

McMillan, Acquanette (Netta)

From: julianna
Sent: Monday, March 27, 2023 9:30 AM
To: PublicComment-AutoResponse
Cc: 'julianna'; 'David Delgado'; 'Garth Garrett'; Amy Deavoll; 'Tina Miller'; 'martin ratliff'; Annette Yasin
Subject: RE: AGENDA ITEM #15 - QUASI-JUDICIAL ACTION - OPPOSITION TO CROWN CITY BILLIARDS & LOUNGE

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RE: Agenda Item #15. QUASI-JUDICIAL ACTION: 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 Members of the City Council,

I am writing as a Mentor Avenue resident and property owner for over twenty years and Past President of the Bungalow Heaven Neighborhood Association to urge you to uphold the Board of Zoning Appeal's unanimous decision to support Zoning Administrator's determination No. 56 and rule that Crown City Billiard's & Lounge ("the pool hall"), a legal nonconforming 'grandfathered' use that sells alcohol (beer and wine), located at 1312 North Lake Avenue and within 150 feet of a residential zoning district shall only be permitted to operate from 7am to 10pm, per Zoning Code Section 17.40.070 (Limited Hours of Operation). For many years, late-night pool hall patronage until at least 1am coupled with the use of the Block 5 parking lot to the rear for the convenience of patrons has severely negatively impacted the health, safety, and welfare of residents.

The applicant argues that a zoning restriction on the nonconforming pool hall's hours of operation, which had not been in effect at the time the business opened in the 1980's, is not applicable as the use has been continuous, and also constitutes a taking since it impacts negatively the business's financial success. On the contrary, the legal nonconforming use as a vested right did not deprive the owner the use of his property upon adoption of changes to the zoning ordinance but instead eliminated all competition as it allows him to reap the benefits of a windfall arising from his existing location and the prohibition against similar types of businesses coming into the district. At the same time, the use is not exempt from further reasonable regulations. All zoning is restrictive and the City's legitimate exercise of its police power to protect the health, safety, and welfare of the community, which the US Supreme Court first upheld in the landmark 1926 case, *Euclid v. Ambler*. The courts have subsequently held that a use that becomes nonconforming as a result of changes in zoning regulations is still subject to reasonable regulations under a city's police power to protect the public health, safety, and welfare that are enacted subsequent to the use being established (*Rhod-A-Zalea v. Snohomish County*, 1998). Pasadena's limitation on hours of operation to 10pm for businesses located within 150 feet of a residential zone, which was adopted after the pool hall first opened—as have similarly the City's probation on public indoor smoking or reduction in proliferation of liquor licenses—is both reasonable and non-discriminatory in that it applies to all commercial uses in the same zoning district regardless of original opening date.

Additionally, the use of Block 5, a cooperative lot to meet parking requirements for businesses along Lake Avenue and Washington Street, has become an attractive nuisance. The lot might also be considered 'legally nonconforming.' A parking lot at that location would not now be permitted in our residentially-zoned National Register historic district and demolishing the contributing historic homes to create the lot would also be prohibited. All businesses that have enjoyed Block 5 for parking have closed well before 10pm, except for the pool hall. When late-night pool hall patrons exit into the rear alley to the lot, after a rousing game and good time, they tend to be loud and/or inebriated and may linger together for some time, which disturbs the enjoyment of a good night's sleep for residents. Additionally, since it is rarely policed, the lot has become an attractive nuisance, a place for more dangerous, non-pool hall-related individuals for late-night 'partying,' drug use and dealing, or other illegal activities, often accompanied by the presence of firearms. Only when pool hall

operations were limited to 10pm and the lot became relatively empty and less attractive did residents begin to feel safe and enjoy some relief from the noise and trash.

Moreover, to operate the pool hall past 10pm, the applicant has the right and shall apply for a Conditional Use Permit (CUP). A CUP requires a public hearing before the Zoning Administrator and allows neighboring residents who are impacted by a use to participate in the decision. Some conditions for operating the pool hall after 10pm might include the following to curtail nuisances:

- Signs shall be erected in Block 5 reminding patrons to be quiet and respectful of neighbors.
- No parking shall be allowed in Block 5 after 10pm and the lot shut by physical barriers. Any vehicles remaining shall be cited and/or towed. Patrons may park along Lake Avenue without restrictions.
- After 10pm, ingress and egress shall be from the front entrance on Lake Avenue only.
- After 10pm, exiting from the rear of the business shall not be permitted for any reason except a bona fide emergency.
- No unaccompanied minors shall be allowed on the premises at any time; no minors shall be allowed on any day after 10pm.

In the interest of residents, please rule to restrict the pool hall's hours of operations from 7am to 10pm per Zoning Code Section 17.40.070 (Limited Hours of Operation) and recommend the appellant apply for a CUP if changes in hours are desired.

Thank you for your concern and consideration.
Sincerely,
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)

From: Carol Polanskey
Sent: Monday, March 27, 2023 11:29 AM
To: PublicComment-AutoResponse
Subject: Regarding the March 27 Council Meeting agenda item 15 - Crown City Billiards

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Dear City Council,

Regarding the March 27 Council Meeting agenda item 15:

15. **QUASI-JUDICIAL ACTION: APPEAL OF THE BOARD OF ZONING APPEALS' DECISION OF ZONING ADMINISTRATOR'S DETERMINATION NO. 56, 1312NORTH LAKE AVENUE - CROWN CITY BILLIARDS & LOUNGE, AKA JERRY'S FAMILY BILLIARDS** (Planning Dept.)

Recommendation: It is recommended that the City Council:

- (1) Uphold the Board of Zoning Appeals' decision and uphold the Zoning Administrator's Determination that the hours of operation for the business are between 7:00 am to 10:00 pm, pursuant to Zoning Code Section 17.40.070 (Limited Hours of Operation).

I'm writing to voice my support for upholding the Zoning decision that Crown City Billiards' hours of operation are between 7am and 10pm.

I will not be able to attend the meeting in person, so I'm writing to make the following points:

I have been a member of the bungalow heaven community for about 30 years, during which time my neighbors have reported continual late-night public-nuisance problems in the Block 5 parking lot, including the last few years when Crown City Billiards was the only business open past 10pm. Things have recently been much quieter when Crown City was complying with a 10pm closing time.

Crown City seems to claim that they have a Conditional Use permit, but no such permit exists. (See below for excerpt from Board of Zoning Appeals report.)

There is no reason why that particular commercial property has to remain a billiards hall for all time; however, there is a reason why there is a zoning law that limits hours of operation to 10pm when in close proximity to a residential area – it maintains a reasonable level of quality-of-life for the residents. That, and the basic facts of the case, are why the Zoning Board decision must be upheld.

Martin Ratliff

Pasadena

Excerpt from Board of Zoning Appeals report:

However, as it relates to the hours of operation, the applicant has not provided documentation that the City approved hours of operation between 10:00 pm and 7:00 am. Further, any ability to operate with nonconforming hours was abandoned when the appellant submitted the Code Compliance Certificate form and indicated that the business would operate from 9:00 am to 10:00 pm. The 2017 form was relied on by City staff to support the issuance of the Code Compliance Certificate. The approved hours of

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operation are consistent with Zoning Code Section 17.40.070; where a business may only operate between the hours of 7:00 am and 10:00 pm by-right when the site is within 150 feet of a residential zoning district.

A Conditional Use Permit would need to be approved to operate between the hours of 10:00 pm and 7:00 am. As of the date of this report, a Conditional Use Permit application has not been submitted.