

Agenda Report

August 28, 2023

TO: Honorable Mayor and City Council
FROM: City Attorney's Office and City Manager's Office
SUBJECT: STATUS REPORT ON JERRY'S BILLIARDS HOURS OF OPERATION, AND SAFETY AND NOISE ABATEMENT REQUIREMENTS

RECOMMENDATION:

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

INFORMATION ITEM:

In closed session on August 21, 2023, the City Council considered, and approved, a settlement offer of the above captioned litigation. As background, this lawsuit arose from the City Council's March 27, 2023 determination that Crown City Billiards (also known as "Jerry's Billiards"), located at Block 5 (southeast corner of Hill & Washington), is required to close at 10:00 p.m. as required by the Pasadena Municipal Code. In its litigation filed against the City, Jerry's Billiards asserted it is a legal nonconforming use and therefore enjoys "grandfathered" rights to close at 1 a.m. Sunday through Thursday and 1:30 a.m. on Friday and Saturday. After considering the claims raised by Jerry's Billiards in the litigation and controlling case law, and without conceding any fault or position in the litigation, the Council agreed to settle the matter to avoid expenditure of public resources on further litigation.

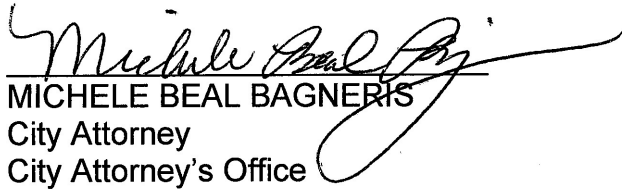
The settlement requires that Jerry's Billiards' hours of operation are from 11:00 a.m. to 12:15 a.m. (of the next day) on Sundays through Thursdays, and from 11:00 a.m. to 1:00 a.m. (of the next day) on Fridays and Saturdays ("Hours of Operation"). The City recognizes the Hours of Operation as part of Petitioner's legal non-conforming use located on the Property. These hours are specific to the current use and do not apply to any different, future use on the premises.

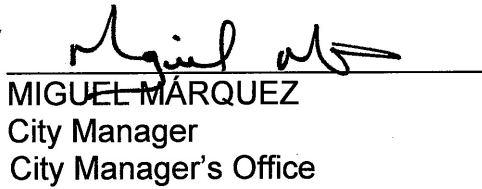
Further, with regard to safety and noise abatement, Jerry's Billiards will post a policy on its back door to the parking lot stating that "[Jerry's Billiards] patrons shall not cause any disturbances in the parking lot, and shall not loiter or make loud noise in the parking lot after 10:00 p.m., on any day of the week. [Jerry's Billiards] may refuse to allow and serve customers who violate this policy." 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, and will be responsible

for ensuring that its patrons do not congregate in the parking lot area after 10:00 p.m. on any day of the week.

Nothing in the Settlement Agreement prohibits the City from any future legal action against Jerry's Billiards should it fail to operate within these limits or should it constitute a public nuisance.

Respectfully submitted,


MICHELE BEAL BAGNERIS
City Attorney
City Attorney's Office


MIGUEL MÁRQUEZ
City Manager
City Manager's Office

Prepared by:

/s/ Theresa Fuentes
Theresa Fuentes
Assistant City Attorney