Applicant:
Shoghig Yapremian
P.O. Box 583
Sierra Madre, CA 91025

RE: 333 1/2 NORTH VERDUGO ROAD
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1806838
(Ginetun Restaurant)

The Director of Community Development will render a final decision on or after JULY 30, 2018, for the following project:

Project proposal: An application for an Administrative Use Permit (AUP) to allow the continued on-site sales, service and consumption of alcoholic beverages at a full service restaurant (ABC License Type 47)

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

DRAFT CONDITIONS OF APPROVAL:

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.

2. That all necessary licenses, approvals, and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.

3. That sufficient measures shall be enforced to effectively eliminate interior and exterior bitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.

4. That the gates entry shall be removed and the previous landscaping and ADA parking space shall be re-striped subject to the approval of the Planning and Building and Safety division.

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 the sales, service or consumption of alcoholic beverages shall be permitted only between the hours of 11:00 am to 12:00 am, Sunday through Thursday and 11:00 am to 2:00 am Friday and Saturday, and only when the restaurant is also open for service.

7. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the restaurant, unless the restaurant has an established corkage policy allowing and regulating such.
8. That the restaurant shall not operate as a banquet hall. A full service restaurant may not have greater than 30% of service area available for private party rental where access by the general public is restricted provided that all events comply with the provisions of the applicant’s Alcoholic Beverage Control license, and provided they have appropriate Conditional Use Permits and Use Variances if required.

9. That there shall be no video machine(s) maintained upon the premises.

10. That dancing is only allowed on the premises in designated dance floor areas, with a proper “Dance” permit. The restaurant shall not operate as a nightclub and shall not have a dance floor area greater than 200 square feet. Any establishment serving alcoholic beverages which has a dance floor greater than 200 square feet is considered a nightclub.

11. That no live entertainment is permitted without a “Live Entertainment Permit”. No karaoke, 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.

12. That music or noise shall be contained within the edifice of the establishment. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.

13. That the front and back doors of the restaurant shall be kept closed at all times while the location is open for business, except in case of emergency.

14. That the establishment (restaurant) that primarily provides for the on-premises sale, serving and consumption of alcoholic beverages and that derives more than fifty (50) percent of gross revenues from the sale of alcoholic beverages is by definition of the code a “tavern” and requires approval of a separate Conditional Use Permit. Taverns include bars, pubs, cocktail lounges and similar establishments.

15. That the sale of alcohol for consumption off the premises is strictly prohibited.

16. That the restaurant shall adhere to the City’s Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

17. That the restaurant shall be operated in full accord with applicable State, County, and local laws.

18. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.

19. That a Business Registration Certificate be applied for and issued for a full service restaurant with sales, service and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.

20. That authorization granted herein shall be valid for a period of 10 years until July ___, 2028.
PROJECT BACKGROUND

Previous Permits for the Site: Conditional use permit, case PCUP 2010-029 was approved on December 8, 2010 for the on-site sales, service, and consumption of alcoholic beverages at the restaurant. This permit expired on December 8, 2017.

Related Concurrent Permit Application(s): There are no other related concurrent permit applications.

Environmental Recommendation: The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15303 because this is for a full service restaurant (new owner) requesting to sell alcohol for on-site sales, service and consumption. No added floor area is proposed.

General Plan: Neighborhood Commercial

Zone: C1 (Neighborhood Commercial) Zone

Description of Existing Property and Uses: The subject tenant is located within a one-story multi-tenant shopping center at the southwest corner of North Chevy Chase Drive and North Verdugo Road. The property contains two buildings. One main building on the south and west portions of the lot and the subject building on the north east corner of the lot. The parking lot is located between the buildings. This commercial center contains retail, service, restaurant, medical office and a liquor store use. The subject restaurant "Ginetaun Restaurant" is approximately 1,800 square feet. The subject tenant space has been occupied by a restaurant since 2002, for 16 years. The previous restaurant had a conditional use permit which allowed the sales, service, and consumption of alcoholic beverages. This permit expired on December 8, 2017. This administrative use permit application replaces the previous conditional use permit. The site is surrounded by commercial uses to the north, and east. The properties to the north-west, south, and west are developed with multi-family residential dwellings.

Neighboring Zones and uses

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<th>Direction:</th>
<th>Zone</th>
<th>Existing Land Use</th>
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<tr>
<td>North</td>
<td>R-1650 &amp; C1</td>
<td>Multi-Family Residential &amp; Commercial</td>
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<tr>
<td>South</td>
<td>R-1650 &amp; C1</td>
<td>Multi-Family Residential &amp; Commercial</td>
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<td>East</td>
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<td>Commercial</td>
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<tr>
<td>West</td>
<td>R-1650</td>
<td>Commercial</td>
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COMMENTS FROM OTHER CITY DEPARTMENTS: No major concerns were received from the various city divisions/departments. Conditions have been received from the Police Department to ensure that any potential negative impact will be appropriately mitigated. These conditions will be made part of the application if the AUP is approved.

PROJECT ANALYSIS

The subject site is located within the C1 (Neighborhood Commercial) Zone and the General Plan Land Use Element designation of "Neighborhood Commercial". The C1 zone is intended to provide uses and services that are both beneficial and compatible with the surrounding residential properties. This zone has a limited list of permitted land uses, which is more restrictive than the
C2 and C3 zones. A restaurant is a permitted use in this zone; however, the sales, service and consumption of alcohol for on-site consumption is subject to the approval of an Administrative Use Permit.

Ginetun Restaurant is located in a one-story building constructed in 1974. A restaurant has been in operation at this location for 16 years. The subject tenant, under new management, is adjacent to one other tenant, a liquor store, which was recently approved for an administrative use permit. The subject building is one of two buildings on the property. The other building, located across the parking lot to the south, is located on the southern and western property lines and contains 11 businesses. The 11 businesses include the following uses: restaurants, physical instruction school, retail, medical office, and service uses. These uses are complementary businesses to the restaurant use.

The subject site fronts two streets: North Chevy Chase Drive along the north side and North Verdugo Road to the east. North Chevy Chase is considered a minor arterial thoroughfare and North Verdugo Road is considered a major arterial thoroughfare. The site is surrounded by C1 and R-1650 zoned properties. The request to allow the sales, service, and consumption of alcohol at a full service restaurant in an existing tenant space will not create any traffic-related impacts on area streets over and above existing conditions.

Ginetun Restaurant is surrounded by other commercial uses on the north, south and east. The property's parking lot is located in between the subject building and the main building on the southern and western property lines. The parking lot is accessed from both North Chevy Chase Drive and North Verdugo Road. The restaurant is situated in the north east corner of the lot and is separated from the residential uses to the south and west by the property's parking lot and main building, which is more 100 feet away. As such, negative impacts to the residents are not anticipated with the proposed restaurant.

The site is legal non-conforming as to the number of on-site parking spaces; however, the 61 parking spaces have proven to be adequate for the restaurant and other businesses in the commercial center. The premises are kept clean and well-maintained. The restaurant complements the eclectic mix of goods and services offered in this commercial district.

Ginetun Restaurant is located in Census Tract No. 3020.04 and contains other businesses selling alcoholic beverages. This census tract allows for three on-sale establishments. There is currently one on-sale license in this census tract, Ginetun will bring the total to two. According to the City's Part 1 crime statistics, there were 93 crimes reported in this census tract, which is below the city-wide average of 180 crimes. Within the last calendar year, there were no calls for police service at this location that required a report to be taken.

The approval of the AUP for on-site sales, service and consumption of alcoholic beverages in conjunction with a full service restaurant at this location will not be detrimental to the safety and public welfare of the neighborhood in general. While there are residential developments in the area, there are no public facilities located within the immediate area. The nearest schools are Wilson Middle School (along North Verdugo Road and Monterey Road), John Marshall Elementary School (along North Chevy Chase Drive and East Broadway) and Glendale High School (South Verdugo Road and East Broadway); all located approximately 0.4 miles away.

Overall, the applicant's desire to allow the continued sales, service, and consumption of alcohol at Ginetun Restaurant is supportable based on the facts surrounding this application and the findings.
DRAFT FINDINGS

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

The applicant’s request to continue the sales, service, and consumption of alcohol at a full service restaurant (Type 47) will be consistent with the elements and objectives of the General Plan. The subject site is located in the C1 (Neighborhood Commercial) zone, and the General Plan Land Use Element designation is Neighborhood Commercial. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods. The sale, service and consumption of alcoholic beverages at this full service restaurant at this location is appropriate in an area of the city zoned for commercial uses, and will continue to provide an option for the community. Restaurants are permitted in the C1 (Neighborhood Commercial) zone and are consistent with the Neighborhood Commercial land use designation. The sales, service, and consumption of alcohol requires approval of an Administrative Use Permit. The Circulation Element identifies North Verdugo Road as a major arterial thoroughfare and North Chevy Chase as minor arterial street that are fully developed and can adequately handle the existing traffic circulation around the site. These streets serve the adjacent residential neighborhoods in the area where the subject site is located. The project site is already developed and the applicant’s request is to allow the continued sales, service and consumption of alcohol at a full service restaurant within an existing tenant space that was previously a restaurant. The other elements of the General Plan, including Open Space, Recreation, Housing, and Noise, will not be impacted as a result of the applicant’s request as this is an existing development in the city, and there is no expansion proposed. The applicant’s request to allow the continued sales, service and consumption of alcoholic beverages at a full service restaurant is not anticipated to create any negative traffic-related impacts on North Verdugo Road or North Chevy Chase Drive over and above the existing conditions. This application does not include any added floor area or modifications to the existing building; therefore there will be no increase in the demand for parking.

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.

A full service restaurant, which includes the sales, service, and consumption of alcoholic beverages for on-site consumption is not expected to be detrimental to the public health, safety, general welfare, or to the environment. According to the Glendale Police Department (GPD), the subject property is located in Census Tract 3020.04 where the suggested limit for off-sale alcohol establishments is three. Currently, there is one on-sale establishment located in Census Tract 3020.04, Ginatinum Restaurant will bring the total to two. Based on Part 1 crime statistics for this Census Tract, there were 93 crimes reported in this tract, which is below the citywide average of 150. Within the last calendar year there were no calls for police service at this location that required a report to be taken. The Police Department has suggested conditions of approval, that have been incorporated to ensure there are no negative impacts to the public health, safety, general welfare, or the environment. In addition, no evidence has been presented that would indicate that a full service restaurant with the sales, service and consumption of alcoholic beverages for on-site consumption would encourage or intensify crime within the district.
C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

It is not anticipated that the applicant's request to continue the sales, service and consumption of alcoholic beverages at a full service restaurant will adversely affect or conflict with adjacent uses or impede with the community's normal development. A restaurant has operated at this location without any major incident for 16 years. The restaurant will be open seven days a week. The previous restaurant was open from 11 am to 12 am seven days a week. While the current applicant is requesting to be open till 2am, seven days a week, staff and the police department believe that the hours of operation should be 11 am to midnight Sunday through Thursday and 11am to 2am Friday and Saturday. These hours of operation will be more compatible with the surrounding area and a condition of approval has been included to reflect this. With the attached conditions of approval, the request to continue the sales, service and consumption of alcoholic beverages at a full service restaurant for on-site consumption is not anticipated to adversely conflict with surrounding properties.

While there are residential developments in the area, there are no public facilities located within the immediate area. The nearest schools are Wilson Middle School (along North Verdugo Road and Monterey Road), John Marshall Elementary School (along North Chevy Chase Drive and East Broadway) and Glendale High School (South Verdugo Road and East Broadway); all located approximately 0.4 miles away. While these facilities and uses are within the vicinity, it is not anticipated that any negative impacts to these uses would occur based on the applicant's request to operate a full service restaurant with the sales, service and consumption of alcoholic beverages for on-site consumption.

The Circulation Element identifies North Chevy Chase Drive as a minor arterial and North Verdugo Road as major arterial streets that are fully developed and can adequately handle the existing traffic circulation around the site. These streets serve the adjacent residential neighborhoods in the area and where the subject site is located. The applicant's request to continue the sales, service and consumption of alcoholic beverages at a full service restaurant for on-site consumption is not anticipated to create any negative traffic-related impacts on North Chevy Chase Drive or North Verdugo Road over and above the existing conditions.

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 use and are existing. The applicant requests to continue the sales, service and consumption of alcoholic beverages at a full service restaurant for on-site consumption, and no expansion to the existing building is proposed. Associated utilities exist within the public rights-of-way and are adequate to continue service to the building. The project site was originally developed in 1974 with a multi-tenant commercial building. The project site features 61 on-site parking spaces. The restaurant with the continued sales, service, and consumption of alcoholic beverage sales for off-site consumption does not require additional parking. The parking demand is not anticipated to intensify with the applicant's request to continue to sell, serve or consume alcoholic beverages for on-site consumption. The applicant's AUP request to operate a full service restaurant including the continued sale of alcoholic beverage will not require any new city services, nor will it require any changes to landscaping, parking or traffic circulation.
Required Additional Findings Of Fact For An AUP For Off Sales of Alcohol:

That all the criteria set forth in Section 30.42.030 to be considered in making the findings in subsection a. through d. above, have all been met and thoroughly considered:

1) That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. The Glendale Police Department noted no concerns with this proposal as noted in Finding B above.

2) That such use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that a full service restaurant with the sales, service, and consumption of alcoholic beverages in this location has or would encourage or intensify crime within the district as noted in Finding B above.

3) That such use will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, hospital or residential use). As noted in Finding C above, the closest public facilities to the proposed project are Wilson Middle School, John Marshall Elementary School and Glendale High School; all located approximately 0.4 miles away. While residential uses are located nearby, the restaurant, should not impact these uses. Additionally, the project is conditioned to ensure the function of this full service restaurant with the sale, service and consumption of alcoholic beverages is in compliance with all municipal codes and state law. The proposed on-site sales, service and consumption of alcoholic beverages at the full service restaurant is not anticipated to adversely impact other neighboring uses in this area.

4) That the proposed use satisfies its transportation or parking needs as described in Finding D above because adequate access, parking and delivery spaces are available to serve this use.

5) That notwithstanding consideration in subsections 1 through 4 above, the operation of a full service restaurant with the sales, service and consumption of alcoholic beverages for on-site consumption does serve a public convenience for the area because it serves local residents, businesses, and the surrounding community as evidenced by a full service restaurant at this location for the past 16 years. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

For more information or to submit comments, please contact the case planner, Bradley Collin, at 818-548-3210 or bcollin@glendaleca.gov.

ATTACHMENT:
1. Location Map
2. Reduced Plans
3. Departmental Comments
**CITY OF GLENDALE**
**INTERDEPARTMENTAL COMMUNICATION**
Community Development Department
Request for Comments Form (RFC)

**DATE:** April 19, 2016  
**DUE DATE:** May 3, 2016  
(PLEASE submit your response by above DATE)

TO:  

FROM:  
Brad Collin, Case Planner  
Tel. # 548-3210

PROJECT ADDRESS:  
333 ½ N Verdugo, (Ginetun Restaurant)

Applicant:  
Shoghy Yepremian

Tenant:  
Ani Alvazian & Armen Alvazian (323-545-0199)

Property Owner:  
Robert Likes

PROJECT DESCRIPTION: The project is an Administrative Use Permit to allow the continued on-site sales, service, and consumption of full alcohol at an existing full service restaurant

PLEASE CHECK:

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<tr>
<th>A. CITY ATTORNEY</th>
<th>G. INFORMATION SERVICES</th>
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<td>(4) Integrated Waste</td>
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<td>(3) City Clerk's Office</td>
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**ENTITLEMENT(S) REQUESTED**

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<th>Other – PAUP 1806838</th>
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INTER-DEPARTMENTAL COMMUNICATION
PROJECT CONDITIONS AND COMMENTS

Project
Address: 333 ½ N Verdugo Rd

Project Case No.: PAUP_1806838

NOTE: Your comments should address, within your area of authority, concerns and potentially significant adverse physical changes to the environment regarding the project. You may also identify code requirements specific to the project, above and beyond your normal requirements. Applicant will be informed early in the development process. You may review complete plans, maps and exhibits in our office, MSB Room 103. We appreciate your consideration and look forward to your timely comments. Please do not recommend APPROVAL or DENIAL. For any questions, please contact the Case Planner ASAP, so as not to delay the case processing.

COMMENTS:

☐ This office DOES NOT have any comment.
☐ This office HAS the following comments/conditions. ☐ (See attached Dept. Master List)

Date: April 24, 2018

Print Name: Andrew Jenks
Title: Lieutenant
Dept. Police
Tel.: 818-837-8703

a. ADDITIONAL COMMENTS:

☐ 1. Applicant Shoghig Yepremian is in the process of obtaining an Administrative Use Permit to allows the continued on-site sales, service and consumption of full alcohol at an existing full service restaurant located at 333 ½ N. Verdugo Road DBA Ginetun Restaurant.

Ginetun Restaurant is located in census tract 3020.04 which allows for 3 On-Sale establishments. There is currently one On-Sale license in this trac. Ginetun will bring the total to 2. Based on arrests and Part 1 crime statistics for census tract 3020.04 in 2017, there were 93 crimes, below the city wide average of 160.

Within the last calendar year there was one call for police service at the location. Ofc. Koszcz was sent to the location for a compliance check for the city's Licensing division on 02/13/2016 under incident #160213362. Ofc. Koszcz cleared the call with the following Comments – "checked restaurant for any activity per request from the Licensing staff Steve Rodriguez. Restaurant was dark, locked, closed for business. Sent email to staff re: findings".

Per the A3C website, there is no "pending" or "active" liquor license for this location.

**This location submitted a Dance Permit and a Live Entertainment permit through the city's Licensing section. Both permits were Denied by PD due to the applicant not being truthful on her application in disclosing convictions on her background.

b. CASE SPECIFIC CODE REQUIREMENTS: (these are not standard code requirements)
e. **SUGGESTED CONDITIONS:** (may or may not be adopted by the Hearing Officer)

1. This Administrative Use Permit shall be effective for 5 years from time of approval.

2. 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.

3. Sales, service or consumption of alcoholic beverages shall be permitted only between the hours of __11am___ to __12am___ Sunday through Thursday and __11am___ to __2am___ Friday & Saturday (hours to be determined by the Planning / Zoning Administrator – week night and weekend restrictions may be considered).

4. 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 unless the facility has an established corkage policy allowing and regulating such.

5. The restaurant shall remain open to the public during business hours. If the establishment has a private party during normal business hours, the restaurant still needs to remain open for business to regular customers.

6. That the proprietor 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.

7. Those premises may be utilized for banquets, private parties, or other events, provided that all events comply with the provisions of the applicant’s Alcoholic Beverage Control license, and provided they have appropriate Conditional Use Permits and Use Variances if required.

8. There shall be no video machine maintained upon the premises.

9. Dancing is only allowed on the premises in designated dance floor areas, with a proper “Dance” permit.

10. No live entertainment is permitted without a “Live Entertainment Permit”. No karaoke, 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.

11. Music or noise shall be contained within the edifice of the establishment. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.

12. The front and back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.

Revised 26 May 2016–VE
13. An establishment that primarily provides for the on-premises sale, serving and consumption of alcoholic beverages and that derives more than fifty (50) percent of gross revenues from the sale of alcoholic beverages is by definition of the code a “tavern” and requires approval of a separate conditional use permit. Taverns include bars, pubs, cocktail lounges and similar establishments.

14. Any establishment serving alcoholic beverages which has a dance floor of greater than 200 square feet is considered a nightclub and will require a separate conditional use permit.

15. The sale of beer, wine, and/or distilled spirits for consumption off the premises is strictly prohibited.

16. The Manager and or Staff should be proactive in the enforcement of the City of Glendale Clean Air Act.