

An open letter to the City Council and anyone else to whom it may concern regarding Item # 13,

What a disappointment that the City Council is about to rule in favor of ignoring its own city ordinances that have been in place for 38 years, of ignoring the passionate testimony and pleas of its own citizens kept awake by noise and other erratic behavior, and of also ignoring two failed appeals by a pool hall owner from El Monte to stay open past midnight destroying the peace and quiet of a neighborhood while lowering the value of all adjacent properties. Instead, the City Council is leaning toward allowing this pool hall to stay open as late as 1:00 in the morning despite all arguments against it because, as a result of a lawsuit from Jerry's Billiards, "...the Council agreed to avoid expenditure of public resources on further litigation."

A bit of history that confounds me: This pool hall opened sometime in January 1985. Less than 5 months later, the City enacted Ordinance # 6096 placing restrictions on businesses' hours of operation (they had to close between 10pm and 7am if they were within 100' of a residential neighborhood). Any variance had to be approved through a Conditional Use Permit (CUP) application. At that time, this ordinance only applied to new businesses, however... In April 1994, Ordinance No. 6592 (Attachment B) was adopted amending the limited hours of operation requirements and eliminating the distinction that regulations only applied to new and expanding businesses. *No exceptions for an existing business* were adopted under the new ordinance and the distance to residential zoning districts was increased to 150 feet. For any business to operate between the hours of 10:00 pm and 7:00 am, approval of a Conditional Use Permit was required. This is just so clear and seemingly undebatable.

Therefore this lawsuit that states Jerry's Billiards is a non-conforming business has no basis in fact. There are NO allowances for any business in Pasadena to be non-conforming on this ordinance. So why would the City Council turn tail and run away from a flimsy lawsuit and ignore well-established law thereby betraying their own citizens? Why would they want to set a precedent for all other businesses that want to challenge city law? Establishing that all you have to do is file a lawsuit and the City Council will cave immediately... that's the message being sent out to all businesses. And the message being sent out to homeowners, citizens, and families? That message is the City Council that you ELECTED doesn't have any intention of protecting your rights or upholding the law. The City Council would rather bend the rules for one little pool hall rather than uphold them for an entire neighborhood.

So to conclude, I would hope that a counter-lawsuit is brought against the Pasadena City Council and challenge the legality of this decision. Ideally, the Council would agree to *delay* adopting this decision in order to give time for someone to make the legal challenge, or at the very least, question the terms of the settlement. I mean, even if the pool hall were to stay open late, there's no requirements for a security guard, or closing the parking lot at 10pm, or protecting the streets of Mentor Avenue from being parked on by patrons, or even guaranteeing that the back door of the establishment is safeguarded from people using it after 10pm. Even if there is a settlement, it's completely lop-sided in favor of the pool hall and disregards the rights of the RESIDENTS to have safe and quiet existence in their own homes.

I hope citizens of this city do not let this go. Every residential neighborhood is threatened by this decision. This goes far beyond Mentor Avenue... and the less affluent the neighborhood, the more harm will be inflicted by commercial businesses if it is established that inconvenient ordinances can be so easily circumvented. I also hope that people will remember who's side the Council defended in the next election. The voters are the ones that are victimized by this and they need to have defend them rather than turn their backs on them.

Sincerely,

Neil Larson

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002 AUG 28 AM 9:19

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2023 AUG 28 AM 10:37

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To the members of the Pasadena City Council,

I am writing in opposition to the settlement reached with Jerry's Billiards regarding their closing time. I strongly believe that Jerry's Billiards should not be allowed to operate past 10:00 p.m. This was made clear by the ruling during the Board of Zoning Appeal (BZA) hearings. The settlement as announced is ambiguous and greatly favors the business owner and also by Pasadena Municipal Code section 17.40.070(A)(3), which states that any business within 150 feet of a residential zoning district "may only operate between the hours of 7:00 a.m. and 10:00 p.m." As a neighbor living on Mentor Ave., this settlement does little to address the concerns that have repeatedly been expressed to the City Council over a span of years. Due to a prior commitment and the short notice of this meeting, I likely will not be able to speak in person tonight, so I am submitting this letter for your consideration.

The portion of the settlement that states "Jerry's Billiards will be responsible for ensuring that its patrons do not congregate in the parking lot area after 10:00pm on any day of the week" is also vague and unenforceable. As you may recall, one of the arguments from Jerry's during the zoning appeals meetings was that disturbances in the parking lot were not from their customers. Should a disturbance occur in the parking lot, how can the city and the neighbors identify if the party is a customer of Jerry's given that they are solely responsible for their patrons? The only party that would be able to verify this is Jerry's staff, and it's safe to assume they could be biased in this situation based upon their own interests. This portion is unenforceable as written.

Lastly, the parking lot is and has been marked as a no loitering zone as long as we have lived on Mentor (at least 8 years). Despite this, the neighbors have regularly dealt with loitering and partying in the lot. While we appreciate the steps that have been taken to improve the safety and security of the lot, such as improved lighting, loitering and partying in the lot continues. Calling the non-emergency line in these instances offers little resolution, as the police are generally dealing with designated high-priority issues and cannot always respond to address the noise timely. Agreeing that Jerry's customers will not congregate after 10:00 p.m. does not add any additional protection to the neighbors and, quite frankly, only complicates the issue because the city and the neighbors are left to determine if the offenders are customers of Jerry's.

The settlement states "Jerry's Billiards will also keep its back door to the parking lot closed after 10:00 p.m. on all days of the week." This is very vague and difficult to enforce. For instance, what exactly does "closed" mean? Is the door to be locked during these times? Can customers still use it as an entrance and exit? These questions need to be addressed so that all interested parties have a full understanding of what the expectation is. The current way it is written offers no resolution to the neighbors. As it is, the back door is and has been left closed the vast majority of the time. Despite it being closed, people still make their way to the lot, drink, and cause disturbances. The door being "closed" is not the issue – it is the people exiting and congregating in the parking lot. For the issue to be better addressed, customers should not be permitted to enter or exit via the back door.

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I am very disappointed in the settlement that was reached. It is unacceptable that, given that the portions of the settlement addressed above are not enforceable and therefore unlikely to create positive changes to the status quo, the only additional thing being required of Jerry's is to post a sign on the back door "stating that '[Jerry's Billiards] patrons shall not cause any disturbances in the parking lots, and shall not loiter or make loud noise in the parking lot after 10:00 p.m., on any day of the week.'" This offers little to no assurance that disturbances will be prevented, and only offers protection to Jerry's in that they "may refuse to allow and serve customers who violate this policy." What is left out of this portion of the settlement is what responsibility Jerry's has in assuring their customers will not cause disturbances. Giving them the option to refuse service is not enough to assure that disturbances will not be created because they also have the option to continue service to disruptive customers should they chose to do so.

As a neighbor on Mentor, my family as well as the other neighbors have spent a lot of our valuable time attempting to resolve an issue that is disruptive to our daily lives. We have set aside time from our children, from our careers, and from our daily lives to speak up in the hopes that the city will assist in alleviating an issue that negatively impacts the neighborhood. While I feel badly that the business may suffer negatively from having to close early, the business owner has done little to address our concerns and has even refused to meet with the neighbors and discuss our concerns informally. It is simply not fair that the business be given everything in their settlement, while the neighboring residents gain no additional assurance of peace in our homes. I was shocked when I saw this settlement because I know you as members of the City Council care deeply about the residents, but what was agreed upon is very lopsided in favor of the business.

As stated at the beginning of my letter, I believe based upon what was presented at the BZA meetings, Jerry's should not be permitted to stay open past 10:00 p.m. If the City feels that a settlement must be reached, we can do better. I hope the points laid out in this letter will be considered to create a fair and enforceable settlement.

Thank you for your consideration,

Lindsey McFarlane

**McMillan, Acquanette (Netta)**

**From:** julianna  
**Sent:** Monday, August 28, 2023 11:36 AM  
**To:** PublicComment-AutoResponse  
**Cc:**

**Subject:** RE: 8/28 City Council Meeting Agenda Item #13 - Correspondence for the Public Record

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Honorable Mayor and Members of the City Council,

**RE: AGENDA ITEM# 13: Status Report on Jerry's Billiards Hours of Operation, and Safety and Noise Abatement Requirements**

The City's current proposal to settle the *Crown City Billiards & Lounge, LLC v. City of Pasadena, et al.* lawsuit is curiously vague, weak, and lopsided in favor of the petitioner. If executed as proposed, the fundamental rights of Pasadenans are at stake. Settling may also establish a dangerous precedent for limiting public participation in zoning decisions, especially those that rely on the Conditional Use Permit process. A number of questions for the City Attorney need answers:

1. How was outside counsel, Richards Watson Gershon (RWG) selected, and in particular its partner Ginetta L. Giovinco whose experience is largely in matters of CEQA?
2. Is there a better, more experienced land use attorney who could provide a second opinion or handle the City's defense to uphold governmental decisions and ensure in a democratic form of government that public participation in them is protected?
3. The larger legal issue is at what point does the fundamental vested rights of a single business owner—which might include an exception to submitting a Conditional Use Permit if the use were nonconforming, as the petitioner claims--supersede the right of citizens to participate in governmental decision-making for its health, safety, and welfare?
4. In 1994, the City adopted Ordinance No. 6592, later codified as Municipal Code Section 17.40.070 (Limited Hours of Operation). It requires all businesses existing at that time that are within 150 feet of residential uses, except those in CD zones, to cease operations at 10pm. The petitioner argues that the fundamental vested rights of legal nonconforming uses—which it claims includes hours of operation--are not subject to future amendments to the Zoning Code such as this. Does the City maintain the position that hours of operation are not part of the vested rights of legal nonconforming uses? Otherwise, why hasn't the City Attorney intervened in decision-making in the subsequent years? Can limitations on hours of operation for nonconforming uses that similarly apply to all neighboring commercial uses be considered an exercise of due process applied equally to all businesses and a reasonable restriction on a nonconforming use that is allowed to continue to operate?
5. Was Crown City Billiards determined to be an essential business during COVID? If not, for how long did it cease to operate and then, when restrictions were revised, operate only until 10pm? Would this cessation and change in hours constitute a discontinuance of the legal nonconforming use as it applies, as the plaintiff claims, to hours of operation? If the business continued to operate until no later than 10pm for over one year, could this not be considered establishment of new hours?
6. The City Council upheld the Zoning Administrator's and BZA's determination that Crown City Billiards, like its neighboring businesses adjacent to residential uses, must cease operations at 10pm. Settling the case to allow later operations serves as a quasi-Conditional Use Permit but without the benefit of public participation and input. To ensure the settlement is equitable for both parties, the terms need more specificity:
  - How will the back door be secured? Will it be locked at 10pm? Will it be an alarmed fire door? How will this be monitored? How will the petitioner ensure that after 10pm, ingress and egress is from the front entrance only, which is safer for patrons and the community?

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- How will the petitioner ensure its patrons do not congregate in the parking lot (Block 5) after 10pm? Will it pay for a City-selected security guard from 10pm to closing? Will it install security cameras to survey and record lot activity? Will it cease allowing patrons to park in the lot after 10pm and by what means?

7. The purpose of the Block 5 parking lot, which the City installed, maintains, and partially owns, is to provide parking for businesses and the few residents (approximately five) who live on the subject property. However, all the businesses except Crown City Billiards, in compliance with the Code, cease operations by 10pm. Hence, after 10pm the only business that enjoys the lot is Crown City Billiards. How does this not constitute a special privilege and use of public funds? If the lot is considered part of a commercial use, is its operation not also subject to the Zoning Code and must close by 10pm? Can the lot be thus closed at 10pm except to onsite residents by permit?

It seems to me, as a resident of Mentor Avenue, that the problem for the surrounding residential neighborhood—which first reported nuisances to the City and influenced its decisions—is not Crown City Billiards' operations per se but the use of the Block 5 parking lot. I would support later hours of operation for Crown City Billiards IF the lot were closed after 10pm and all ingress and egress were from the front entrance. There is adequate additional parking in the vicinity for patrons (street parking until 2am, Food For Less parking lot across the street, etc.)

Thank you for your consideration.  
Julianna Delgado

Mentor Avenue resident  
Past President, Bungalow Heaven Neighborhood Association

**Julianna Delgado, M.Arch, Ph.D, FAICP**

President, Southern California Planning Congress  
Planning Commissioner, City of Pasadena  
Design Commissioner, City of Pasadena  
Member, Mayor's Housing Task Force, City of Pasadena

Professor Emerita, Department of Urban and Regional Planning  
Co-Director, California Center for Land and Water Stewardship  
California State Polytechnic University, Pomona

***After enlightenment, do the laundry.***

*- Zen proverb*

**McMillan, Acquanette (Netta)**

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**From:** Tania Owen  
**Sent:** Monday, August 28, 2023 1:35 PM  
**To:** PublicComment-AutoResponse  
**Subject:** Agenda Item #13: Jerry's Billiards

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Honorable Mayor and Members of the City Council,

**RE: AGENDA ITEM# 13: Status Report on Jerry's Billiards Hours of Operation, and Safety and Noise Abatement Requirements**

I would like to object to the owner of Jerry's Billiards (AKA Crown City Billiards) request to extend his business hours to 11:00 am to 12:15 am Sunday–Thursday; 11:00 am to 1:00 am Friday/Saturday.

The applicant signed and dated his Application For Code Compliance Certificate on August 8, 2017. In his own handwriting, the hours of operation are listed as 9 am to 10 pm. The applicant claims that the hours listed are not in his own handwriting and that the information was written in without his knowledge after the document was filed. He has gone to a ridiculous extent to hire a handwriting expert to try to prove his point. Nevertheless, the applicant did sign the document and if the above is true about his signing an incomplete document, it makes one wonder what kind of competency he has as a business owner.

I join my North Mentor neighbors in requesting to keep the closing hour at 10:00 in order to prevent the recurring problems caused by patrons in the parking lot behind his business from increasing.

Tania Owen,  
on North Mentor

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Honorable Mayor and Members of City Council,

2023 AUG 28 PM 1:40 August 28, 2023

RE: Agenda item #13 --STATUS REPORT ON JERRY'S BILLIARDS HOURS OF OPERATION, AND SAFETY AND NOISE ABATEMENT REQUIREMENTS  
CITY OF PASADENA

On behalf of the Board of Directors of Bungalow Heaven and our residents, I want to express profound disappointment and anger with the settlement made with Crown City Billiards (item #13). The wellbeing of your citizens, especially those in close proximity of Block 5, is at stake. They have documented and verbally expressed the dangers and, at the very least, disturbing noise, that they have endured over several decades. In the past year and a half, we felt like a little progress was being made: new lighting, closed gate, and beautification as well as upholding of the Zoning Appeal determination. But now, without serious consideration of neighborhood hardship, we feel betrayed because you have broken the bonds of trust.

In a settlement, the City of Pasadena has given everything to Crown City Billiards that they demanded. All that Bungalow Heaven received in this settlement was that Crown City Billiards abide by three superficial requirements: post a sign on the back door essentially telling patrons to behave themselves, keep the back door closed and ensure no loitering in the parking lot. These few requirements are also without clear instructions on how they are to be implemented. How is this one-sided settlement fair to your constituents?

We ask that this very weak settlement be strengthened by incorporating the following measures in the agreement and using some of the money saved by not litigating to pay for measures to help your constituents:

1. Close the Block 5 parking lot at all 3 entrances after 10 pm and use some ticketing or code means for tenants to access.
2. Hire an armed security guard 10 PM to 2AM
3. Install security cameras throughout the parking lot.
4. Have Crown City make the back door a fire door with bar handle and alarm
5. Take **strenuous** action if Crown City "fails to operate within these limits or should it constitute **a public nuisance**". This quote is from the settlement statement.

We are not shy or intimidated about being informed. Several members of the BH Board and Residents have familiarized themselves with the Brown Act, the Goat Tavern vs Costa Mesa litigation, Pasadena Municipal codes, Zoning appeals decision, and numerous meeting minutes from City and BH meetings. We are not lawyers so have to leave decisions that are in our best interest up to the Staff and our City legal team. What we see is the City backing down on decisions that would help our residents and because it was done behind closed doors we may never know why we were betrayed. We request the voting count and details from the August 21<sup>st</sup> closed City Council session.

Please make further decisions THE PASADENA WAY!

Annette Yasin, President Bungalow Heaven Neighborhood Association

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**McMillan, Acquanette (Netta)**

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**From:** Daniel deWeldon  
**Sent:** Monday, August 28, 2023 2:56 PM  
**To:** PublicComment-AutoResponse  
**Subject:** Comment on Agenda item #13 for August 28, 2023 City Council Meeting

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To the City of Pasadena,

**I do not agree with the settlement offer for the business named Jerry's Billiards/ Crown City which is 38 feet from Bungalow Heaven residents. The law states no business in Pasadena can be open past 10 p.m. within 150 feet of residential property.**

This business is a **chronic public safety and nuisance issue**. No other business in Block 5 is open past 10 p.m. Again, I DO NOT AGREE with the settlement offer for this business. The Pasadena City Council aka BZA APPROVED this closing time to be 10 pm in a unanimous vote.

Sincerely,  
Bungalow Heaven, Pasadena Resident

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**McMillan, Acquanette (Netta)**

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**From:** Astrosage  
**Sent:** Monday, August 28, 2023 2:57 PM  
**To:** PublicComment-AutoResponse  
**Subject:** Jerry's Billiards

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To the City of Pasadena,

**I do not agree** with the settlement offer for the business named Jerry's Billiards/ Crown City which is **38 feet from Bungalow Heaven residents. The law states no business in Pasadena can be open past 10 p.m. within 150 feet of residential property.**

This business is a **chronic public safety and nuisance issue**. No other business in Block 5 is open past 10 p.m. Again, I DO NOT AGREE with the settlement offer for this business. The Pasadena City Council aka BZA APPROVED this closing time to be 10 pm in a unanimous vote.

Sincerely,  
Bungalow Heaven, Pasadena Resident

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**McMillan, Acquanette (Netta)**

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**From:** Chuck Warner  
**Sent:** Monday, August 28, 2023 2:58 PM  
**To:** PublicComment-AutoResponse  
**Subject:** Crown City Billiards / Jerry's Billiards

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This email is to express my dis-satisfaction with the settlement proposal from the City of Pasadena to Crown City Billiards (item #13). I urge the City to reconsider this proposal, and opt for a solution that is sensitive to the residents of N. Mentor Ave that are most severely impacted by this situation. While it may be cheaper and easier to come to a quick settlement that does not remedy the issues, the problems are real and the City needs to address them directly rather than with a weak watered-down settlement.

Thank you,

Chuck Warner

Pasadena, CA 91104

(35-year resident of the City)

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**McMillan, Acquanette (Netta)**

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**From:** Bryan Reese  
**Sent:** Monday, August 28, 2023 3:28 PM  
**To:** PublicComment-AutoResponse  
**Subject:** Council Meeting of 8/28, Item 13

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As a 25+ year resident on Mentor Avenue, I wish to state that I concur vigorously and completely with Bungalow Heaven Neighborhood Association President Annette Yasin's letter regarding Block 5. While I live slightly outside of the "danger zone" that radiates around Block 5 and as a former president of the Neighborhood Association myself, I have watched the City promise our residents to mitigate the situation time and time again, only to have their hopes dashed by the City's benign neglect and seeming indifference.

Please do not once again deprive City residents of the right to the quiet enjoyment of their property by allowing this public nuisance to persist. I do not approve of the settlement.

Quite sincerely

Bryan Reese

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## McMillan, Acquanette (Netta)

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**From:** Carol Polanskey  
**Sent:** Monday, August 28, 2023 3:42 PM  
**To:** PublicComment-AutoResponse; Gordo, Victor  
**Cc:** carol Polanskey  
**Subject:** Public Comment for City Council Agenda item #13 STATUS REPORT ON JERRY'S BILLIARDS HOURS OF OPERATION, AND SAFETY AND NOISE ABATEMENTREQUIREMENTS

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Dear Members of the Pasadena City Council,

As a long-time resident of Pasadena, I was shocked to learn that the City Council had entered/approved a settlement with Jerry's Billiards (aka Crown City Billiards) without any notice or input from the residents on Mentor Ave that are so clearly impacted by this settlement. In March of this year, City Council was unanimous to uphold the Board of Zoning Appeals' decision to limit business hours for Jerry's Billiards to end at 10PM, pursuant to Zoning Code Section 17.40.070 (Limited Hours of Operation). A law suit was filed by the pool hall, and then without informing the impacted neighbors, less than two months later the city reversed their position through this settlement. However, the law did not change during that time. Why has the city's position changed on the law? What new evidence was so compelling to overturn the recommendations of City Staff and the previous position of City Council? The cost of litigation was cited as the rationale, but this settlement now opens up endless possibilities for erosion of zoning enforcement across the city. How can this be the right choice?

There has been a long history of problems in the Block 5 parking lot related to Jerry's Billiard and other problematic businesses. The block is also home to businesses that the neighbors love dearly. The City Council must know how this weak settlement is going to negatively impact the residents of Mentor Ave. Why is the resident's quality of life, health, safety, and enjoyment of their property of so little concern to the City? This vote was taken in closed session, but the public has a right to know how each Councilmember voted on this issue. Please release the voting record from the closed session.

It is unclear to the neighborhood whether this settlement is final or if there is still some room to make adjustments. If there is still room to negotiate, then the City should work harder to peel back to hours of operation to conform to existing code. If the settlement is indeed final, then the City must take responsibility for securing the Block 5 parking lot. All entrances must be gated and locked at 10PM to discourage congregation in that area, noise, and criminal activity. The patrons of Jerry's Billiards must be limited to entrance and exit from Lake Avenue after 10PM. While we appreciate the new improved lighting, this area also requires security cameras and armed security guards between 10PM and 2AM. This parking lot has been a problem spot for as long as I can remember. It is about time that the City takes action to make this lot less attractive to disruptive late night activity from any source.

I had previously testified on behalf of the Mentor neighbors at a Zoning Board hearing, so I heard the abundant testimony of the pool hall patrons applauding the family atmosphere of Jerry's and how they bring their children to play pool. Are these parents really bringing their children to play pool until after midnight on a school night? Would these children not benefit from getting home by 10pm and getting some sleep? I found their claims disingenuous. Alternatively, I have heard the neighbors of Mentor describing their distressing plight with this parking lot consistently for many years. They have tried to work with the City, but it seems like a never ending struggle to keep the problems in check. It is time for a permanent solution.

Best regards,  
Carol Polanskey


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**McMillan, Acquanette (Netta)**

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**From:** Virginia Conway  
**Sent:** Monday, August 28, 2023 4:42 PM  
**To:** PublicComment-AutoResponse  
**Subject:** Agenda item #13 for tonight's City Counsel Meeting August 28, 2023

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As a nearby resident our household does not agree with the settlement offer as it is. We demand that the City of Pasadena proceed with this litigation to insure public safety and terminate public nuisances that have continued for forty years.

Yours Sincerely,  
Virginia Conway

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**City Council Meeting**  
**Monday, August 28, 2023 at 5:30pm**  
100 North Garfield Avenue, Pasadena, CA 91101  
City Hall, Council Chambers, Room S249

AGENDA LINK

**AGENDA 13: STATUS REPORT ON JERRY'S BILLIARDS HOURS OF OPERATION, AND SAFETY AND NOISE ABATEMENT REQUIREMENTS (City Attorney's Office)**

**Recommendation:** This report is provided for information only; no action is required at this time.

August 28, 2023

Dear Honorable Mayor Gordo and Pasadena City Council Members,

I am writing as a nearby resident of North Mentor since 2006.

My household experienced shock, dread, and anxiety upon learning that the unanimous decision reached by the City Council on March 27, 2023 upholding Zoning Appeal determination to enforce a 10:00 p.m. closing time for Jerry's Billiards business hours (*as required by the Zoning Code Section 17.40.070 which states that commercial uses on a site located within 150 feet of a residential zoning district may only operate between the hours of 7:00 a.m. and 10:00 p.m.*) is now somehow overturned.

**Firstly, the law has not changed – so why has the City's position changed?**

**Second, does "legal nonconforming" include operating a business at any time of day and night?**

**Third, until what hour is a "legal nonconforming" business in the city of Pasadena allowed to serve alcohol?**

**Fourth, why is the City of Pasadena entertaining a weak and lopsided settlement deal with Jerry's Billiards, a business that has repeatedly shown little interest or concern about our community and our public safety?**

In the past, the business owner of Jerry's Billiards Frank Yanez turned down opportunities to meet with residents and brainstorm on mutually beneficial safety measures. Since his purchase of Jerry's Billiards in 2013, Mr. Yanez has done *nothing* to address neighboring resident's concerns about late-night nuisances when his bar closes at 1am weekdays and 1:30am on weekends. Mr. Yanez has done *zero* to improve public safety over the past decade. Mr. Yanez once threatened my personal safety if I were to enter his business. And to add insult to injury, Mr. Yanez, his patrons, and his legal representation Boyd Hill have spread falsehoods about issues arising in the Block 5 parking lot. The behavior of the business

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owner, the law firm representing this business, its property owner Charles Stanislawski, and the pool hall patrons should be taken into consideration when determining whether this business should continue to operate past 10:00 p.m. nightly.

**Fifth, what are the City's specific provisions if Jerry's Billiards fails to comply with the proposed settlement?**

**And finally, as citizens of Pasadena who place trust in our governing bodies to protect public safety, we demand that the City of Pasadena proceed with litigation in this matter and definitively terminate the public nuisances that have continued after 10:00 p.m. for nearly 40 years.**

Since April 2022 when Pasadena Code Compliance enforced the 10:00 p.m. closing time to all Block 5 businesses, our neighbors have finally enjoyed a semblance of peace after decades of unrest – not *all* the time, but much more frequently. This is all documented in multiple incident reports from 2011 to present day, demonstrating the change in the local environment and atmosphere. To allow Jerry's Billiards to stay open and serve alcohol from Sun-Thurs until 12:15am and Fri-Sat until 1am within a mere 40 feet of a residential district is truly disheartening.

On North Mentor Ave, we have 11 children under the age of 12 years old. We have an elderly resident in home hospice care hoping to live her last moments of life in peace. And we have many working professionals who rely on rest at night to perform intellectually demanding jobs and pay our property taxes.

A pool hall and bar that is permitted to serve alcohol and operate past 10:00 p.m. is not sustainable for nearby residents to have their rest and sleep time constantly disturbed by patrons of the pool hall exiting at 1:00 a.m. and beyond with frequent occurrences of **loud talking, car engines turning on, revving engines, cars speeding out of the parking lot, loud thumping music, singing, fighting, swearing, drug dealing, partying, car accidents, murders, firearms, fireworks, etc.**

How is Jerry's Billiards going to eliminate all these frequent nuisances 7 days a week?

It is heartbreaking to think that all the toil, energy, time, and preparation put into fighting these ongoing issues for decades now results in a complete reversal of the stated law.

Was it all a charade? What was the point of the BZA and City Council decisions if backdoor deals can be struck after the fact? And *cui bono*? As such, we residents of Bungalow Heaven demand an audit of Jerry's Billiards – a cash business – to prove that they have lost revenue and prove their damages.

== =

Enclosed is a full list of questions posed for the City Council to address immediately before proceeding further with potential settlement in the litigation with Jerry's Billiards/Crown City Billiards & Lounge. In addition, please find an abridged timeline of events, incidents, and public meetings to date.

Yours sincerely,  
Amy Deavoll

## QUESTIONS FOR THE PASADENA CITY COUNCIL:

1. Per the unanimous decision by the City Council March 27, 2023 to uphold the BZA and staff recommendations to limit Jerry's Billiards hours and recommendation to file a CUP, why is the lawsuit superseding this proceeding and the resolution requiring the owner to file a CUP?
2. In the closed session, has the City Council and City Attorney taken final action on the settlement of this lawsuit?
  - a. I.e., has anything been signed?
3. Why has the City made all the concessions in the settlement agreement, whereas little is conceded on the part of Jerry's Billiards to ensure public safety?
4. When does the settlement take effect?
5. In the Agenda Report, what **claims and evidence** were provided by Jerry's Billiards asserting that, *"it is a legal nonconforming and therefore enjoys "grandfathered" rights"* to close after 10 pm?
6. What is the **case law** that was relied upon?
  - a. Is the only case law relied on the *Goat Hill Tavern v. City of Costa Mesa* case? If so, this case seems to only apply to an expansion of a nonconforming use.
7. How exactly will Jerry's Billiards, *"be responsible for ensuring that its patrons do not congregate in the parking lot area after 10:00 pm on any day of the week"*?
  - a. I.e., Will the business hire a security guard that enforces this in the Block 5 parking lot every day of the week?
8. At what specific time will the back door to the parking lot, *"be closed after 10:00 pm on all days of the week"* as after 10 pm could be *any* time?
  - a. Does closed mean locked? Or will it still be used to enter/exit during business hours?
  - b. How will the daily closing of the back door be enforced?
9. What are the provisions if Jerry's Billiards fails to comply with the settlement?
10. Does "legal nonconforming" include operating a business at any time of day?
11. Until what hour is a "legal nonconforming" business allowed to serve alcohol?
12. Does the Block 5 cohort of owners have to approve the settlement agreement and hour of operation of the parking facilities given their stake in the use of the parking lot?



Per the **Block 5 Reciprocal Easement Agreement**, Section 9 (page 14) states:

Rules and Regulations. Subject to any rules and regulations that may be established upon the formation of the maintenance assessment district contemplated under Section 3 above, the REA Parties shall have the right to establish from time to time, and to change, alter, and--amend, and to enforce against the REA Parties and their Designees, any reasonable rules and regulations which are deemed necessary or advisable for the proper and efficient operation and maintenance of the Easement Property, including, without limitation, specific rules or regulations designed to (i) facilitate traffic flow, (ii) to identify locations for parking by employees of businesses located on the Block 5 Property, (iii) to regulate the locations on the Easement Property for pickups and/or deliveries by trucks and other similar vehicles Easement Property, and (iv) to regulate the hours of operation of the parking facilities.

13. Jerry's Billiards' Attorney Boyd Hill's statement submitted on March 27, 2023 (see screenshot below) states that the pool hall has "nonconforming use" and is permitted to stay open beyond 10 pm. However, Mr. Hill references **17.71.060 - Abatement and Termination** – does Section B6 apply?

"This Section shall not apply to nonconforming uses which do not comply with the residential density regulations for the subject zoning district."

14. Per Municipal Zoning Code 17.71.140 - Nuisance Abatement stating:

In the event that a nonconforming use or structure is found to constitute a public nuisance, appropriate action shall be taken by the City, in compliance with Municipal Code Chapter 14.50 (Property Maintenance and Nuisance Abatement).

The residential neighbors of Bungalow Heaven have maintained electronic records (email and video) documenting the numerous public nuisances over the past 15 years – is this taken into account?

15. Brown Act Refer to pages 35-39 (pages 21-25 on the document) regarding Closed Sessions. On page 38, section C states:

**Report at the Conclusion of Closed Sessions**

Once a closed session has been completed, the legislative body must convene in open session. (§ 54957.7(b).) If the legislative body took final action in the closed session, the body may be required to make a report of the action taken and the vote thereon to the public at the open session. (§ 54957.1(a).) The report may be made either orally or in writing. (§ 54957.1(b).) In the case of a contract or settlement of a lawsuit, copies of the document also must be disclosed as soon as possible. (§ 54957.1(b) and (c).) If final action is contingent upon another party, the legislative body is under no obligation to release a report about the closed session. Once the other party has acted, making the decision final, the legislative body is under an obligation to respond to inquiries for information by providing a report of the action. (§ 54957.1(a).)



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CITY OF PASADENA

March 27, 2023

Direct Dial:	949.430.2114
E-mail:	<a href="mailto:bjhill@jacksontidus.law">bjhill@jacksontidus.law</a>
Reply to:	Irvine Office
File No.:	10372-128386

**VIA EMAIL:** [correspondence@cityofpasadena.net](mailto:correspondence@cityofpasadena.net), [cityclerk@cityofpasadena.net](mailto:cityclerk@cityofpasadena.net)

Mayor and City Council  
City of Pasadena ("City")  
100 North Garfield Ave.  
Pasadena, CA 91101  
c/o Mark Jomsky, City Clerk

RE: March 27, 2023 City Council Agenda Item #15  
APPEAL OF THE BOARD OF ZONING APPEALS' DECISION OF  
ZONING ADMINISTRATOR'S DETERMINATION NO. 56,  
1312 NORTH LAKE AVENUE - CROWN CITY BILLIARDS &  
LOUNGE, AKA JERRY'S FAMILY BILLIARDS (Planning Dept.)

Honorable Mayor and City Council:

This firm represents Crown City Billiards in the above-referenced appeal. Were this letter addressed to the Superior Court, it would simply begin--and end--with this opening paragraph. The City staff expressly concedes that the operation of Crown Billiards as a billiards hall with unrestricted hours of operation is a vested legal nonconforming use:

The business is a nonconforming use. Records indicate that the billiards use has been in operation since January 1985. At the time it was established, the billiards use was allowed and there were no restrictions on hours of operation applicable to its zoning district (C-2). (March 27, 2023 Staff Report, p. 3 [emphasis added])

The City staff does not make or support a claim of termination of the vested legal nonconforming use, either by violation of applicable law, discontinuance of the nonconforming use, or abatement by operation of law, as would be required by the City's Zoning Code. (Zoning Code, § 17.71.060)

### **17.71.060 - Abatement and Termination**

Nonconforming uses and structures shall be subject to abatement and termination of the use, in the following manner:

#### **A. Termination for violation of or change of use.**

Whenever any of the following facts are found to exist with reference to a nonconforming use, the nonconforming protection/benefits provided by this Chapter shall cease, and the use shall be abated, except as otherwise allowed by this Chapter.

1. Violation of any applicable law;
2. The revocation or termination or suspension of any license or permit that is required in order to operate the nonconforming use;
3. A change from a nonconforming use to another nonconforming use;
4. A change from a nonconforming use to a conforming use;
5. An increase or enlargement of the area, space, or volume of the structure or land occupied by or devoted to the nonconforming use except if the structure is nonconforming with respect to setbacks, height, distance between structures, architectural projections, staircase and landing area encroachments, and the requirements of the City's adopted Building Code are met. No new additions or alterations shall increase existing nonconformities; or
6. A structural alteration, except as required by law.

#### **B. Termination of nonconforming uses by discontinuance.**

1. Without any further action by the City, a nonconforming use shall lose its nonconforming status and shall not be reestablished if the nonconforming use is discontinued for any reason for a continuous period of at least 12 months.
2. A nonconforming use within a structure shall also lose its nonconforming status if the structure is moved any distance on the site for any reason, or is removed from the site.
3. The determination of discontinuance (aka abandonment) shall be supported by evidence, satisfactory to the Zoning Administrator (e.g. the actual removal of equipment, furniture, machinery, structures, or other components of the nonconforming use and not replaced, the turning off of the previously connected utilities, or where there are no business receipts/records or any necessary licenses available to provide evidence that the use is in continual operation).
4. In an appeal of the Zoning Administrator's determination that the use has lost its nonconforming status by discontinuance, the appellant shall be required to present evidence satisfactory to the Zoning Administrator showing that the use is in continual operation.

5. The use of the site after the discontinuance or removal of a nonconforming use shall comply with all current requirements of this Zoning Code and the subject zoning district.
6. This Section shall not apply to nonconforming uses which do not comply with the residential density regulations for the subject zoning district.

**C. Termination by operation of law.**

Nonconforming uses and structures listed in Table 7-1 shall be discontinued and removed from their sites, altered to conform, or altered to decrease the degree of nonconformity within the specified time after they become nonconforming. Additional time for abatement of the nonconformity may be granted by a Variance, in compliance with Section 17.61.080.

## ABRIDGED TIMELINE OF EVENTS

(NOTE: City Council, BZA, and community meetings shown in *orange bold*. Notations in red pertain to public safety incidents which have been documented to the best of our ability since 2019 on this Google spreadsheet.)

<b>January 1985</b>	Jerry's Billiards opens for business
<b>Circa 1985</b>	The City of Pasadena enacts Municipal Zoning Code Section 17.40.070 which states that commercial uses on a site located within 150 feet of a residential zoning district may only operate between the hours of 7:00 a.m. and 10:00 p.m. <ul style="list-style-type: none"><li>● Passed a regulation that businesses must close by 10pm within 100 feet and applied to existing businesses</li><li>● In 1994, a new ordinance was signed by Mayor Rick Cole to apply to ALL businesses within 150 feet that could operate between 7am - 10pm</li></ul>
<b>Circa 2013</b>	Frank Yanez purchases establishment; renames to Crown City Billiards & Lounge
<b>Sept 21, 2011</b>	King King murdered by stabbing in the Block 5 lot
<b>Jan 22, 2021</b>	Loaded gun thrown into Amy & Daniel's backyard; Daniel confronted the gun owner coming over our boundary wall
<b>Jan 27, 2021</b>	BHNA Special Zoom Meeting re: Block 5 and gun incident
<b>Jan 28, 2021</b>	Meeting with Councilmember Williams
<b>Feb 26, 2021</b>	Block 5 Follow-Up Discussion
<b>Oct 2, 2021</b>	Blue Chevy Silverado truck rammed into the northwest corner of our boundary wall. The collision also felled two trees. The car was towed by AAA but no citation was given due to "private property".
<b>Feb 23, 2022</b>	At 2AM, a man trespassed on our property by climbing on our garage roof and attempted to jump into our backyard
<b>March 19, 2022</b>	At 12:21 AM, a man trespasses North Mentor property and is caught on our Ring doorbell camera: <a href="https://ring.com/share/95791f25-bdf0-48a0-b670-59d28a6446bf">https://ring.com/share/95791f25-bdf0-48a0-b670-59d28a6446bf</a> <a href="https://ring.com/share/11c04eba-4c81-462c-821b-bec265633c9a">https://ring.com/share/11c04eba-4c81-462c-821b-bec265633c9a</a>
<b>May 25, 2022</b>	Block 5 Meeting with BH residents in Garth's backyard where we are informed

that the City of Pasadena has alerted all businesses and land owners via written letter in April 2022 of the required 10:00 pm closing time

Aug 20, 2022	Block 5/North Mentor meeting with Vice-Mayor Williams
Oct 15, 2022	Block 5/North Mentor meeting with Vice-Mayor Williams
Nov 17, 2022	Board of Zoning Appeals #1: Jerry's Billiards appeal
Jan 12, 2023	Block 5 discussion with Vice-Mayor Williams and City Staff at the Santa Catalina Library
Jan 19, 2023	BZA meeting #2 re: Jerry's Billiards appeal
March 27, 2023	Pasadena City Council meeting re: Jerry's Billiards appeal. Result: unanimous vote to uphold the Board of Zoning Appeals' decision to limit business hours for Jerry's Billiards and recommends the owner applies for a CUP
June 20, 2023	Lawsuit filed by Crown City Billiards against the City of Pasadena
August 7, 2023	Two M80 explosives were lit in the Block 5 parking lot at 9:00 and 9:05 pm resulting in calls to 911 and an email to Vice Mayor Williams
August 9, 2023	Email sent to Amy and Daniel by Vice Mayor Williams that, <i>"I wanted to let you know that a lawsuit has been filed by the owner of Jerry's Billiards against the City to challenge the hours of operation. The City will defend it's [sic] position of the 10 pm closure."</i>
August 21, 2023	City Council closed session "considered and approved" a settlement offer regarding the pending litigation between Jerry's Billiards and the City of Pasadena to operate beyond 10 pm
August 24, 2023	Email sent to Bungalow Heaven residents by Vice Mayor Williams disseminating the settlement, noting: <b>New Hours of Operation:</b> 11:00am to 12:15am Sunday-Thursday; 11:00am to 1:00am Friday/Saturday. These hours are specific to the current use and do not apply to any different, future use on the premises.

**New Safety/Noise Abatement Requirements:**

- Jerry's Billiards will post a policy on its back door to the parking lot stating "[Jerry's Billiards] patrons shall not cause any disturbances in the parking lot, and shall not loiter or make loud noise in the parking lot

after 10:00pm, on any day of the week. [Jerry's Billiards] may refuse to allow and serve customers who violate this policy."

- Back door to parking lot to be closed after 10:00pm on all days of the week
- Jerry's Billiards will be responsible for ensuring that its patrons do not congregate in the parking lot area after 10:00pm on any day of the week
- Nothing in the settlement prohibits the City of any future legal action against Jerry's Billiards should it fail to operate within these limits or should it constitute a public nuisance

**August 27, 2023**

Email sent to Bungalow Heaven residents by Vice Mayor Williams:

- This is an Information only Item to discuss a proposed settlement and receive public comment
- Based on the discussion at Council, the City Attorney can receive further direction on the settlement

**August 28, 2023**

City Council Meeting regarding litigation with Jerry's Billiards/Crown City Billiards & Lounge open to public comment on agenda item #13



**McMillan, Acquanette (Netta)**

---

**From:** Anthony West Jr >  
**Sent:** Monday, August 28, 2023 5:15 PM  
**To:** PublicComment-AutoResponse  
**Subject:** RE: 8/28 City Council Meeting Agenda Item #13 - Correspondence for the Public Record

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Honorable Mayor and Members of the City Council,

**RE: AGENDA ITEM# 13: Status Report on Jerry's Billiards Hours of Operation, and Safety and Noise Abatement Requirements**

It is unfortunate that the City's settlement with Crown City Billiards, with a result that resembles a conditional use permit, was made without a public hearing. If this settlement goes into effect, it is incumbent on the City to resolve the ongoing nuisance issues from the Block 5 parking lot. Since the City owns part of this parking lot, and plays a role in managing it, the City has the responsibility to ensure that activities in this parking lot do not unreasonably disturb and threaten the adjacent residents on Mentor Avenue. Possible solutions could involve completely closing the parking lot at 10 PM or providing a security guard during late night hours.

Sincerely,  
Anthony and Regina West  
Wilson Ave residents

8/28/2023  
Item 13

**McMillan, Acquanette (Netta)**

---

**From:** Daniel de Weldon  
**Sent:** Monday, August 28, 2023 5:06 PM  
**To:** PublicComment-AutoResponse  
**Subject:** Jerry's Billiards

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To the City of Pasadena,

**I do not agree** with the settlement offer for the business named Jerry's Billiards/ Crown City which is **38 feet from Bungalow Heaven residents. The law states no business in Pasadena can be open past 10 p.m. within 150 feet of residential property.**

This business is a **chronic public safety and nuisance issue**. No other business in Block 5 is open past 10 p.m. Again, I **DO NOT AGREE** with the settlement offer for this business. The Pasadena City Council aka BZA APPROVED this closing time to be 10 pm in a unanimous vote.

Sincerely,  
Bungalow Heaven, Pasadena Resident

8/28/2023  
Item 13