. nor after 12:00 a.m. On August 24, 2016, staff received a revised letter (dated August 19, 2016) from HHIA amending its recommended hours to allow alcohol sales from 11:00 a.m. until 1 a.m. daily. No other public comment has been received at this time.

**FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

**STAFF 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:

Staff recommends **APPROVAL** of Conditional Use Permit Number RPPL2016000937-(4), subject to the attached conditions.

**SUGGESTED APPROVAL MOTION:**

**I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.**

**I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2016000937-(4) SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Jolee Hui, Regional Planning Assistant II, Zoning Permits East Section  
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings

Draft Conditions of Approval

Applicant's Burden of Proof statement

Site Photographs, Aerial Image

Site Plan, Land Use Map, Zoning Map

MM:JH

09/06/2016

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
CONDITIONAL USE PERMIT NO. RPPL2016000937-(4)**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on September 6, 2016 in the matter of Conditional Use Permit No. RPPL2016000937-(4).
2. The applicant, Yaki Yan USA LLC ("permittee"), is requesting a conditional use permit ("CUP") to authorize the sale of a full-line alcoholic beverages for on-site consumption (Type 47 License) at a restaurant (Yaki Yan Japanese BBQ) located within the existing Bixby Hacienda Plaza Shopping Center in the C-2 (Neighborhood Business) Zone in Hacienda Heights Zoned District pursuant to Los Angeles County ("County") Code Section 22.28.160.
3. The subject property is 5.2 gross acre in size, and is one parcel (APN 8295-012-158). The parcel is rectangular with generally flat topography. The restaurant is located at the northeast corner of the parcel and near the intersection of Azusa Avenue and Colima Road ("Project Site").
4. The Project Site is zoned C-2 (Neighborhood Business) Zone and is located in the Hacienda Heights Zoned District.
5. The Project Site is located within the CG- General Commercial land use category of the Hacienda Heights Community Plan.
6. Surrounding properties within a 500-foot radius of the subject property are zoned as follows:
  - North: C-2-BE (Neighborhood Business- Billboard Exclusion); IT (Institutional); R-A (Residential Agricultural)
  - South: C-2; R-3 (Limited Density Multiple Residence)
  - East: O-S (Open Space); C-2
  - West: RPD-6000-20U (Residential Planned Development- 6,000 square feet minimum required lot area –20 units per acre)
7. The subject property was zoned A-1-10000 in 1948, and was subsequently rezoned C-3 in 1968 and C-3-BE in 1982. The Yaki Yan Japanese BBQ restaurant was established through Site Plan Review No. 201501023 on November 4, 2015. The subject property also contained numerous Site Plan Review, Zoning Conformance Review and Business License Referrals for a variety of commercial uses such as grocery store, bakery, restaurants, and medical offices.
8. Surrounding existing land uses within a 500-foot radius of the subject property include:

North: Commercial shopping center; single-family residential

South: Commercial shopping center; hotel; senior living units

East: Parking lot; medical facilities; park

West: Multi-family residential; single-family residential

9. Primary access is provided through Colima Road and Azusa Avenue.
10. The subject property is developed with several one-story commercial buildings located along the property lines and a 524-space surface parking lot.
11. The site plan depicts the 2,500-square-foot Yaki Yan restaurant within an existing retail structure shared with two other businesses, Smiles Select (2,000 square feet) and East West Bank (3,000 square feet). There are three driveways, two along Colima Road and one along Azusa Avenue. The Yaki Yan restaurant has an occupant load of 131 persons and 44 spaces out of 524 parking spaces are allocated to the Yaki Yan restaurant. The floor plan depicts the storage of alcohol away from the front entrance.
12. There is currently no open enforcement case on the subject property and there is no enforcement history related to the Yaki Yan restaurant. From 1994 to 2015, 11 code enforcement cases were recorded. The most recent enforcement case, dated June 25, 2015, was associated with banners displayed on the premise and the case closed on August 20, 2015.
13. Based on the information from the California Department of Alcoholic Beverage Control (ABC), there is no overconcentration of licenses existing within the Census Tract 4086.28 where the subject property is located. Five on-sale alcohol licenses are allowed and two currently exist.

There is a restaurant (Tamaya) with a Type 41 on-sale license, a hotel with a Type 47 on-sale license, and one grocery store (168 Market) with a Type 21 off-sale license within the Census Tract. Both the Tamaya restaurant and 168 Market are located within the same shopping center as the Project. CUP No. 201400117 approved the alcohol sale at 168 Market while the Tamaya restaurant operates without a CUP because its ABC license predates the requirement of a CUP for alcohol sale.

Staff received the Business and Practices Worksheet from the ABC, dated April 19, 2016. The worksheet included crime reporting district and statistics on reported criminal activities and existing alcohol licenses. The subject property is located in a high crime reporting district (district number 1470) where 147 offenses occurred. The average number of offenses per reporting district is 85.7. The district number 1479 exceeds 120% of the average number of offenses per district.

14. Staff also received a letter from the County of Los Angeles Sheriff's Department, Industry Station, dated June 21, 2016. The letter stated that reports from April 12, 2011 to April 12, 2016 included one grand theft, one arson to structure, one vehicle

repossessed, and 34 calls for service to the shopping center, but none specifically to Unit C where the Project is located. The Sheriff's Department concluded that based on the crime history, the establishment does not appear to pose a risk to public safety and has not been a problem. Therefore, the Sheriff's Department recommends approval of the CUP.

15. Prior to the Hearing Officer's public hearing on the Project, Department of Regional Planning ("Regional Planning") staff determined that the Project qualified for a Categorical Exemption, under the Class 1 — Existing Facilities, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) ("CEQA"), the CEQA Statute and Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the sale of alcoholic beverages at a restaurant in an existing commercial structure. There is negligible or no expansion of use beyond that which was previously existing. No exceptions to the categorical exemption also apply to the Project per Section 15300.2 of the California Code of Regulations.
16. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearing by mail, newspaper, and property posting.
17. Prior to the Hearing Officer's public hearing, the Regional Planning staff received a letter dated August 19, 2016 via email that stated the Hacienda Heights Improvement Association's support of the proposed Project and its hours of alcoholic beverage sale from 11:00 a.m. to 1:00 a.m. daily. No other public comment has been received at this time.
18. **[Hearing Proceedings] To be inserted after the public hearing to reflect hearing proceedings.**
19. A duly noticed public hearing was held on September 6, 2016 before the Hearing Officer.
20. The Hearing Officer finds that the Project is consistent with the goals and policies of the Hacienda Heights Community Plan and the General Plan 2035. The Project Site is designated within the CG- General Commercial land use category of the Hacienda Heights Community Plan. This land use category is intended for locally serving commercial, office, and professional businesses, retail and service establishments, including day care centers. The sale of beer, wine, and distilled spirits for on-site consumption at an eating establishment provides the locally serving commercial service that is consistent with the underlying land use category. Furthermore, General Plan 2035 encourages "a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs." This shopping center where the Project is located draw both local and regional visitors. The Project would enhance the dining services of the restaurant and accommodate the needs of the shopping center visitors and the employees in the surrounding area.

21. The Hearing Officer finds that the Project is consistent with the Zoning Code. Section 22.28.160 of the County Code, which allows the sale of alcoholic beverages for either on-site or off-site consumption in the C-2 zone provided a conditional use permit has first been obtained.

Section 22.56.195 of the County Code requires that an applicant for a project that does not currently, but proposes to sell alcoholic beverages, for either on-site or off-site consumption must provide information sufficient to substantiate certain findings

22. The Hearing Officer finds that the requested use at the location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The Project will not affect the health or safety of the surrounding community because the Project involves negligible or no expansion of use beyond that which was previously existing. The Project provides restaurant patrons with an option to purchase an alcoholic beverage with their meal. The Project will not result in a substantial increase in noise, odor, dust, glare, or shadows. The Project presents no additional risk of fire hazard since the proposed upgrades are not substantial.
23. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- The Project site will be located within an existing shopping center, which was built to County specifications regarding necessary walls, fences, parking and loading facilities. The use of the property will not change. The use of the Project Site will remain as a restaurant. No demolition or construction associated with the Project will occur that will alter the existing structure.
24. The Hearing Officer finds that the Project is adequately served by improved local roads and highways to carry the kind and quantity of traffic such use would generate and by other public or private service facilities as are required.
- The proposed location is within an existing shopping center on the southwest corner of two major thoroughfares (Colima Road and South Azusa Avenue). The location has been adequately served by current transportation infrastructure and private and public service facilities since the construction of the shopping center. The Project will not require additional infrastructure improvements by introducing the sale of alcoholic beverages for on-site consumption at a restaurant.
25. The Hearing Officer finds that the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

There are two sensitive uses, Schabarum Regional Park and a dance center, located within a 600-foot radius of the subject property. These sensitive use are either sufficiently buffered by Azusa Avenue, a surface parking lot or other building structures from the proposed use. The park is further buffered by the various businesses located within the large shopping center. The proposed conditions of approval will further ensure that Project will remain consistent and compatible with the surrounding community.

26. The Hearing Officer finds that the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The Project is located within an existing commercially zoned lot that already uses traditional methods of buffering associated with commercial uses. The retail building that will house Yaki Yan within the existing shopping center is located near the busy intersection of Azusa Avenue and Colima Road and is situated within a corner of the property that is furthest from the senior living unit to the southwest and single-family residences to the northwest.

27. The Hearing Officer finds that the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limit to not more than five percent of the total shelf space in the establishment.

A total of nine other establishments are licensed to sell alcohol on-site or off-site within a 500-foot radius of the subject property. Two licenses (i.e., Type 21 at a grocery store and one Type 41 at another restaurant) out of the nine licenses actually exist within the same shopping center.

According to County Code Section 22.56.195.B.3, a facility selling alcoholic beverages within 500 feet of another facility selling alcoholic beverages is construed as undue concentration. Even though the Project constitutes an undue concentration under the County Code, the sale of alcoholic beverages at a full-service restaurant is typically expected by dining patrons and found at other restaurants. It would serve a public convenience and necessity to the surrounding community by providing products and services that are consistent with other restaurants in the area.

28. The Hearing Officer finds that the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

The sale of alcoholic beverages at a full service restaurant for on-site consumption will not adversely affect the economic welfare of the surrounding community and will actually bring added dining services to the existing shopping center. Furthermore,

sales from alcoholic beverages will likely generate additional tax revenue for the County.

29. The Hearing Officer finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

The Project does not proposed any changes to the exterior appearance of the building that houses Yaki Yan. Its current appearance is consistent with the general appearance of the adjacent businesses and the shopping center.

30. The Hearing Officer finds that it is necessary to limit the term of the grant to fifteen (15) years to assure the continued compatibility between the use of the Project Site allowed by this grant and surrounding land uses.

31. Pursuant to Sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Hacienda Heights Library (Steinmetz Park Temporary Location) located in the vicinity of the subject property. On August 2, 2016, a total of 335 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as six notices to those on the courtesy mailing list for the Hacienda Heights Zoned District, and to any additional interested parties.

32. 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 the Los Angeles County Department of Regional 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 Zoning Permits East Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. The proposed use with the attached conditions will be consistent with the adopted Hacienda Heights Community Plan and General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features

prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**THEREFORE, THE HEARING OFFICER:**

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Statute and Guidelines (Class 1 — Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit No. RPPL2016000937-(4), subject to the attached conditions.

**ACTION DATE: September 6, 2016**

MM:JH  
September 6, 2016

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
CONDITIONAL USE PERMIT NO. RPPL2016000937-(4)**

**PROJECT DESCRIPTION**

The project is a request to authorize the sale of a full-line of alcoholic beverages (beer, wine, and distilled spirits) for on-site consumption (Type 47) at a restaurant in an existing shopping center subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on September 6, 2031.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, the sale of alcoholic beverages and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be

placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56 Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the Project Site in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **November 6, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PERMIT-SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)**

19. This grant allows the sale of beer, wine, and distilled spirits for on-site consumption (Department of Alcoholic Beverage Control Type 47 License) at the Yaki Yan Japanese BBQ restaurant located in Unit C at 17188 Colima Road.
20. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
21. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
22. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

23. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
25. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
26. This grant authorizes the sale of alcoholic beverages from 11:00 a.m. to 1:00 a.m. daily.
27. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
28. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu.
29. All servers of alcoholic beverages must be at least 18 years of age.
30. Employees on duty after 10:00 pm shall be at least 21 years of age.
31. There shall be no music or other noise audible beyond the restaurant premises.
32. No live entertainment, dancing, or dance floor is authorized in or outside the premises.
33. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only.
34. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited.
35. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation.
36. Not less than fifty-one percent of the income from the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner

shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages. Said records shall be made available to the Los Angeles County Department of Regional Planning, the Department of Alcoholic Beverage Control, or the Los Angeles County Sheriff's Department on demand.

37. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions.
38. Food service shall be continuously provided during operating hours.
39. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.
40. The permittee shall install interior and exterior security cameras facing the parking lot.
41. All alcohol for sale shall be stored at a location away from the front doors within the restaurant.

LA County Conditional Use Permit Burden of Proof  
YakiYan Japanese BBQ  
17188 Colima Rd. Unit C, Hacienda Heights, CA 91745

- A) That the requested use at the location will not:
- a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

*The requested use will have no adverse effects on nearby residents or employees. YakiYan Japanese BBQ. Providing customers with the option to purchase an alcoholic beverage with their meals will only serve to attract additional customers and activate the shopping center and surrounding area, adding eyes on the street and improving public safety. The restaurant's operators plan to pay close attention to maintaining the site's physical appearance to minimize the opportunity for crime and maximize customer safety.*

*YakiYan Japanese BBQ has operated a number of very successful high-quality Japanese BBQ restaurants in Taiwan since 2004 and plan on bringing their expertise to the United States. The restaurant has a history of maintaining both its interior and exterior environments to ensure that patrons and nearby residents and workers will be served by a safe, well-lit, and inviting atmosphere both inside and out of the restaurant. The site falls in a C-2 zone so the sale of alcoholic beverages is appropriate for the location.*

- B) That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

*The project site is located within a large shopping center at a prominent intersection, which was built to county specifications regarding necessary walls, fences, parking and loading facilities. The*

*use of the property will remain as a restaurant. No demolition or construction will be occurring that will alter the existing structure.*

- C) That the proposed site is adequately served:
- a. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  - b. By other public or private service facilities as required.

*The proposed location is located on the southwest corner of Colima Rd. and South Azusa Ave. The site is zoned C-2. The location has been adequately served by current transportation infrastructure and private and public service facilities since the construction of the shopping center. The restaurant will not require additional infrastructure improvements simply by adding beer, wine, and distilled spirits for on-site consumption.*

LA County Alcohol Beverage Sales Burden of Proof  
YakiYan Japanese BBQ  
17188 Colima Rd. Unit C, Hacienda Heights, CA 91745  
ABC License Type No(s): 47

- A) That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

*There are only 2 sensitive uses within 600 feet of the property (a dance school and a park). YakiYan BBQ will operate a respected and well-managed restaurant in Hacienda Heights that will make a point to not interfere with sensitive uses in the community. Approval of this CUP application will have no adverse affects on either of these sensitive uses.*

- B) That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

*YakiYan BBQ is to be located in the existing Bixby Hacienda Plaza, which already utilizes traditional methods of buffering associated with commercial uses. Further, the specific building that will house YakiYan BBQ within the plaza is nearest to the intersection of Azusa Ave. and Colima Rd. Thus, this request will have no negative effects on nearby residential areas. The complex is protected from existing residences by impermeable building walls, alleyways, and streets.*

- C) The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcohol beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment

*While there are a number of ABC licenses near the site, this kind of agglomeration of licenses is appropriate given the restaurant's location in a large commercial shopping center as well as its proximity to a number of other shopping centers, including the Puente Hills Mall. Nonetheless, if this CUP is approved, the restaurant's location on two major thoroughfares and within easy access of with 60 freeway ensures that a number of alcoholic beverage outlets will serve the public good and will undoubtedly serve public convenience, outweighing the potential negative effects of the locations' proximity to each other. The sale of alcohol will be only ancillary to the sale of food at YakiYan Japanese BBQ, and the restaurant will never act as a bar, tavern, or night club.*

- D) That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

*The previous and proposed use for the subject site are both restaurant use, so approval of the CUP for a type 47 license for YakiYan BBQ will not negatively affect the economic welfare of the surrounding community. Further, employees and residents of the Hacienda Heights community will have the additional option of purchasing an alcoholic beverage with their meals. This additional option for the restaurant's patrons will only benefit the economic welfare of the surrounding community.*

- E) That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

*The exterior of the Yaki Yan Japanese BBQ will not be altered significantly as a result of this application, nor will it differ significantly from the appearance of the other buildings and businesses within the Bixby Hacienda Plaza or existing businesses on nearby commercial properties. The restaurant's operators and the property owners understand the effects that a poorly-maintained building have on the*

*community and will continue to pay close attention to the maintenance of its structure. The property owner will ensure that the structure will not deteriorate to the point of causing blight or the lowering of neighboring property values.*



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



May 3, 2016

Los Angeles County Department of Regional Planning  
Zoning Permits East Section  
Attn: Jolee Hui, Regional Planning Assistant II  
320 West Temple Street, Room 1346  
Los Angeles, CA 90012

To whom it may concern:

The purpose of this letter is in response to your request for calls of service to 17188 Colima Road, Unit C, Hacienda Heights, CA. The Sheriff's Department has responded to three report calls to the above address in the past five years.

1 - Grand Theft Call, 1 - Arson to Structure Call, 1 - Repossessed Vehicle

There were 34 calls of service during the same time period to the same business park (units A and D), but were not related to Unit C. Based on the calls for service and crime history in the past five years, the proposed establishment has not been a problem and does not appear to pose a risk to public safety. I do not object to the Conditional Use Permit being issued to Yakiyan Japanese BBQ, 17188 Colima Road, Unit C, Hacienda Heights, CA.

Should you require additional comments, please feel free to contact me or Lieutenant Alex Canchola at (626) 330-3322.

Sincerely,

JIM McDONNELL, SHERIFF

Timothy K. Murakami, Captain  
Industry Station

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —

## Jolee Hui

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**From:** Gill IV, Henry A. <HGill@lasd.org>  
**Sent:** Wednesday, August 24, 2016 12:36 PM  
**To:** Jolee Hui  
**Subject:** FW: CUP No. RPPL2016000937 - Consultation for the Sale of Alcohol

Here you go. Lieutenant's response below.

IV

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**From:** Canchola, Alex J.  
**Sent:** Wednesday, August 24, 2016 12:35 PM  
**To:** Gill IV, Henry A.  
**Cc:** Sanford, Brian E.  
**Subject:** RE: CUP No. RPPL2016000937 - Consultation for the Sale of Alcohol

Hi Henry,

Based on my review, I did not find any issues of concern with the one hour extension (0100 hours). Let me know if you need further assistance.

Thanks

Alex

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**From:** Gill IV, Henry A.  
**Sent:** Tuesday, August 16, 2016 7:59 AM  
**To:** Canchola, Alex J.  
**Cc:** Sanford, Brian E.  
**Subject:** FW: CUP No. RPPL2016000937 - Consultation for the Sale of Alcohol

Sir,

I know you're out, but when you get back if you could review Regional Planning's request? We already approved the site, but they want to change the closing time by an hour.

Original approval attached.

---

**From:** Jolee Hui [mailto:JHui@planning.lacounty.gov]  
**Sent:** Monday, August 15, 2016 2:57 PM  
**To:** Gill IV, Henry A. <HGill@lasd.org>  
**Subject:** RE: CUP No. RPPL2016000937 - Consultation for the Sale of Alcohol

Hi Henry,

The applicant would like to extend the hours of operation from closing at 12 a.m. to 1 a.m. Does the Sheriff's Department see any issues with extending the sale of alcohol to 1 a.m. daily?

Jolee Hui

Regional Planning Assistant II | Zoning Permits East Section  
 Los Angeles County Department of Regional Planning  
 320 W. Temple Street, Room 1346  
 Los Angeles, CA 90012  
 Tel.: (213) 974-6435 | Email: [jhui@planning.lacounty.gov](mailto:jhui@planning.lacounty.gov)



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**From:** Jolee Hui [<mailto:JHui@planning.lacounty.gov>]  
**Sent:** Tuesday, April 12, 2016 11:01 AM  
**To:** Gill IV, Henry A. <[HGill@lasd.org](mailto:HGill@lasd.org)>  
**Subject:** CUP No. RPPL2016000937 - Consultation for the Sale of Alcohol

<b>TO</b>	Industry Sheriff Station 150 North Hudson Avenue	<b>FROM</b>	Jolee Hui Zoning Permits East Section Regional Planning 213-974-6435
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The Department of Regional Planning is processing a request for the following permit and is requesting your feedback regarding criminal activity at said business site:

**Date Sent:** April 12, 2016  
**Comments Due:** May 12, 2016

**Subject:** Conditional Use Permit (CUP) Consultation for the Sale of Alcohol  
**Project No.:** N/A  
**CUP Permit No.:** RPPL2016000937  
**Establishment:** Yakiyan Japanese BBQ (Yakiyan USA LLC)  
**Location:** 17188 Colima Road, Unit C  
 Hacienda Heights, CA  
 APN: 8295-012-158

**Description:** CUP for the sale of a full line of alcoholic beverages for onsite consumption at a new restaurant from 9:00 a.m. to 12:00 a.m. daily. [ABC Type 47 License- On Sale General – Eating Place]

Please use the attached form to provide any comments on or recommendation for the proposed project by the date specified above. Please attach a service call and crime history report for the project site over the last five years.

Thank you.

**Jolee Hui**

Regional Planning Assistant II | Zoning Permits East Section  
Los Angeles County Department of Regional Planning  
320 W. Temple Street, Room 1346  
Los Angeles, CA 90012  
Tel.: (213) 974-6435 | Email: [jhui@planning.lacounty.gov](mailto:jhui@planning.lacounty.gov)



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Los Angeles County  
 DEPARTMENT OF REGIONAL PLANNING  
 320 West Temple Street, 13th Floor  
 Los Angeles, CA 90012  
 Fax: (213) 626-0434



## Transmittal: B&P Application Worksheet Request

TO	ABC Office	Service Area	Fax	E-Mail
<input type="checkbox"/>	Long Beach/ Lakewood	Southeastern	562-982-1396	<a href="mailto:LBH.Direct@abc.ca.gov">LBH.Direct@abc.ca.gov</a>
<input type="checkbox"/>	LA Metro	Central	213-833-6058	<a href="mailto:LAM.Direct@abc.ca.gov">LAM.Direct@abc.ca.gov</a>
<input checked="" type="checkbox"/>	Monrovia	Northeastern	626-357-4173	<a href="mailto:MNR.Direct@abc.ca.gov">MNR.Direct@abc.ca.gov</a>
<input type="checkbox"/>	Van Nuys	North and Northwestern	818-785-6731	<a href="mailto:VNY.Direct@abc.ca.gov">VNY.Direct@abc.ca.gov</a>

The Department of Regional Planning is processing a Conditional Use Permit (CUP) to authorize the sale of alcoholic beverages. Please provide (by fax or e-mail) a "B&P Worksheet" referencing if the subject property is located within a "high-crime reporting district," and indicate if there is an undue concentration of alcoholic beverage licenses within the subject census tract. If you need further information, please contact the case planner. Thank you for your assistance.

ABC License Type	Description
<input type="checkbox"/> Type 20	Beer and wine, off-site consumption (retail)
<input type="checkbox"/> Type 21	Full-line (beer, wine, distilled spirits), off-site consumption (retail)
<input type="checkbox"/> Type 41	Beer and wine, on-site consumption (restaurant)
<input type="checkbox"/> Type 42	Beer and wine, on-site consumption (bar, tavern)
<input checked="" type="checkbox"/> Type 47	Full-line (beer, wine, distilled spirits), on-site consumption (restaurant)
<input type="checkbox"/> Type 48	Full-line (beer, wine, distilled spirits), on-site consumption (bar, night club)
<input type="checkbox"/> Other:	

DATE OF REQUEST: 4/12/2016	<input checked="" type="checkbox"/> 1st Request <input type="checkbox"/> 2nd Request <input type="checkbox"/> 3rd Request
PROJECT NO.: N/A	CUP NO. RPPL2016000937
ESTABLISHMENT: YakiYan Japanese BBQ	
LOCATION: 17188 Colima Road, Unit C, Hacienda Heights [APN: 8295-012-158]	
LICENSE OWNER'S NAME(S): YakiYan USA LLC	ABC LICENSE NO.: n/a
CRIME REPORTING DISTRICT NO.: 1470	CENSUS TRACT NO.: 4086.28
CASE PLANNER: Jolee Hui	PLANNER'S PHONE: 213-974- 6435
E-MAIL: <a href="mailto:jhui@planning.lacounty.gov">jhui@planning.lacounty.gov</a>	FAX: 213-626-0434

Department of Alcoholic Beverage Control

State of California  
Edmund G. Brown Jr., Governor

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

*OUT*

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
  - Part 2 is to be completed by the applicant, and returned to ABC.
  - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

2. PREMISES ADDRESS (Street number and name, city, zip code)

17188 Colima Road, Unit C, Hacienda Heights

3. LICENSE TYPE

47

4. TYPE OF BUSINESS

- Full Service Restaurant     Hofbrau/Cafeteria     Cocktail Lounge     Private Club  
 Deli or Specialty Restaurant     Comedy Club     Night Club     Veterans Club  
 Cafe/Coffee Shop     Brew Pub     Tavern: Beer     Fraternal Club  
 Bed & Breakfast:     Theater     Tavern: Beer & Wine     Wine Tasting Room  
 Wine only     All

- Supermarket     Membership Store     Service Station     Swap Meet/Flea Market  
 Liquor Store     Department Store     Convenience Market     Drive-in Dairy  
 Drug/Variety Store     Florist/Gift Shop     Convenience Market w/Gasoline  
 Other - describe:

5. COUNTY POPULATION

N/A

6. TOTAL NUMBER OF LICENSES IN COUNTY

N/A

On-Sale     Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1,1009

On-Sale     Off-Sale

8. CENSUS TRACT NUMBER

4086.28

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

5

On-Sale     Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

2

On-Sale     Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed  
 No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13)     No (Go to Item #20)

City of Industry 678-114

13. CRIME REPORTING DISTRICT NUMBER

1470

14. TOTAL NUMBER OF REPORTING DISTRICTS

557

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

47,757

16. AVERAGE NO. OF OFFENSES PER DISTRICT

85.7

17. 120% OF AVERAGE NUMBER OF OFFENSES

103

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

147

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17  
 No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

*[Signature]*



HACIENDA HEIGHTS IMPROVEMENT ASSOCIATION, INC  
POST OFFICE BOX 5235 • HACIENDA HEIGHTS, CA 91745

Monday, July 25, 2016  
Friday, August 19, 2016 (Revised)

County of Los Angeles  
Department of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

Attention: Ms. Jolee Hui, Regional Planning Assistant II  
Subject: Conditional Use Permit Application for Yakiyan Japanese BBQ Restaurant  
(Yakiyan USA LLC).  
CUP Permit No.: RPPL2016000937

Dear Ms. Hui,

The Hacienda Heights Improvement Association (HHIA) is a California chartered, mutual benefit corporation dealing in matters concerning Hacienda Heights. We serve as an advisory board to Supervisor Knabe on issues related to Hacienda Heights. We have been serving the community for over 65 years.

At our July 18, 2016 regular monthly business meeting held in public forum, Mr. David Weissglass with Art Rodriguez & Associates, made a presentation detailing the CUP Application (Alcoholic Beverages Type 47, On-sale General License) for Yakiyan Japanese BBQ Restaurant proposed location at 17188 Colima Road, Unit 'C', Hacienda Heights, CA 91745. It is our understanding that the Planning Commission will be conducting a hearing on the CUP in the near future. We support the Planning Commission granting the conditional use permit application to authorize the sale of alcoholic beverages with meals for on-site consumption and as indicated below.

The Board voted to support this conditional use permit application assuming that the information and documentation that Mr. David Weissglass presented, as outlined above, is accurate. We also want to stress that we do not support a sale of alcoholic beverages prior to 11:00 AM nor after 1:00 AM. Further, please ensure that the employees of the proposed establishment are competent in the procedures for checking patrons' legal identification prior to serving alcoholic beverages and are able to detect and cease alcoholic beverage service to any inebriated patrons. An interior video surveillance security system is also understood to be incorporated into the proposed restaurant. HHIA's support is contingent upon the restaurant ownership, management and its employees complying with and enforcing the aforementioned requests.

We appreciate the opportunity to submit input into the CUP application process for the Yakiyan Japanese BBQ Restaurant. If you have any questions, please feel free to contact me at (310) 972-0102 or by e-mail at [brparch@msn.com](mailto:brparch@msn.com).

Sincerely,

Brent R. Palmer  
President, HHIA

cc: HHIA Board Members  
Mr. David Weissglass, Art Rodriguez & Associates  
Ms. Gina Natoli, Supervising Regional Planner, L.A. Co. Dept. of Regional Planning  
Ms. Angie Valenzuela, Field Deputy, 4<sup>th</sup> Supervisorial District

BRP:brp





HACIENDA HEIGHTS IMPROVEMENT ASSOCIATION, INC  
POST OFFICE BOX 5235 • HACIENDA HEIGHTS, CA 91744

Monday, July 25, 2016

County of Los Angeles  
Department of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

Attention: Ms. Jolee Hui, Regional Planning Assistant II  
Subject: Conditional Use Permit Application for Yakiyan Japanese BBQ Restaurant  
(Yakiyan USA LLC).  
CUP Permit No.: RPPL2016000937

Dear Ms. Hui,

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The Board voted to support this conditional use permit application assuming that the information and documentation that Mr. David Weissglass presented, as outlined above, is accurate. We also want to stress that we do not support a sale of alcoholic beverages prior to 11:00 AM nor after 12:00 AM (midnight). Further, please ensure that the employees of the proposed establishment are competent in the procedures for checking patrons' legal identification prior to serving alcoholic beverages and are able to detect and cease alcoholic beverage service to any inebriated patrons. HHIA's support is contingent upon the restaurant ownership, management and its employees conforming to and enforcing the aforementioned requests.

We appreciate the opportunity to submit input into the CUP application process for the Yakiyan Japanese BBQ Restaurant. If you have any questions, please feel free to contact me at (310) 972-0102 or by e-mail at [brparch@msn.com](mailto:brparch@msn.com).

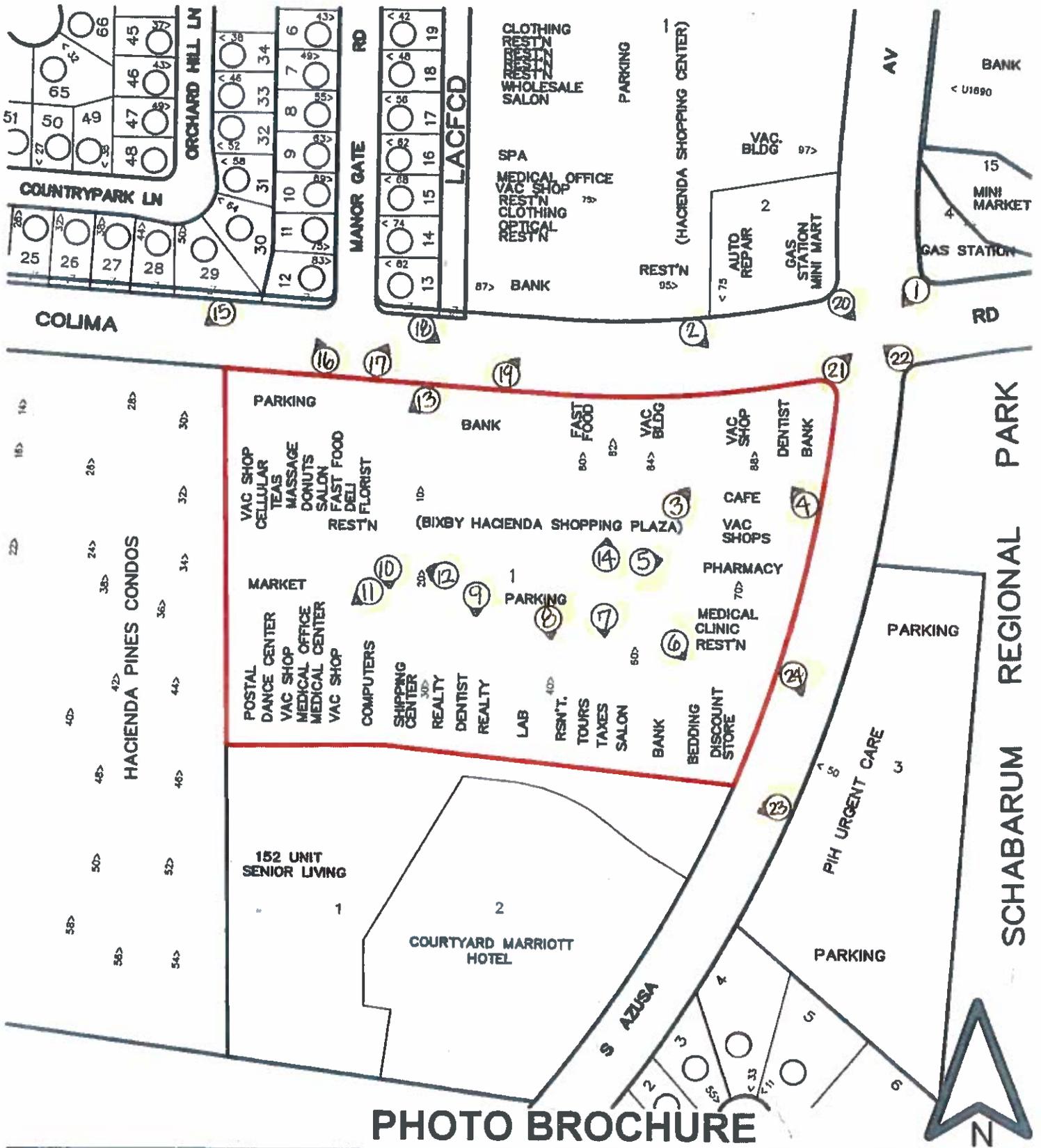
Sincerely,

Brent R. Palmer  
President, HHIA

cc: HHIA Board Members  
Mr. David Weissglass, Art Rodriquez & Associates  
Ms. Gina Natoli, Supervising Regional Planner, L.A. Co. Dept. of Regional Planning  
Ms. Angie Valenzuela, Field Deputy, 4<sup>th</sup> Supervisorial District

BRP:brp





**RADIUS MAPS ETC**

3544 PORTOLA AVENUE  
 LOS ANGELES CA 90032  
 OFF/FAX (323) 221-4555

RADIUSMAPSETC@SBCGLOBAL.NET

**SITE LOCATION:**

17188 COLIMA ROAD, SUITE C  
 HACIENDA HEIGHTS, CA 91745

CASE NO:

DATE: 02-05-2016  
 T.B.PAGE: 678 GRID: F-4  
 A.P.N.: 8295-012-158.159

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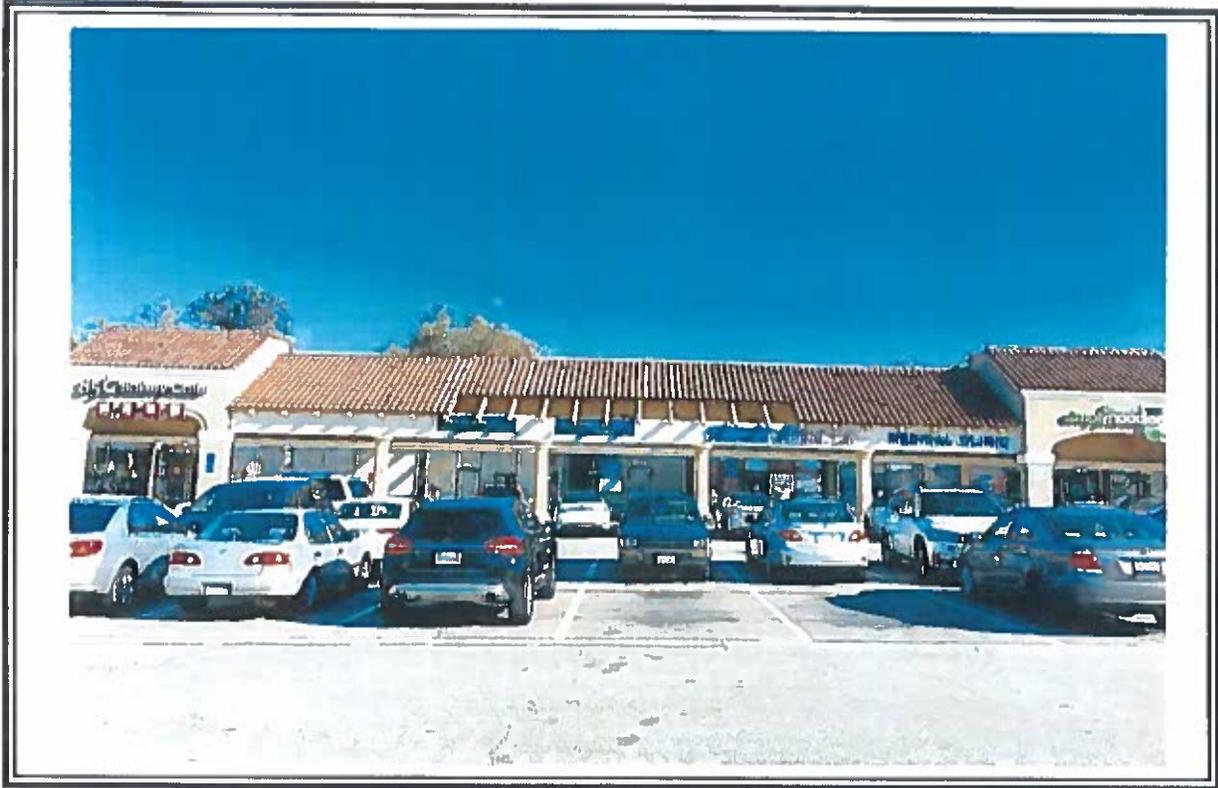
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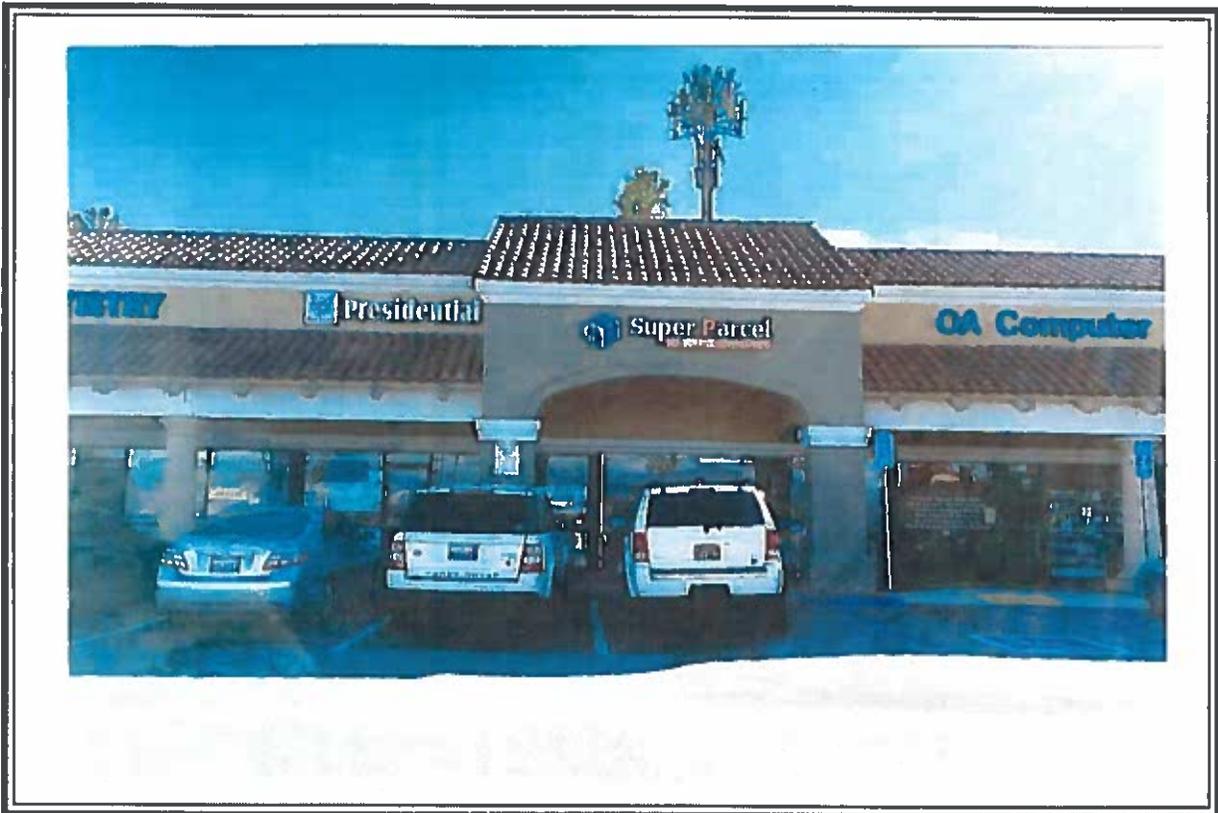
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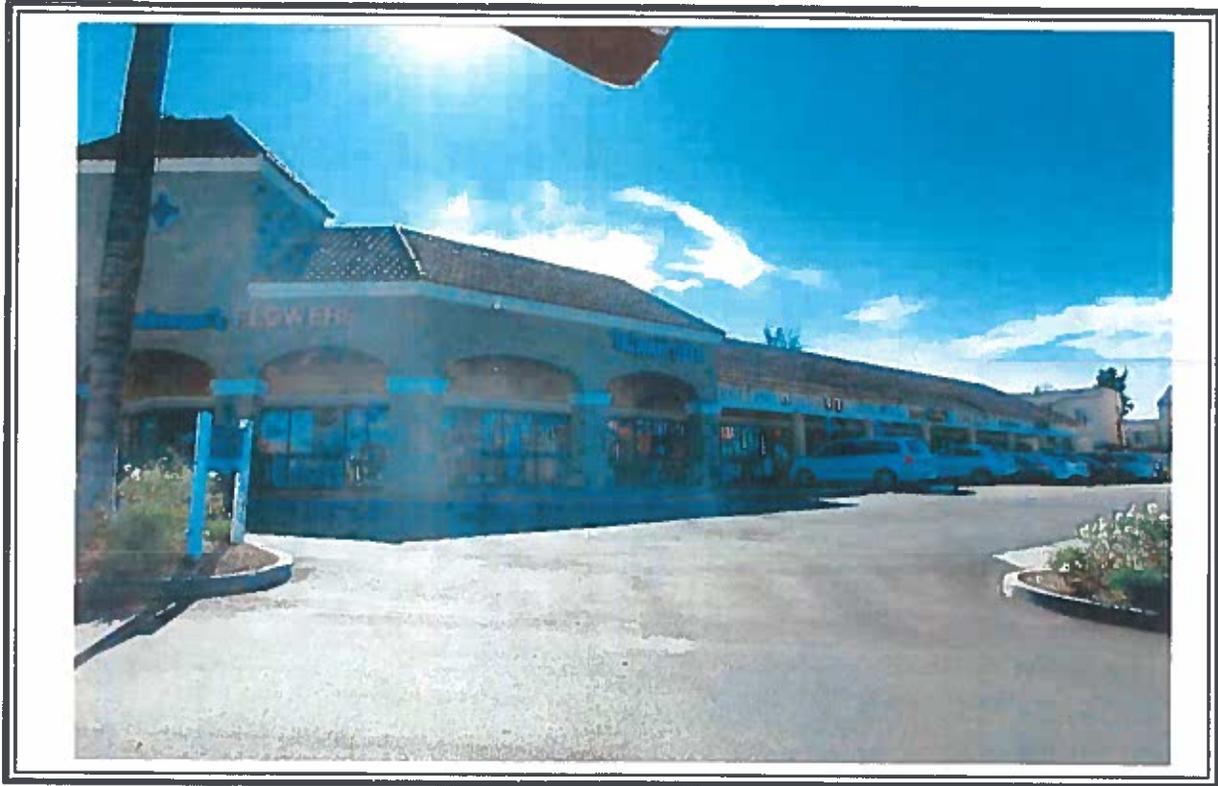
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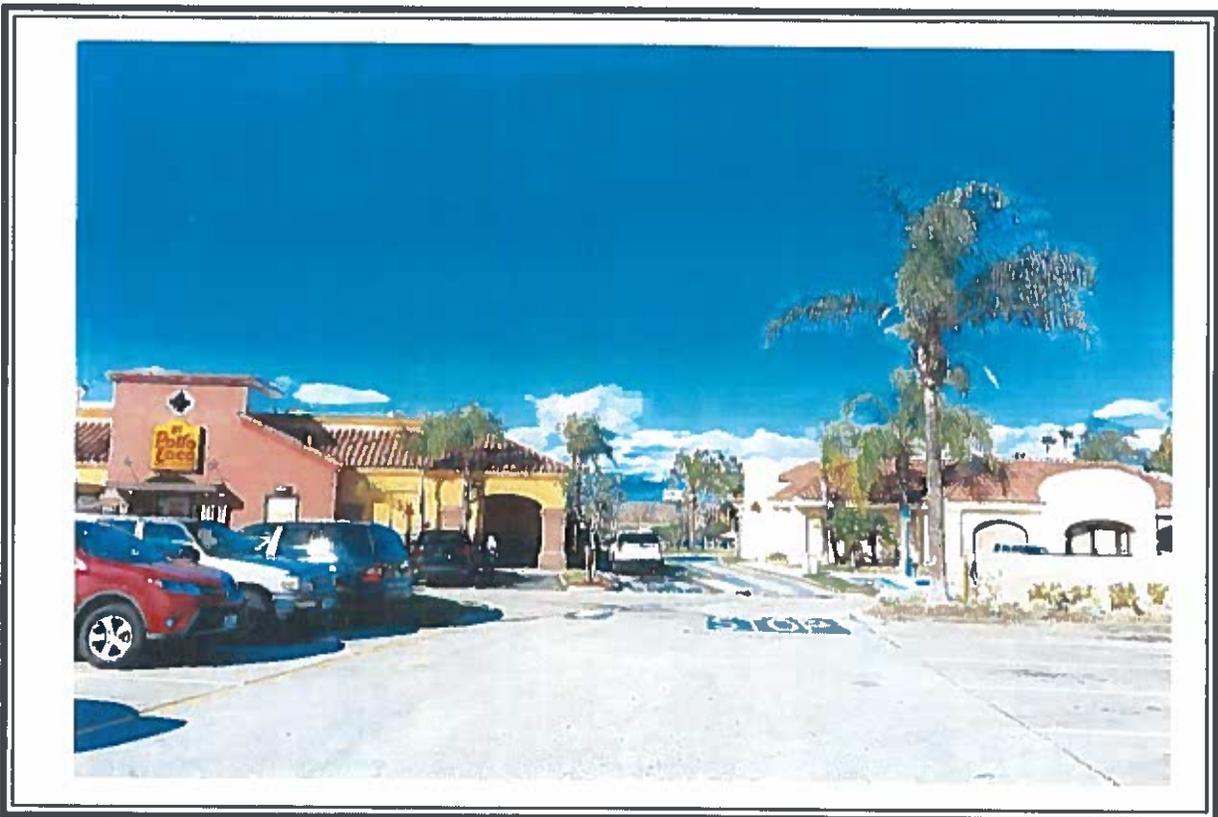
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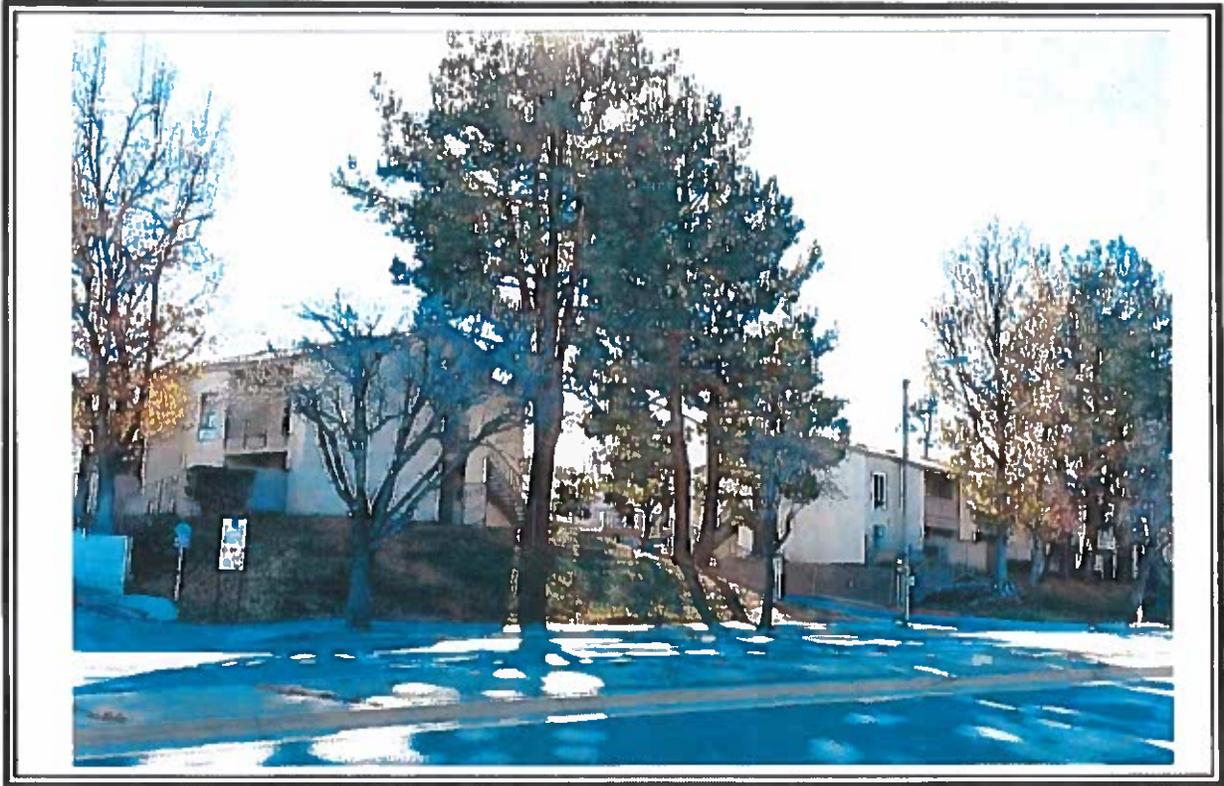
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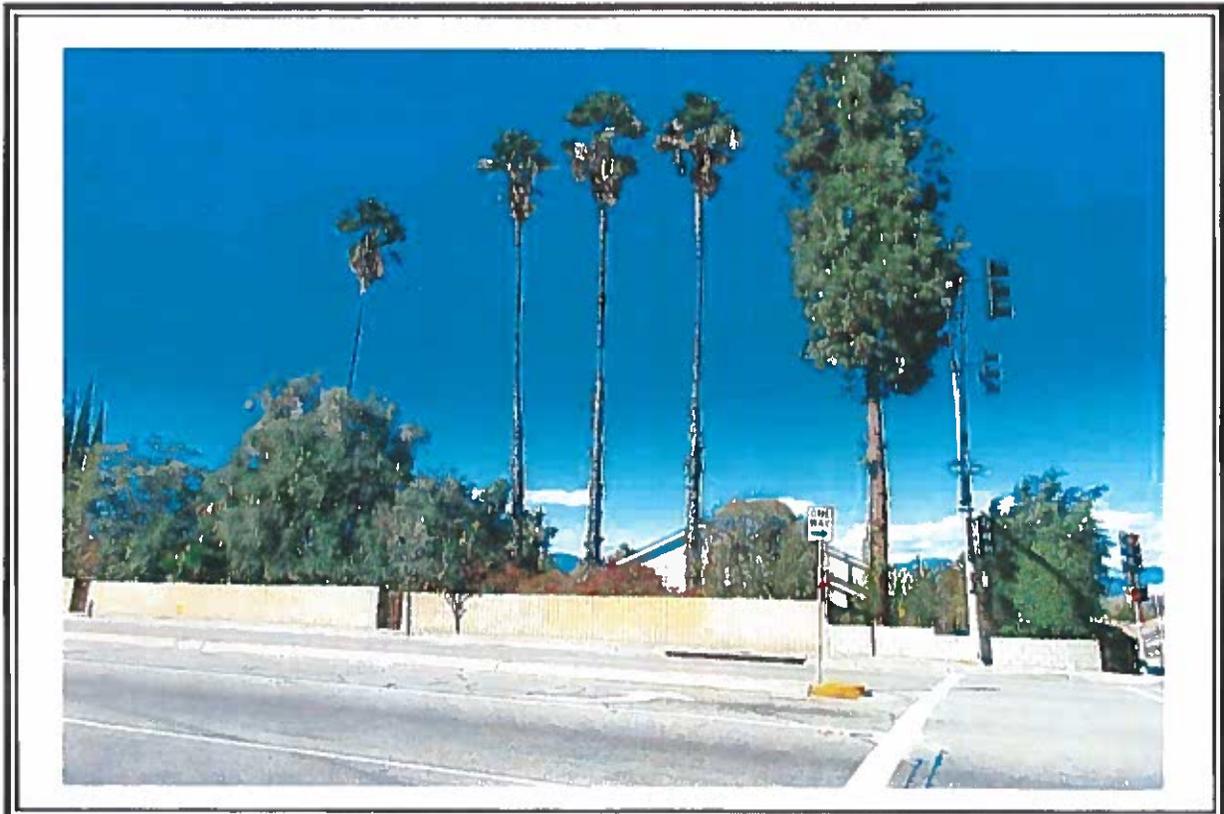
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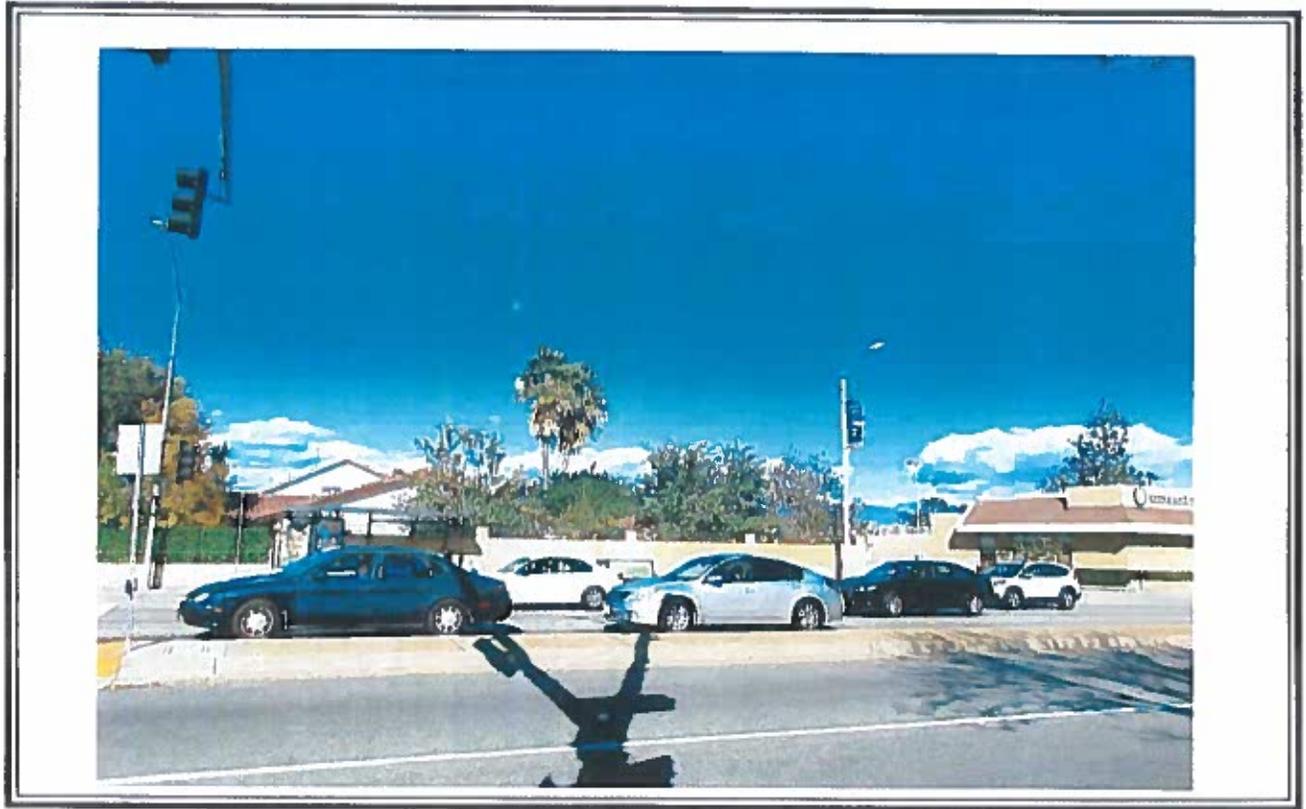
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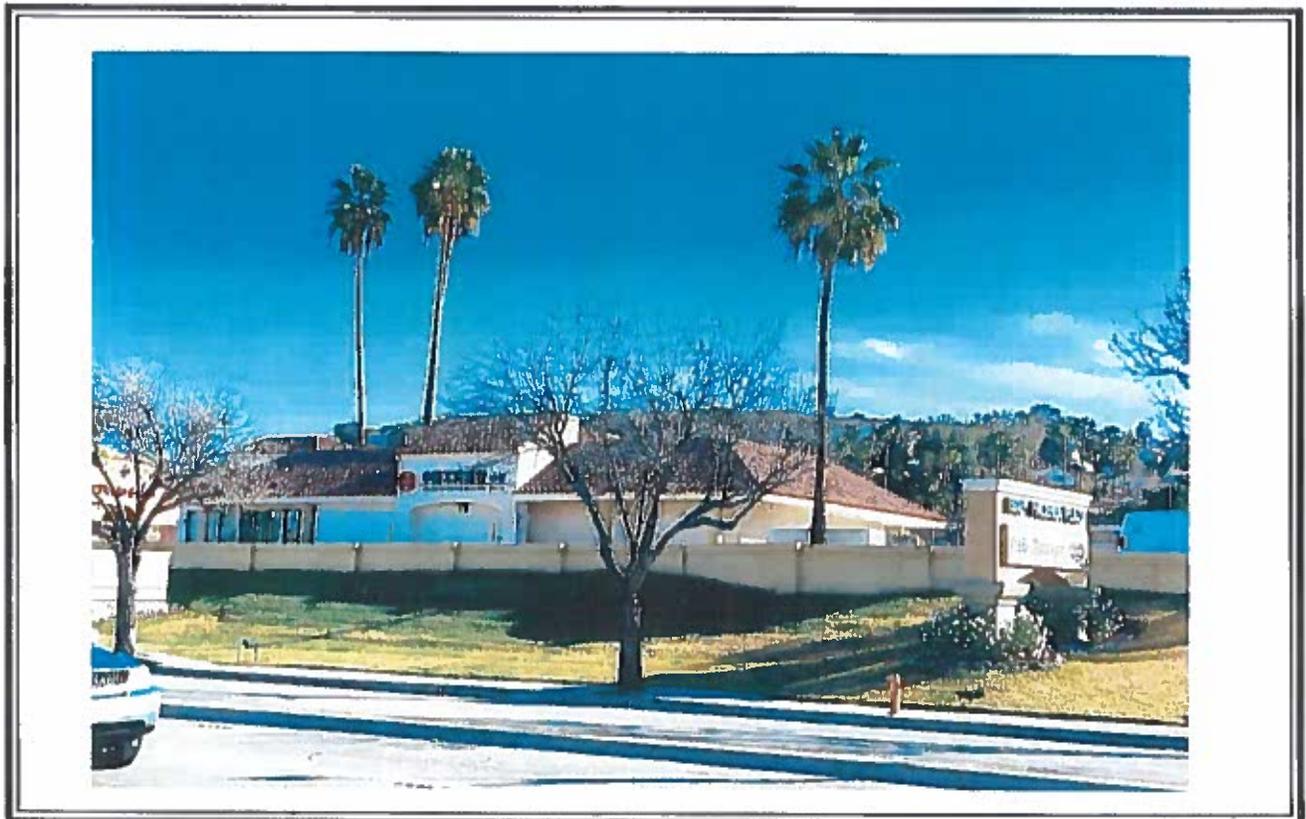
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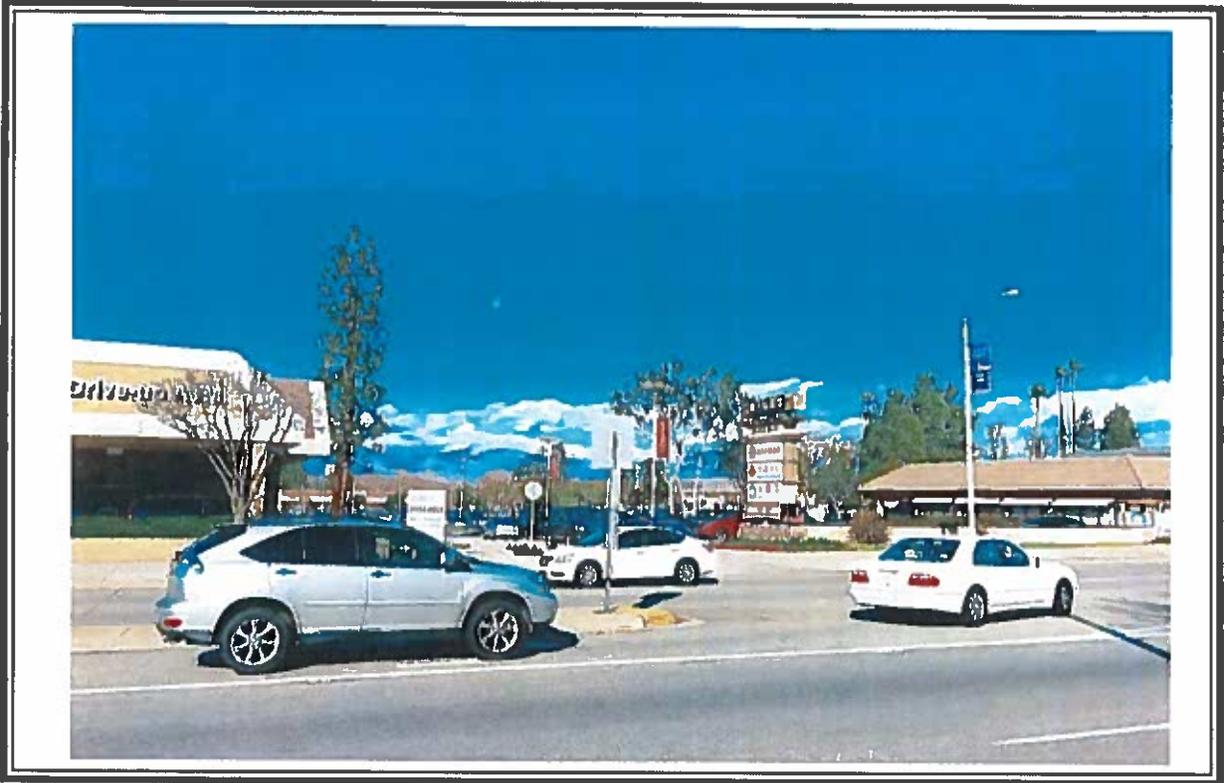
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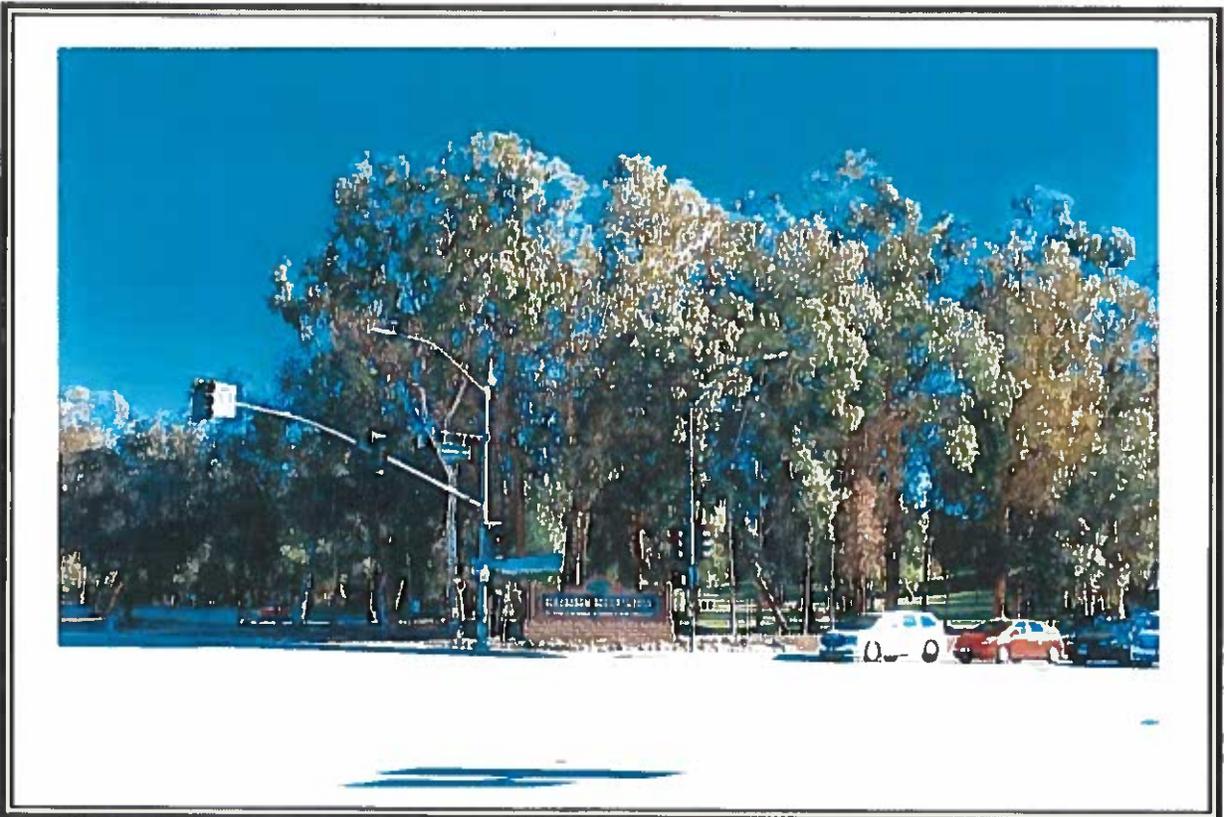
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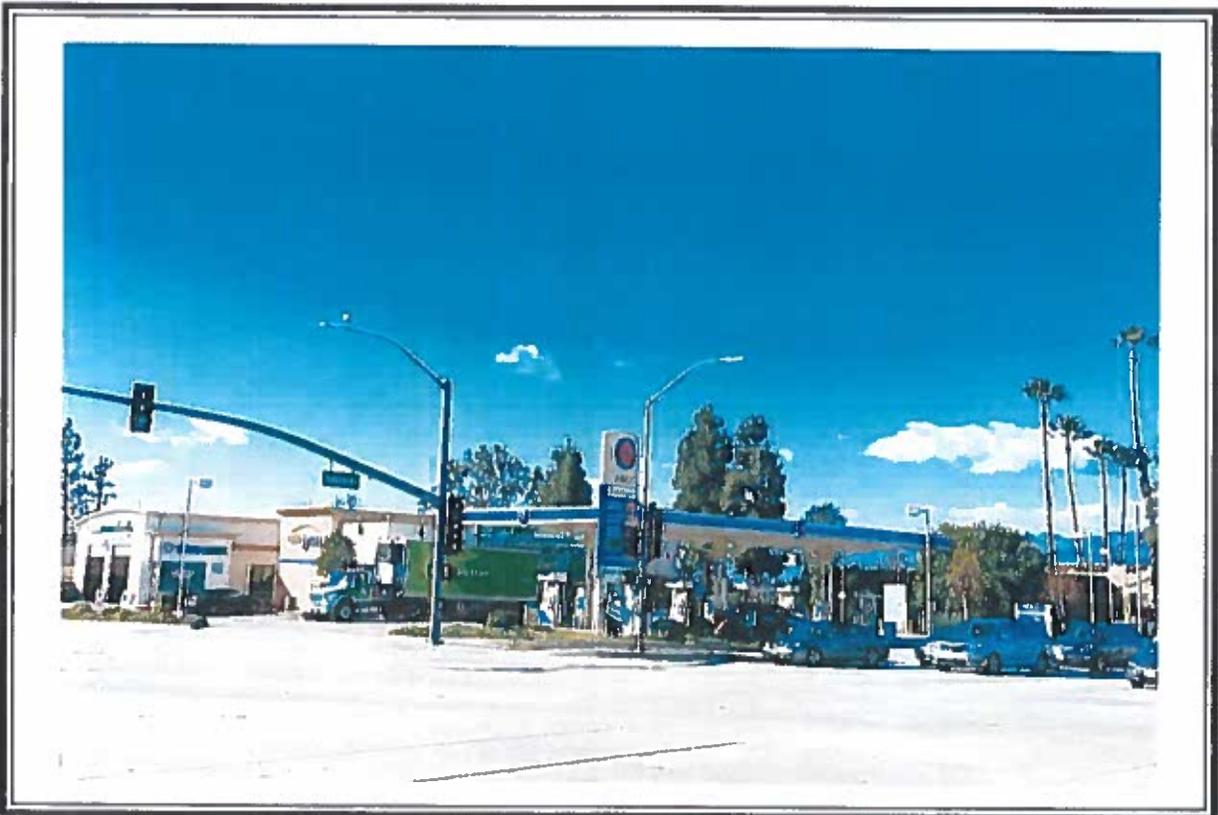
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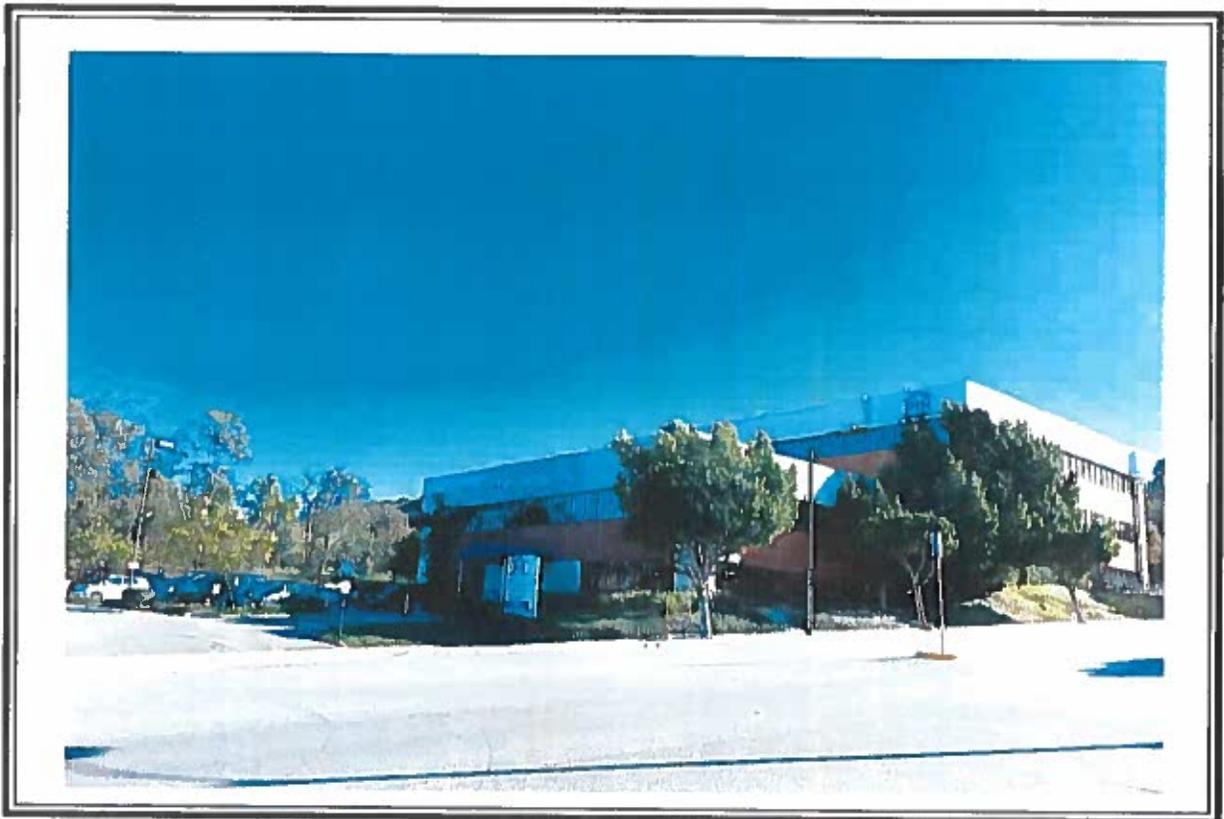
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24.







## Aerial

**CUP No. RPPL2016000937**

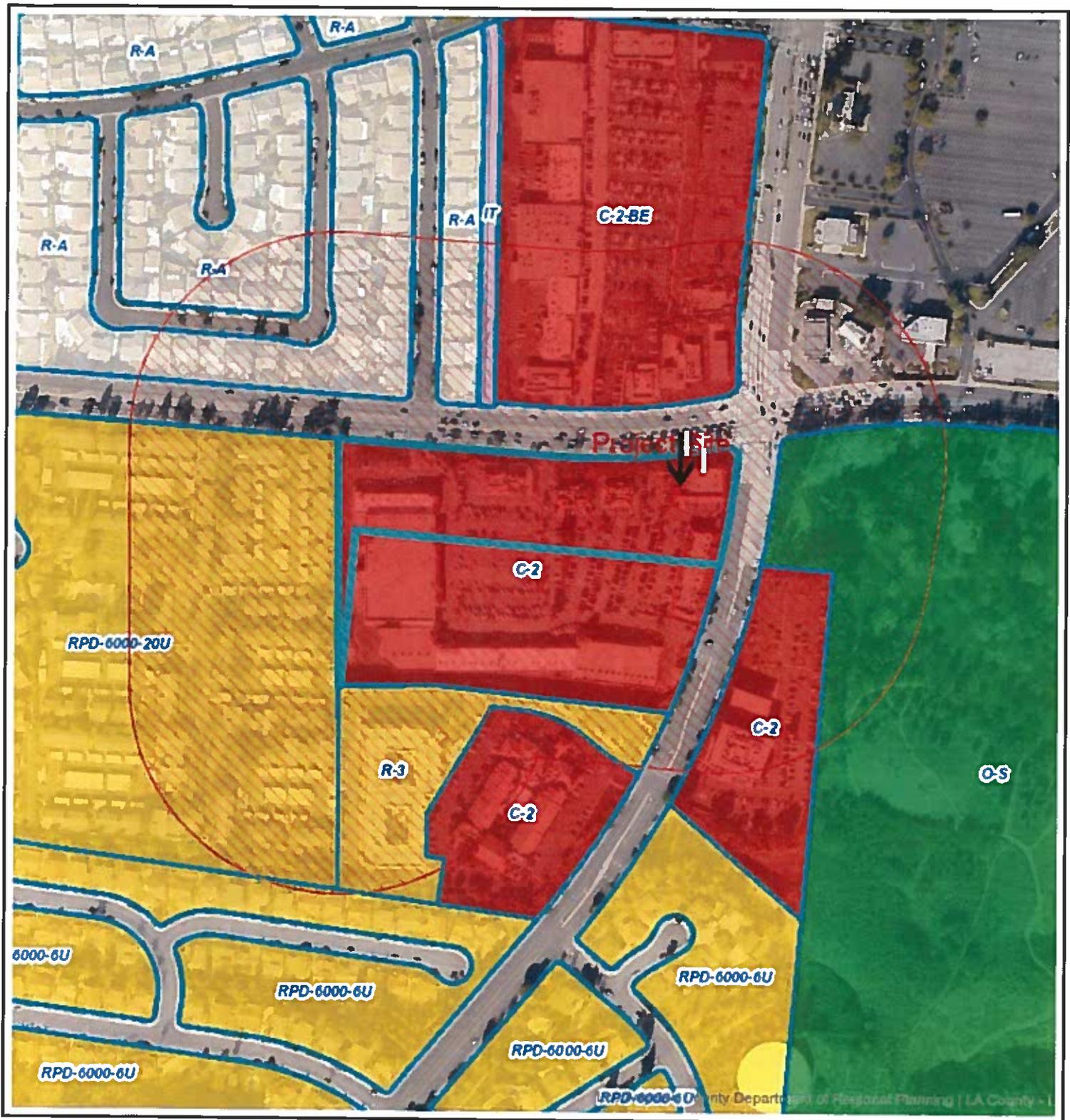
Printed: Aug 15, 2016



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## Zoning with 500-foot radius CUP No. RPPL2016000937

Printed: Aug 15, 2016

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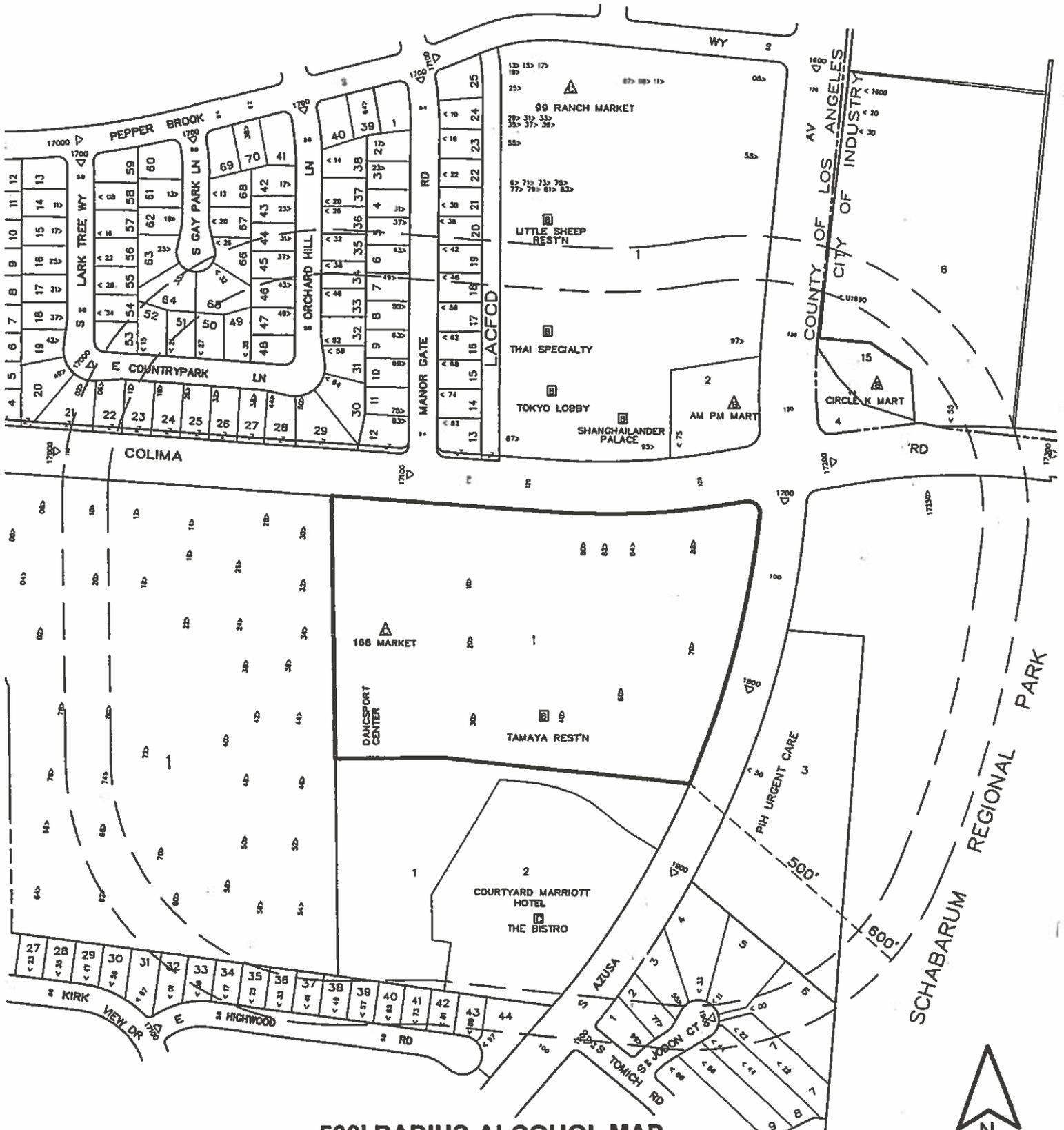












**500' RADIUS-ALCOHOL MAP  
600' RADIUS-SENSITIVE USE MAP**

12.10 NET AC.

**RADIUS MAPS ETC**  
 3544 PORTOLA AVENUE  
 LOS ANGELES CA 90032  
 OFF/FAX (323) 221-4555  
 RADIUSMAPSETC@SBCGLOBAL.NET

**SITE LOCATION:**  
 17188 COLIMA ROAD, SUITE C  
 HACIENDA HEIGHTS, CA 91745

**LEGAL DESCRIPTION:**  
 LOT 1, PARCEL MAP, P.M. 177-43/46.

- LEGEND**
- ☐ ON-SALE CONSUMPTION OF FULL LINE ALCOHOL BEVERAGES.
  - ☐ ON-SALE CONSUMPTION OF BEER AND/OR WINE
  - △ OFF-SALE CONSUMPTION OF FULL LINE ALCOHOL BEVERAGES
  - △ OFF-SALE CONSUMPTION OF BEER AND/OR WINE

**CASE NO.:**

**DATE:** 02 - 05 - 2016  
**SCALE:** 1" = 100'  
**T.B.PAGE:** 878 GRID: F-4  
**A.P.N.:** 8295-012-158,159

