



Planning & Community Development Department

Appeal
Zoning Administrator Determination
1312 North Lake Ave

City Council
March 27, 2023





Z.A. Determination

Planning & Community Development Department

- Determination:

- > Determination by the Zoning Administrator that a billiards use, located at 1312 N Lake Ave, may only operate between the hours of 7:00am to 10:00pm, as required by Zoning Code Section 17.40.70 (Limited Hours of Operation).

- Appeal:

- > Appeal of the Determination stating that the billiards use, a nonconforming, use is not subject to Section 17.40.070.



Project Location

Planning & Community Development Department





Background

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- **April 25, 2022:** Code Compliance, in responding to complaints about noise and loitering into the late hours, issued a citation that the business was operating after 10:00 pm and in violation of Section 17.40.070 (Limited Hours of Operation).
- **September 29, 2022:** The Zoning Administrator issued a determination that the business may only operate between the hours of 7:00am to 10:00pm, as required by the Zoning Code.
- **October 6, 2022:** The appellant, Crown City Billiards & Lounge (also known as: Jerry's Family Billiards), submitted an appeal of the Zoning Administrator's determination, citing a disagreement with the decision that was made.
- **November 17, 2022:** The Board of Zoning Appeals considered the Appeal and continued the hearing to a date uncertain to allow the business owner, property owner, neighbors, and City representatives to meet. The applicant elected not to meet.
- **January 19, 2023:** The Board of Zoning Appeals reviewed the appeal and upheld the Zoning Administrator's Determination that the hours of operation for the business are between 7:00 am and 10:00 pm.
- **January 30, 2023:** The business operator submitted an appeal application to the City Council citing disagreement with the Board of Zoning Appeals' determination.



Appeal Summary

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- The use is legal and nonconforming and therefore not subject to Section 17.40.070 (Limited Hours of Operation);
- There is no evidence of a revocation, termination, or suspension of a permit to operate the use since a permit was not required at the time of the establishment of the use; and
- That the code compliance certificate approval on file with City records, which indicates the hours of operation of the business is from 9:00 am to 10:00 pm, was not completed by the business operator nor its representative, therefore the City cannot rely on this application to determine the hours of operation.



Nonconforming Use History

Planning & Community Development Department

- The business is a nonconforming use.
- The billiards use has been in operation since January 1985.
 - Use was allowed in the former C-2 zoning district.
 - There were no restrictions on hours of operation at that time.
- Currently, a billiards use is no longer permitted in the zoning district.
 - However, it may continue operating as a nonconforming use.



Legislative History Regarding Hours of Operations

Planning & Community Development Department

Ordinance No. 6096 - Adopted in May 1985

- Limited hours of operation from 7:00 am to 10:00 pm
- Commercial uses located within 100 feet of a residential zoning district
- CUP required to operate past 10:00 pm
- New rules only applied to **new** businesses and businesses that were enlarging
- Did not apply to the existing business since it was operating since January 1985

Ordinance No. 6592 - Adopted in January 1994

- Amended the limited hours of operation to ***also apply to existing businesses***
- Removed the distinction that the rules only applied to new or expanding businesses.
- CUP required for any business to operate past 10:00 pm, when located within 150 feet of a residential zoning district

A business that was operating after 10:00 pm, when the ordinance was adopted, was required to obtain a Conditional Use Permit or stop operating after 10:00 pm; the hours of operation for a business were not considered “grandfathered” or established as nonconforming.

The business does not have a Conditional Use Permit to operate past 10:00 pm.



Responses to Appeal

Planning & Community Development Department

- The existing business is nonconforming, and it may continue to operate.
- As established under Ordinance No. 6592, a Conditional Use Permit is required for any business, new or existing, to operate past 10:00 pm; when located within certain proximity to a residential zoning district.
- A business that was operating after 10:00 pm, when the ordinance was adopted, was required to obtain a Conditional Use Permit or stop operating at 10:00 pm; the hours of operation are not considered “grandfathered” or established as nonconforming.
- The business does not have a Conditional Use Permit.



Conclusion and Recommendation

Planning & Community Development Department

- Staff has considered the appeal and has determined that the Zoning Administrator's Determination was correctly made.
- It is recommended that the City Council uphold the Board of Zoning Appeals decision, upholding the Zoning Administrator's Determination.
- If the applicant wants to be open past 10:00 pm, they can submit a Conditional Use Permit application.



Planning & Community Development Department

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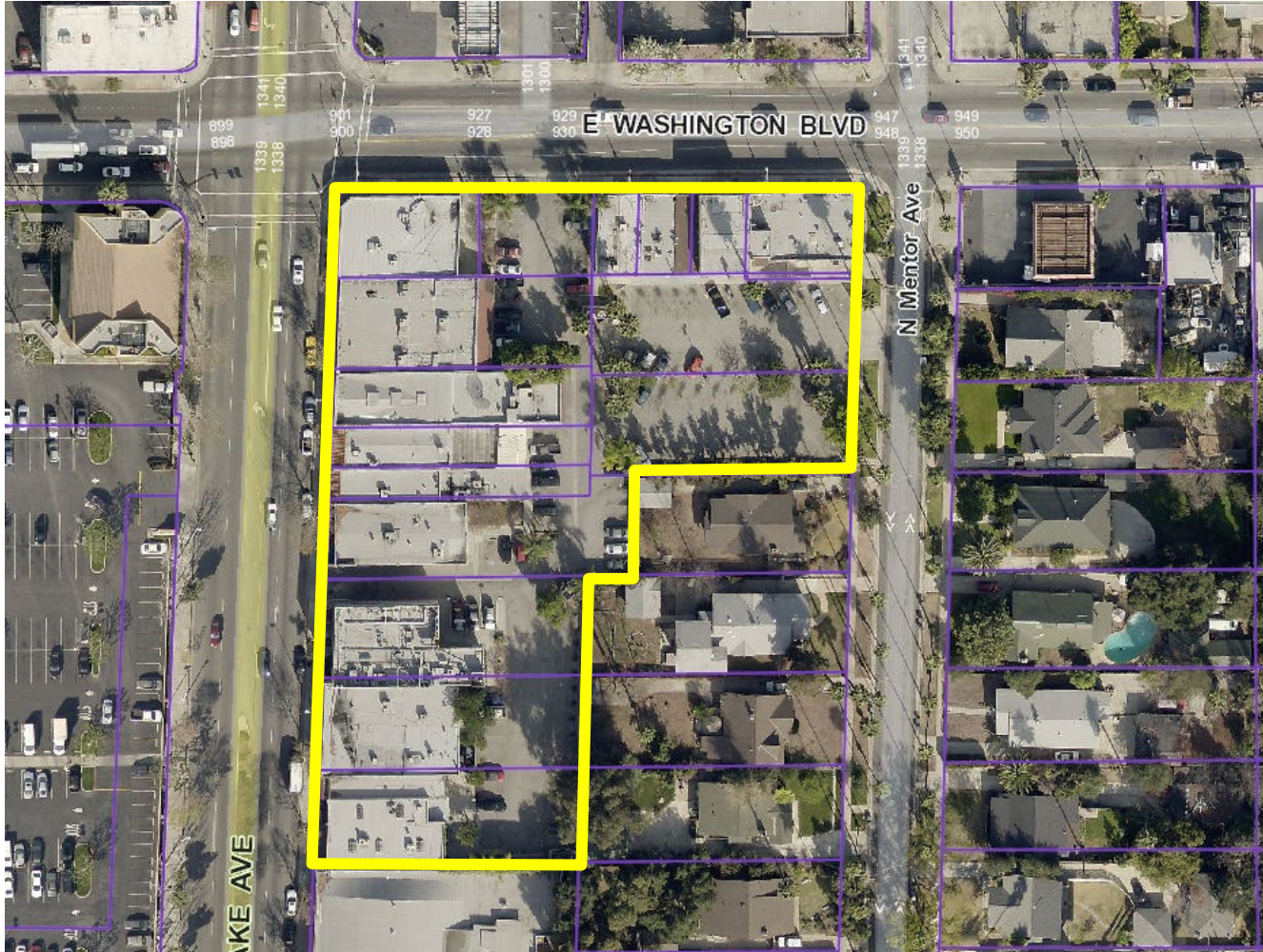
City Council
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Block 5

Planning & Community Development Department





Ordinance No. 6096 - 1985

Planning & Community Development Department

- (F) 1. Hours of Business Operation. In Commercial Districts, a new use or a use which expands by more than 30 percent of the gross floor area, which is within 100 feet of an R District may operate between 7 a.m. and 10 p.m. by right. Uses may operate between 10 p.m. and 7 a.m. if authorized by a conditional use permit and if it can be shown that the activity will be consistent with the environmental performance standards found in Section 17.64.260. Certain uses within Commercial Districts are not subject to the hours of operation restriction. These uses include:
- Banks (walk-up service only)
 - Mortuaries
 - Personal Improvement Services
 - Personal Services
 - Bed and Breakfast Inns
 - Offices with less than 15 employees working at one time
 - Small-Scale Industry Restricted Uses



Ordinance No. 6592 - 1994

Planning & Community Development Department



Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** March 21, 1994
FROM: CITY MANAGER
SUBJECT: ZONING AMENDMENTS SET IX, PART 1.

Hours of Operation

-- Eliminates separate hours of operation regulation for mini-malls, which will be governed by the underlying zone district rules.

-- Eliminates the current distinction as to application of the restriction between new and existing uses.



Ordinance No. 6592 - 1994

Planning & Community Development Department

SECTION 2.B. Paragraph 1 of Subsection (F) of the table entitled "**CO, CL, AND CG DISTRICTS: ADDITIONAL USE REGULATIONS**" found in Section 17.28.020 of the Pasadena Municipal Code is amended to read:

"(F) 1. Hours of Operation. **Commercial uses**, Industrial uses, Clubs and Lodges, and Cultural Institutions located on a site that is within 150 feet of an R district may operate between 7 a.m. and 10 p.m. by right; and between 10 p.m. and 7 a.m. subject to a conditional use permit. The following uses are not subject to this restriction:" [The remainder of the table is unchanged.]



Code Compliance Certificate

Planning & Community Development Department

- A Code Compliance Certificate is a form used to verify if a use complies with the Zoning Code and is part of the business license process. The form includes information about, but not limited to, land use, parking spaces, and hours of operation
- The hours of operation specified in the approved form are consistent with Zoning Code Section 17.40.070 (7am-10pm).
- The appellant submitted a Code Compliance Certificate, dated August 1, 2017, indicating that the hours of operation for the business would be 9:00 am to 10:00 pm. The form was approved by Planning.
- The applicant submitted a report analyzing the handwriting on the entry for the hours of operation, contending the hours of operation portion was completed by someone other than the applicant.



CU 2017-02566

APPLICATION FOR CODE COMPLIANCE CERTIFICATE

Certificate No.: _____ Application Date 8-1-17 NEW APPLICATION

RENEWAL APPLICATION

REQUIRED INFORMATION

Business Name Crown city Billiards & Lounge Phone Number 626-791-5114

Business Address 1312 N. LAKE AVE

City/State: PASADENA CA ZIP Code: 91104

Business Owner: FRANCISCO J YANEZ Phone Number 626-482-6213

Mailing Address 2848 MAXSON RD

City/State: EL Monte CA ZIP Code: 91732

Property Owner: chuck Stanislawski Phone Number 626-441-0330

Mailing Address 729 Mission St suit 100

City/State: South Pasadena ZIP Code: 91030

Provide a detailed description of business use: small Bar & pool tables

Hours of Operation: -9am - 10pm Number of Parking Spaces Provided Around 100 car

Square Footage of Office/Business Space 4020

Applicant's Signature F. Yanez Date 8-1-17

MISSING INFORMATION MAY CAUSE A DELAY IN THE PROCESSING OF YOUR APPLICATION

OFFICE USE ONLY	
Zoning Use Classification (for use described above)	<u>Bars & Taverns (previous operator Jerry's Billiards had been there since 1990)</u>
Permitted Use <input type="checkbox"/> YES <input type="checkbox"/> NO	Zoning District <u>CL-SP-1b</u>
Conditionally Permitted <input type="checkbox"/> YES <input type="checkbox"/> NO	If YES - C.U.# _____ (Attach decision letter)
Variance <input type="checkbox"/> YES <input type="checkbox"/> NO	If YES - Variance# _____ (Attach decision letter)
Nonconforming Use <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	(If YES, please describe nonconformity) _____
Code Required Number of Parking Spaces _____	Shared Parking Agreement: _____
<input checked="" type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied	Sign <u>[Signature]</u> Date <u>8-1-17</u>
Comments/Restrictions with Approval or reasons for Denial _____	

PASADENA

ABC APPLICATION – 1984/1985

REPORT ON APPLICATION FOR LICENSE UNDER ALCOHOLIC BEVERAGE CONTROL ACT

1. DIVISION SOUTHERN		2. DISTRICT/BRANCH EL MONTE		3. DATE 3/19/85	
4. NAME OF APPLICANT RAMIREZ, Juan A. & RODRIGUEZ, Roberto					
5. MAIL ADDRESS (IF DIFFERENT FROM PREMISES ADDRESS) Same			ZIP CODE		TEMP. OR PERM.
6. DBA Jerry's Family Billiards II			CENSUS TRACT 46024 M		
7. ADDRESS OF PREMISES 1322 North Lake Avenue, Pasadena (IN) 91104			ZIP CODE 91104-2		GEOGRAPHICAL CODE
8. LICENSES APPLIED FOR Type 40 Cond? 7		9. TYPE OF TRANSACTION (IF INTERCITY TRANSFER, SHOW TRANSFEROR'S COUNTY) New license			
10. TEMP. PERMIT ISSUED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO NUMBER		11. LICENSES ALREADY HELD NONE		12. EFF. DATE/EST. COMPLETION DATE. ISSUANCE	
13. COPIES MAILED DATE 10-29-84		14. DATE PREMISES POSTED 10-30-84		15. DATE PREMISES INSPECTED 11-7-84	
16. WHERE POSTED Window to left of front door, at eye level, dated 10-30-84					
17. PUBLICATION DATE AND NAME OF PUBLISHER 11-6-84; Pasadena Star News					
18. NAME AND ADDRESS OF TRANSFEROR NA					LICENSE NUMBER
19. DATE RENEWAL FEE PAID NA		RECEIPT NUMBER		AMOUNT	
20. PENDING DISCIPLINARY ACTION AGAINST TRANSFEROR (USE RED TYPE) NA					
21. TRANSFEROR'S LICENSE ORIGINALLY ISSUED DURING LAST 5 YEARS <input type="checkbox"/> YES IF YES: DATE <input type="checkbox"/> NO <input checked="" type="checkbox"/> NA		22. MAIL LICENSE TO D.O. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		23. HEARING TIME NA	
24. FORMER LICENSEE AT THESE PREMISES New premises					
25. LICENSE NUMBER		ABC-226 <input checked="" type="checkbox"/> N/A <input type="checkbox"/> ATTACHED		ABC-231 ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
26. REMARKS License to carry conditions restricting operation per Rule 61.4, proximity to churches, and law enforcement problem area (Petition attached.) Application originally protested by Pasadena Police Department; however, the protest was withdrawn on the acceptance of the above-mentioned conditions by the applicants.					
27. IF RECOMMENDATION IS DENIAL, USE RED TYPE					
RECOMMENDATION	INVESTIGATOR	DATE	SUPERVISOR	DATE	
CONDITIONAL APPROVAL:	<i>K. Haden</i>	<i>3/19/85</i>	<i>V. L. Welch</i>	<i>3-21-85</i>	
RECOMMENDATION	DISTRICT ADMINISTRATOR	DATE	FOR DIVISION REVIEW		
CONDITIONAL APPROVAL:	<i>Robert Ramirez</i>	<i>3/22/85</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<i>61.4 /</i>	
RECOMMENDATION	ASSISTANT DIRECTOR	DATE			
<i>Cond withdrawal of protest</i>					
SEE REVERSE FOR REPORT: 28. MORAL CHARACTER 29. PREMISES AND 30. FINANCING					
DO NOT WRITE BELOW					

PREMISES: Billiard Parlor

The premises is housed in a single-story commercial building, measuring approximately 28' by 128', on a four-lane thoroughfare in a commercial area. Hours of operation are from 11:00 am to 1:00 am, Sunday through Thursday and 11:00 am to 1:30 am, Friday and Saturday. There is no fixed bar. Off-street parking is provided for forty cars. Entertainment consists of a juke box, recorded music, pool tables, and coin-operated game machines. Applicants understand that they may not sell, serve, or allow consumption of alcoholic beverages during the restricted hours, per the attached conditions, though they are open for business during those hours.

LICENSE HISTORY:

The premises have never been licensed.

CONSIDERATION POINTS:

Victory Chapel, 1324 N. Lake, Pasadena, is located immediately adjacent to the premises, on the north. On 11-7-84, a letter was sent to this church advising of this application as no one was available when an area check was conducted and there is no phone listing.--To date, there has been no response or objection.

True Life Institute, 1332 N. Lake, Pasadena, is located approximately 84' airline distance north of the premises, separated by several businesses and the above-listed church. On 11-7-84, Voakes spoke with Minister Robert Lyon, who related that the church was experiencing no alcoholic-beverage related problems and had no objection to license issuance.

Unity Christian Church, 836 E. Washington, Pasadena, is located approximately 382' airline distance east of the premises, separated by a four-lane thoroughfare, businesses, parking lot, and driveway. On 11-7-84, a letter was sent to this church advising of this application, as no one was available when an area check was made and there was no answer to a phone call. To date, there has been no response or objection.

It does not appear that the addition of beer to this already-operating business will adversely affect the operation of these churches. To further eliminate the possibility of future disturbances, the applicants have petitioned for a conditional license. (Petition, attached.)

RULE 61.4:

Rule 61.4 applies as there are three residences within 100' of the premises' parking lot, as follows:

1303 Mentor, Pasadena, located approximately 13' airline distance south of the premises' parking lot, separated by a 5' block wall and yard.

ABC APPLICATION – 1984/1985

RAMIREZ, Juan A. & RODRIGUEZ, Roberto

-2-

EL MONTE

1291 Mentor, Pasadena, located approximately 73' airline distance south of the premises' parking lot, separated by a 5' block wall, yard, residence, driveway and yard.

1308 Mentor, Pasadena, located approximately 100' airline distance east of the premises' parking lot, separated by a two-lane street and yard.

On 11-7-84, letters were sent to these residents, advising them of this application, as no one was available when an area check was made. To date, there have been no response or objections.

It does not appear that the issuance of a Conditional license (Petition, attached) to this already-operating business will adversely affect these residents' quiet enjoyment of their properties.

RULE 61.3:

According to Pasadena Police Department Records Supervisor Richard O'Brien, the city does not keep the statistics to implement this Rule. Rule 61.3 does not apply.

A protest was received from Pasadena Police Department; however, on 2-19-85, Agent Diaz related that with the imposition of conditions as per the attached Petition, her Department would have no objection to license issuance. On 3/14/85, a letter withdrawing the protest was received.

ZONING:

On 11-14-84, E.J. Remson of the Pasadena Planning Department related that the premises is zoned "C2", which allows the operation of a Type 40 license.

rem