



CITY OF GLENDALE, CALIFORNIA  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division

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April 25, 2013

Williams Land Use Services  
c/o Ms. Janelle Williams  
2418 Honolulu Avenue, Suite B  
Montrose, CA 91020

**RE: 2941 HONOLULU AVENUE  
CONDITIONAL USE PERMIT NO. PCUP 1301665  
(Leo's All Star Sports Bar)**

Dear Ms. Williams:

On April 17, 2013, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a Conditional Use Permit to continue the on-site sales, service and consumption of alcoholic beverages and the addition of a 190 square foot outdoor dining area at an existing tavern, located at **2941 Honolulu Avenue**, in the "C1" - (Neighborhood Commercial) Zone, described as Portion of Lot 14, Block E, Crescenta Canada Tract, in the City of Glendale, County of Los Angeles.

#### APPLICANT'S PROPOSAL

- 1) A Conditional Use Permit to continue the on-site sales, service and consumption of alcoholic beverages at an existing tavern and the addition of a 190 square foot outdoor dining area. The addition triggers two additional parking spaces, which are being provided on-site.

#### CODE REQUIRES

- 1) On-site sales, service and consumption of alcoholic beverages requires a Conditional Use Permit in the "C1" Zone.

#### ENVIRONMENTAL RECOMMENDATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301.

#### REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

**A. That the proposed use will be consistent with the various elements and objectives of the general plan.**

The proposed use is consistent with the various elements and objectives of the general plan and North Glendale Community Plan. General Plan elements provide citywide policy direction, while the local Community Plans provide specific neighborhood description and design guidelines. The General Plan anticipates that cocktail taverns are appropriate uses in commercial districts. Leo's All Star Sports Bar is located in the "C1" zone, which is intended as a zone to accommodate retail shopping and convenience to serve the surrounding community. Leo's All Star Sports Bar fills a need at the westerly end of the Honolulu Avenue. The tavern will always be open to the public and the menu will include a variety of food. The continued sales, service and consumption of alcohol at this existing tavern is in keeping with the economic development policy of the North Glendale Community Plan to create and enhance vibrant commercial areas and is an amenity to support Honolulu Avenue's designation as a Pedestrian Priority area.

**B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.**

The continued sales, service and consumption of alcoholic beverages at the existing tavern is not anticipated to be detrimental to the public health or safety, the general welfare, or the environment. The subject tenant space has been used as a cocktail lounge for approximately 31 years with Leo's All Star Sports Bar occupying the space for at least 12 years. The proposal is to maintain the tavern and add 190 square feet of outdoor dining at the rear of the building. Similar cocktail lounges and taverns with on-site alcohol sales and consumption are located along Honolulu Avenue and have proven to be compatible with the surrounding businesses. Although the Glendale Police Department staff noted that the crime rate for Census Tract 3006 exceeds the average Part 1 crimes for the City (130 crimes – 106% above the city-wide average of 63), the Police Department has not opposed the continued use of the sports bar and has offered conditions of approval to help mitigate any potential issues with the bar.

The establishment is not located near known churches, public schools or colleges, or public parks in the vicinity. Robin's Nest Pre-School is located on Honolulu Avenue approximately 100 feet west of subject site. Additionally, a single family residential neighborhood is located to the north of the alley at the rear of the property and to the south of the commercial lots along Honolulu Avenue. The continued operation of the existing tavern service is not expected to be any more detrimental to any of these sensitive uses.

Comments were submitted by the Police Department describing the number of businesses that sell alcohol and the number of crimes; however, they did not submit any objections to this request. The Building and Safety Division provided comments that all necessary permits be obtained and that all construction be in compliance with the Glendale Building Code, but had no objections to the request. There are other similar tavern uses in the existing vicinity that have an alcohol beverage component that have proven not to have a detrimental effect on surrounding uses. Similarly, the continuation of the tavern use and its ancillary service of alcoholic beverages will not have a detrimental effect to the public, general welfare or the environment as conditioned.

**C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.**

The continued operation of Leo's All Star Sports Bar will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property, nor will be detrimental to the community or adversely conflict with the community's normal development, as conditioned. Leo's All Star Sports Bar has been in operation for more than 12 years, while the space has operated as a cocktail lounge for over 30 years. The offices located above the existing tavern are not in operation during the tavern's peak business times. Therefore, there is no impact on the offices due to the continued operation of Leo's All Star Sports Bar.

The site is within an identified regional commercial center. All required licenses and permits will be obtained and kept in good standing. Adequate public and private facilities such as utilities and landscaping exist. Two additional parking spaces will be provided within the existing parking lot to address the new 190 square foot outdoor dining area that would satisfy any increased demand for parking. This portion of Honolulu Avenue is developed with a variety of retail, restaurant and service related businesses and Leo's All Star Sports Bar will continue to complement them. The on-site shared parking lot, together with conditions attached herein, such as restricted hours of operation, additional security, restriction of outside speakers in the new outdoor dining area, limited dancing area, etc, are sufficient to assure that the facility will continue to operate without negatively impacting the surrounding area.

**D. That adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are or will be provided for the proposed use.**

Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use. The applicant is proposing to continue operation at the existing tavern, with the addition of a new 190 square foot outdoor dining area at the rear. Two additional parking spaces will be added to the existing parking area to satisfy code requirements and any potential increase in demand for additional parking. With the added parking, the project would not increase the need for public or private facilities.

**REQUIRED ADDITIONAL FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT (CUP) FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:**

**E. That all the criteria set forth in Section 30.42.030 (F) to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:**

- 1) Leo's All Star Sports Bar is in an area that is over concentrated with liquor licenses. Census Tract 3006 allows for seven On-Sale establishments. There are currently 34 On-Sale in this tract. While this establishment is in a census tract that is over concentrated, Leo's All Star Sports Bar is one of the existing 34 licenses. The Glendale Police Department submitted comments that included recommended conditions that have been incorporated in the Conditional Use Permit approval.

- 2) The Glendale Police Department noted that the crime rate for Census Tract 3006 exceeds the average Part 1 crimes for the City (130 crimes – 106% above the city-wide average of 63). Although this site exceeds recommended over concentration of on-site uses and for crime, past history and conditions of approval ensure that such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration. The Glendale Police Department submitted comments that included recommended conditions that have been incorporated in the Conditional Use Permit approval.
- 3) There are no identified sensitive land-uses (schools, public parks, libraries, hospitals, or hospitals) in the immediate neighborhood. The existing tavern will serve food in conjunction with the on-site sale, service and consumption of alcoholic beverages. The majority of the area surrounding the subject site is developed with similar land uses as the subject project. However, residential uses are located behind the building and across the rear alley from the existing tavern. Conditions have been added to the project to ensure that the tavern will operate without incident.
- 4) The project is within a Pedestrian Priority Area as identified in the North Glendale Plan with existing pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. The continuation of on-site sale, service and the consumption of alcoholic beverages at Leo's All Star Sports Bar are not anticipated to intensify traffic circulation. There are 26 on-site parking spaces. Two additional parking spaces will be added to the existing parking lot to address the new 190 square foot dining area at the rear of the building. The two additional spaces will satisfy any increase in parking demand. Honolulu Avenue is identified as an Urban Collector, which adequately handle the existing traffic circulation around the site.
- 5) Compatibility of land uses is important to fostering a productive and thriving community. The continued service of alcoholic beverages at the existing tavern will provide a public convenience because it serves local residents and businesses operators/patrons. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

#### **SUMMARY OF PLANNING HEARING OFFICER'S DECISION**

The Planning Hearing Officer was able to make all four required findings in favor of the application and was able to justify approval of the case based on the criteria required for alcohol-related cases in Sub-Section 30.42.030(F), Glendale Municipal Code. Restaurant uses exist and have existed in this area. The continued sales, service and consumption of alcoholic beverages at the existing tavern will not require any new city services, is not anticipated to harm public safety and welfare, and is not in conflict with existing or anticipated surrounding land uses. Additional parking is being provided for the new 190 square-foot outdoor patio area and so traffic measures are not anticipated to be impacted as a result of the expansion. The conditions attached to the approval will control the use in a manner necessary to allow the use to properly fit into the specific location.

#### **CONDITIONS OF APPROVAL**

**APPROVAL** of this Conditional Use Permit shall be subject to the following conditions:  
**Conditions:**

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.
2. That all necessary licenses as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
4. That the service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
5. That at all times when the premises are open for business, the service of any alcoholic beverage shall be made only in the areas designated with an ABC license. Consumption of alcoholic beverages will only be on those same licensed areas.
6. That no patron to any of the business establishments will be allowed to bring into any establishment or maintain in the establishments, any alcoholic beverage unless that alcoholic beverage was purchased within that same establishment.
7. That the dance floor area be limited to less than 200 square feet at all times.
8. That dancing only be allowed on the premises in designated dance floor areas.
9. That live entertainment is permitted with the exception that no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events be allowed where partial clothing of male or female entertainment is provided.
10. That the front and back doors of the establishment shall be self closing doors such that noise from the business will not impact the surrounding neighbors.
11. That the sale of alcohol and/or distilled spirits for consumption off the premises is strictly prohibited.
12. That dedicated security staff is required on-site in addition to any audio-visual surveillance technology the applicant may wish to utilize. An audio-visual system will not take the place of security staff. It is recommended that the security staff be identified either by uniform or professional blazers.
13. That the hours of operation shall be limited to **9 a.m. to 1:00 a.m. Sunday through Thursday, and 9:00 a.m. to 2:00 a.m. Friday and Saturday.** The outdoor dining area shall not be used or occupied by any individuals (both patrons and employees) past 10 p.m. Sunday night through Thursday nights, and not past 11 p.m. on Friday and Saturday nights.

14. That all existing outdoor speakers and/or televisions be removed and that no speakers (or any device that produces noise) be installed on the exterior walls or located within or adjacent to the outdoor dining area.
15. That no exterior signs advertising the sales/service of alcoholic beverages be permitted, that banners shall be prohibited, and that all signs displayed shall conform to the requirements of the Glendale Municipal Code.
16. That the two additionally required parking spaces be striped and a wheel stop installed per the submitted site plan. Also, all 28 parking spaces depicted on the site plan shall be available for tenant and guest parking at all times (no obstruction or storage permitted in the required parking areas).
17. That the premises be maintained in a clean orderly condition free of weeds, trash, and graffiti.
18. That all noise, music, lighting and odors shall be contained to the site, so as not to disturb occupants of other adjacent businesses or residential properties, and patrons on the public right-of-way. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
19. That sufficient measures be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities, and that the business owner and/or property owner and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.
20. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.
21. That the use shall adhere to the City's Fresh Air (smoking) Ordinance.
22. That any expansion or modification of the facility or use which intensifies the existing Conditional Use Permit shall require a new Conditional Use Permit application. Expansion shall constitute adding floor area, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.
23. That a new zoning use certificate (ZUC) shall be obtained to reflect the new conditional use permit conditions and expiration date.
24. That the authorization granted herein shall be valid for a period of 10 years, until **MAY 11, 2023**, at which time, a reapplication must be made.

**APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency. Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is

strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Building and Safety Division upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **May 11, 2013** in the Building and Safety Division, 633 EAST Broadway, Room 101.

**APPEAL FORMS available on-line:**

<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website.

**TRANSFERABILITY**

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

**VIOLATIONS OF THESE CONDITIONS**

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation.

Violations of conditions required by this determination may be grounds for a revocation.

**REVOCAION, CONTINUING JURISDICTION**

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a conditional use permit at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

**GMC Chapter 30.41 provides for:**

**TERMINATION:** Every right or privilege authorized by a conditional use permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

**EXTENSION:** An extension of the conditional use permit may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the

applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the conditional use permit.

**NOTICE – subsequent contacts with this office**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner who acted on this case. This would include clarification and verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **by appointment only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Sincerely,



VILIA ZEMAITAITIS  
Planning Hearing Officer

VZ:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley/Z.Avila); City Attorney's Dept. (G. van Muyden/M.Yun/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); Leo and Leslie Lesh, c/o Leo's All Star Sports Bar, 2941 Honolulu Ave., Glendale, CA 91020; David J. & Ute A. Anderson; and case planner Brad Collin.