



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: December 1, 2021

TO: Hearing Officer

SUBJECT: Revocation of Conditional Use Permit #2726

LOCATION: 72 North Fair Oaks Avenue

APPLICANT: City of Pasadena, Initiated by

ZONING DESIGNATION: CD-1, AD-1 (Central District Specific Plan, Old Pasadena Subdistrict, Alcohol Density Overlay 1)

GENERAL PLAN DESIGNATION: Medium Mixed Use

CASE PLANNER: Alison Walker

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Revocation of Conditional Use Permit #2726.

PROJECT PROPOSAL: Revocation of Conditional Use Permit #2726: A City-initiated public hearing to consider the revocation of Conditional Use Permit (CUP) #2726, originally approved by the Hearing Officer on August 18, 1993. CUP #2726 allows the sale of alcoholic beverages, live entertainment, and commercial entertainment in conjunction with the operation of a restaurant use. The current operator of is Der Wolfskopf. As authorized by Section 17.78.090 (Permit Revocation or Modification) of the Zoning Code, the Hearing Officer has the authority to revoke any discretionary land use permit, such as a Conditional Use Permit.

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15321, Class 21, Enforcement Actions by Regulatory Agencies), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15321 exempts actions by regulatory

agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered by the regulatory agency.

BACKGROUND:

Site characteristics: The subject site is located on east side of North Fair Oaks Avenue, between East Holly Street and East Union Street. The property is rectangular in shape with an area of approximately 23,700 square feet, with 132 feet of frontage along Fair Oaks Avenue. The site is developed with a one- and two-story commercial building, and basement tenant spaces. The existing business, Der Wolfskopf, occupies a first floor tenant space, with basement area, fronting on Fair Oaks Avenue.

Adjacent Uses: North: General Commercial and Residential
South: General Commercial
East: General Commercial
West: General Commercial

Adjacent Zoning: North: CD-1 (Central District Specific Plan, Old Pasadena Subdistrict)
South: CD-1 (Central District Specific Plan, Old Pasadena Subdistrict)
East: CD-1 (Central District Specific Plan, Old Pasadena Subdistrict)
West: PD-34 (100 West Walnut Planned Development)

Previous Cases: CUP #2726 – To allow the sale of alcoholic beverages, live entertainment, and commercial entertainment in conjunction with the operation of a restaurant use. Approved, by the Hearing Officer, on August 18, 1993.

Modification of CUP #2726 – A City-initiated public hearing to consider revocation of CUP#2726, originally approved by the Hearing Officer on August 18, 1993 for McMurphy’s. Revocation proceedings were initiated by the City as a result of violation of conditions of approval and problems related to alcohol sales (e.g. public intoxication and acts of violence). The Board of Zoning Appeals decided to approve modifications to the conditions of approval of CUP#2726, instead of revoking it, on September 13, 2001.

Six-Month Review of Modified CUP #2726 – A scheduled six-month review of Modified Conditional Use Permit #2726. Approved with additional modifications to the conditions by the Board of Zoning Appeals on March 20, 2002.

PROJECT DESCRIPTION:

The Zoning Administrator has determined that there are reasonable grounds for revocation of Conditional Use Permit (CUP) #2726. The CUP was originally approved by the Hearing Officer on August 18, 1993, and subsequently modified by the Board of Zoning Appeals on September 13, 2001 and March 20, 2002 due to violation of conditions of approval and problems related to alcohol sales (Attachment B) by a prior operator (McMurphy's). The revocation was originally scheduled to be heard on July 15, 2020, but the Hearing Officer decided to continue the case to a date uncertain to allow the property owner to work with the business owner to curtail the issues. This meeting is a continued public hearing. The CUP allows the sale of alcoholic beverages, live entertainment, and commercial entertainment in conjunction with the operation of a restaurant use. The current operator is Der Wolfskopf.

ANALYSIS:

Pursuant to Chapter 17.78 of the Zoning Code, upon a determination by the Zoning Administrator that there are reasonable grounds for revocation of a discretionary permit, a public hearing shall be scheduled by the Zoning Administrator before the review authority which originally approved the permit. The City's action to revoke the CUP shall have the effect of terminating the entitlement and denying the privileges granted by the original approval.

Acting on the provisions of Section 17.78.090 (Permit Revocation or Modification) of the Zoning Code, the City has the authority to revoke any discretionary land use permit, such as a Conditional Use Permit, if any one of the following findings of fact can be made in a positive manner:

- a. Circumstances under which the permit or entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit or entitlement can no longer be made in a positive manner and the public health, safety, and welfare require the revocation;
- b. The permit or entitlement was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application or in the applicant's testimony presented during the public hearing for the permit or entitlement;
- c. One or more of the conditions of the permit or entitlement have not been substantially fulfilled or have been violated;
- d. The exercise of rights granted by the permit or entitlement has been discontinued for a continuous period of at least 12 months;
- e. The improvement authorized in compliance with the permit or entitlement is in violation of any code, law, ordinance, regulation, or statute; or
- f. The improvement/use allowed by the permit or entitlement has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.

The Zoning Administrator has determined, pursuant to finding "c" that conditions of the CUP have not been substantially fulfilled and have been violated by Der Wolfskopf.

In response to community complaints indicating that Der Wolfskopf has been operating and selling alcohol into the late hours, the Pasadena Police Department and the Code Compliance

Division conducted inspections. The inspections revealed several violations to the conditions of approval of the CUP.

It should be noted that the complaints that were received and inspections completed in 2020 were conducted while the State of California and City of Pasadena's "safer-at-home" orders were in effect as a result of the COVID-19 pandemic.

Below is a list of conditions that were violated by Der Wolfskopf and the dates the violations were observed:

Condition No. 3: *The hours of operation shall be limited from 9:00 a.m. to 1:30 a.m., seven days per week. Alcoholic beverage service shall terminate at 1:00 a.m.*

On May 16, 2020, June 27, 2020, July 4, 2020, and September 4, 2021, the Pasadena Police Department and the Code Compliance Division observed that alcohol sales were being conducted after 1:00 a.m. and that Der Wolfskopf was operating beyond 1:30 a.m. Complaints received by the public indicated that at times Der Wolfskopf was operating until 5:00 a.m.

On May 3, 2021, the Pasadena Police Department responded to the business concerning a disturbance call related to a fight in progress at the location at approximately 3:07 a.m. 10 employees were on the premises after the required closing time. On July 17, 2021, Pasadena Police Department received a call at 2:01 a.m. related to a fight including 20 people at the location, which resulted in three arrests. Both violent incidents occurred inside the establishment beyond the 1:30 a.m.

Condition No. 6(a): *Food service shall remain open during the hours that alcoholic beverages are sold.*

On May 16, 2020, June 27, 2020 and July 4, 2020, the Pasadena Police Department and the Code Compliance Division observed that food service was not available during the hours that alcoholic beverages were sold; in violation of the condition.

Condition No. 8: *The applicant shall maintain a minimum of one licensed and uniformed security guard per 20 patrons during the hours of 8:00 p.m. and 1:00 a.m.*

On June 27, 2020, July 4, 2020, and September 4, 2021, the Pasadena Police Department and the Code Compliance Division observed that there was not a licensed and uniformed security guard ; in violation of the condition.

Condition No. 9(e): *Live entertainment and amplified or unamplified music shall terminate no later than 1:00 a.m. nightly.*

On May 16, 2020, June 27, 2020, July 4, 2020, and September 4, 2021, the Pasadena Police Department and the Code Compliance Division observed that amplified and/or unamplified music was played after 1:00 a.m. in violation of the condition.

The Zoning Administrator has also determined, pursuant to finding "f" above, that the use allowed by the CUP has become detrimental to the public health, safety, and welfare, and the manner of operation is creating a public nuisance.

The existing conditions of approval for CUP#2726 are a result of previous revocation and modification hearings that were held to address alcohol issues and concerns associated with a previous operator. Der Wolfskopf, as the current operator, is subject to the same conditions that were adopted in order to reduce the potential for alcohol-related problems.

As demonstrated above, City staff has documented several instances where conditions of approval were violated: Der Wolfskopf is selling alcohol beyond the permitted hours, food service is not available, security is not provided, and music is played beyond the time period permitted.

In addition to the violation of conditions of approval, Der Wolfskopf is operating in a manner that is detrimental to the public health, safety, and welfare, and is creating a public nuisance. During the COVID-19 pandemic, the business opened the dining room for gatherings and consumption of alcohol in violation of the State of California and City of Pasadena's "safer-at-home" orders—orders designed to slow the spread of the virus. Furthermore, activities occurring beyond the conditioned closing time of 1:30 a.m. at the site on May 3, 2021 and July 17, 2021 included violent fights that required Pasadena Police Department response. Such activities and operations pose a risk to public health, safety, and welfare.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15321, Class 21, Enforcement Actions by Regulatory Agencies), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15321 exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered by the regulatory agency.

CONCLUSION:

It is staff's determination that there are reasonable grounds for revocation of the CUP. The Pasadena Police Department and the Code Compliance Division have conducted inspections that revealed that conditions of approval are consistently being violated. Furthermore, staff has determined that the use allowed by the CUP has become detrimental to the public health, safety, and welfare, and the manner of operation is creating a public nuisance. Therefore, staff recommends that the Hearing Officer revoke CUP #2726 with the findings in Attachment A.

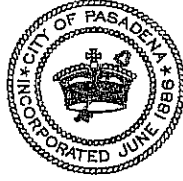
ATTACHMENTS:

- Attachment A: Specific Findings for Revocation
- Attachment B: Decision Letter for Modified CUP#2726, current conditions of approval, dated March 20, 2002
- Attachment C: Administrative Citations to Property Owner and Business Operator, May 16, 2020
- Attachment D: Memorandum from Code Compliance to Zoning Administrator, September 17, 2021

ATTACHMENT A
SPECIFIC FINDINGS FOR REVOCATION OF CONDITIONAL USE PERMIT #2726

- c) *One or more of the conditions of the permit or entitlement have not been substantially fulfilled or have been violated.* The Pasadena Police Department and the Code Compliance Division have conducted inspections that revealed that the current operator is in violation of conditions of approval no. 3, 6(a), 8, and 9(e).
- f) *The improvement/use allowed by the permit or entitlement has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.* The existing conditions of approval for CUP#2726 are a result of previous revocation and modification hearings that were held to address alcohol issues and concerns associated with a previous operator. Der Wolfskopf, as the current operator, is subject to the existing conditions that were adopted to reduce the potential for alcohol related problems. The current operator has violated several conditions of approval: Der Wolfskopf is selling alcohol beyond the permitted hours, food service is not available when required to be, required security is not provided, and music is played beyond the time period permitted. In addition, during the COVID-19 pandemic, the business opened the dining room for gatherings and consumption of alcohol in violation of the State of California and City of Pasadena's "safer-at-home" orders— orders designed to slow the spread of the virus. More recently, activities occurring beyond the conditioned closing time of 1:30 a.m. at the site on May 3, 2021 and July 17, 2021 included violent fights that required Pasadena Police Department response. As a result, Der Wolfskopf is operating in a manner that is detrimental to the public health, safety, and welfare, and is creating a public nuisance

ATTACHMENT B



PLANNING & DEVELOPMENT DEPARTMENT PLANNING DIVISION

March 22, 2002

Eric Leitstein
3105 Oceanfront Walk
San Diego, CA 92109

**RE: Conditional Use Permit #2726
72 North Fair Oaks Avenue
Council District #3**

Dear Mr. Leitstein:

Your review hearing regarding **Conditional Use Permit #2726** at **72 North Fair Oaks Avenue**, was considered by the **Board of Zoning Appeals** on **March 20, 2002**.

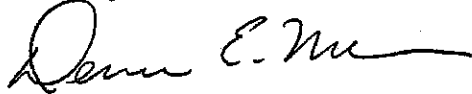
CONDITIONAL USE PERMIT – Six month review hearing for modification of conditions for **Conditional Use Permit #2726**, issued to **McMurphy's Tavern** on **September 13, 2001**.

The **Board of Zoning Appeals** decided to **modify** the existing conditions of the **Conditional Use Permit** as shown on **Attachment A** to this letter.

This decision of the **Board of Zoning Appeals** is not subject to appeal, and will become effective on the eleventh day from the date of the decision. The effective date of this case will be **April 2, 2002**. However, prior to the effective date, a member of the **City Council** may stay the decision and request that it be called for review to the **City Council**.

This project has been determined to be exempt from environmental review pursuant to the guidelines of the **California Environmental Quality Act** (**Public Resources Code §21080(b)(9)**; **Administrative Code, Title 14, Chapter 3, §15301, Existing Facilities**, and **§15321, Enforcement Actions by Regulatory Agencies**).

Sincerely,



Denver E. Miller
Zoning Administrator

DEM:ljo:ac

Enclosures: Attachment A, Attachment B

xc: Planning Commission (9), City Council, City Clerk,
Building Division, Public Works, County Assessor, Power
Division, Water Division, Design & Historic Preservation,
Hearing Officer, Code Enforcement, File, Decision Letter
Binder.

APPROVED FOR THE BOARD OF SUPERVISORS
DATE: 11/11/08

ATTACHMENT "A"
BOARD OF ZONING APPEALS CONDITIONS OF APPROVAL
MODIFYING CONDITIONAL USE PERMIT #2726 3/20/02

1. Alcoholic beverages shall not be served in disposable containers except as required by the Public Safety Office of the Police Department.
2. Signs advertising brands of alcoholic beverages for sale at the subject site shall not be visible from anywhere off the site.
3. The hours of operation shall be limited from 9:00 a.m. to 1:30 a.m., seven days per week. Alcoholic beverage service shall terminate at 1:00 a.m.
4. Video cameras for safety and security purposes shall be installed on the premises and continually maintained in good and working condition. Video cameras shall be positioned to monitor the building entrances and exits, dance floors, and rear courtyard area. The business owner or his/her designated representative shall instruct the company or individual installing the surveillance equipment to position the cameras to maximize the quality of facial and body images and to avoid backlighting and physical obstructions. The cameras shall remain operative during business hours and videotapes shall be retained for a minimum period of 48 hours. Videotapes shall be made available to the Pasadena Police Department upon request.
5. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
6. The applicant shall undertake the following preventive measures to reduce potential for alcohol related problems to occur:
 - a. Food service shall remain open during the hours that alcoholic beverages are sold.
 - b. The applicant shall stock the bar with coffee and/or a variety of non-alcoholic drinks.
 - c. The applicant shall post dial-a ride and taxicab phone numbers in a conspicuous place for customers.
 - d. All alcohol service personnel, along with management staff, shall participate in the L.E.A.D. (Licensee Education on Alcohol and Drugs) State-sponsored alcohol service-training program. Within 60 days of the effective date of this action, a copy of a certificate of such training for all alcohol service personnel and management staff shall be submitted to the Zoning Administrator for inclusion in the file. Any new employees shall participate in L.E.A.D. training within 60 days from their date of hire and a copy of a certificate of such training shall be filed with the Zoning Administrator for inclusion in the file.
 - e. No drink specials shall be offered after 7 p.m.
 - f. No alcohol over 100 proof shall be served.

13. The project, Planning Activity Number 93-CUP2726, was approved with new and modified conditions and is subject to the Condition Monitoring Program by the City. Condition Monitoring is required for the project. Under the Monitoring Program, the project will be inspected by Code Compliance Staff to determine compliance with the conditions of approval. Required monitoring fees for setup and inspections shall be paid within 30 days of the effective date of this action. Contact the Code Compliance Staff at (626) 744-4633 to verify the fee. All fees are to be paid to the cashier at the Permit Center located at 175 N. Garfield Avenue. The cashier will ask for the activity number provided above. Failure to pay the required monitoring fee may result in revocation proceedings of this entitlement.
14. The applicant shall maintain a larger food menu making the atmosphere more of a restaurant-style establishment. The applicant shall make every effort for the sale of alcoholic beverages to be incidental to the sale of food. The applicant/operator shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the applicant/operator. Said records shall be kept no less frequently than a quarterly basis, aggregated, summarized, and made available to the Department of Building and Safety, Office of Zoning Administrator, or Department of Alcoholic Beverage Control upon request.
15. McMurphy's Tavern shall remain in compliance with the floor plans approved on March 20, 2002, which provides for a full service restaurant. Any modifications shall require review and approval by the Zoning Administrator. The dance floor area shall not exceed 242 square feet and shall permit the removal of no more than six tables and related chairs. The stage floor area shall not expand beyond what is indicated on the plans. There shall be no pool tables, or video games. The Zoning Administrator may work with the applicant to redesign the front of the restaurant.
16. The applicant shall hire an additional floor manager to help manage the dancing crowd.
17. McMurphy's Tavern shall execute a written waiver, waiving their rights to an administrative hearing under Section 1.25.100 of the Pasadena Municipal Code and agreeing that the meetings of the Board of Zoning Appeals held on August 29, 2001 and September 13, 2001, be deemed the applicable administrative hearing under Chapter 1.25 of the Pasadena Municipal Code. McMurphy's Tavern voluntarily agrees to the payment of a fee based on a cost recovery estimate of the administrative costs of the revocation proceedings. Within 30 days of being notified of the amount due, the appellant shall reimburse the City for its administrative costs related to this revocation proceeding. The administrative costs shall include any and all costs incurred by the city in preparation and conducting the revocation proceedings. Such costs shall include, but not be limited to those costs referenced in Section 1.25.170 of the Pasadena Municipal Code.

ATTACHMENT C



City of Pasadena
Planning & Community Development
Code Compliance Division
 175 N Garfield Avenue
 Pasadena, CA 91101
 Phone: 626-744-8633

Administrative Citation

Case Number: **CTP2020-10137**

Date of Violation (s): **05/16/2020**

Citation/Invoice Number: INV-00001775

Owner: Peter Cohen

Mailing Address

Peter Cohen
 8665 WILSHIRE BLVD 410
 BEVERLY HILLS, CA 90211-2933

Location of code Violation(s):

Address

Parcel

72 N FAIR OAKS AVE COMMERCIAL BUILDING
 PASADENA, CA 91103

5723-022-018

Description of Violation(s):

Violation: P.M.C. 17.78.060 - Zoning Violations

Zoning Violations: Any use of land or structure operated or maintained contrary to the provisions of this Zoning Code, any structure constructed or maintained contrary to the provisions of this Zoning Code, and any conditions of land use permit or subdivision approval not properly complied with shall be subject to the following:

A. Public nuisance. Any use or structure which is altered, constructed, converted, enlarged, erected, established, installed, maintained, moved, operated, set up, or used contrary to the provisions of this Zoning Code, including the failure to comply with or carry out any condition attached to the grant of any Certificate of Appropriateness, Conditional Use Permit, Variance, or other permit or entitlement granted in compliance with this Zoning Code, is hereby declared to be unlawful and a public nuisance and shall be:

1. Subject to the remedies and penalties identified in this Chapter and Chapter 14.50 (Property Maintenance and Nuisance Abatement) of the Municipal Code;
2. Subject to the remedies and penalties identified in Chapters 1.25 (Administrative Penalties — Compliance Orders) and 1.26 (Administrative Penalties — Citations) of the Municipal Code; and
3. Summarily abated by this City.

B. Stop Work Order.

1. Any construction in violation of this Zoning Code or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order".
2. Any violation of a Stop Work Order shall be subject to the penalties described in Subsection A. above.

Corrective Action: Stop Serving alcohol past 1:00 A.M. Violations of CUP #3

Compliance Date: 05/16/2020

4th Citation: \$1,000.00

Violation: P.M.C. 17.78.060 - Zoning Violations

Zoning Violations: Any use of land or structure operated or maintained contrary to the provisions of this Zoning Code, any structure constructed or maintained contrary to the provisions of this Zoning Code, and any conditions of land use permit or subdivision approval not properly complied with shall be subject to the following:

A. Public nuisance. Any use or structure which is altered, constructed, converted, enlarged, erected, established, installed, maintained, moved, operated, set up, or used contrary to the provisions of this Zoning Code, including the failure to comply with or carry out any condition attached to the grant of any Certificate of Appropriateness, Conditional Use Permit, Variance, or other permit or entitlement granted in compliance with this Zoning Code, is hereby declared to be unlawful and a public nuisance and shall be:

1. Subject to the remedies and penalties identified in this Chapter and Chapter 14.50 (Property Maintenance and Nuisance Abatement) of the Municipal Code;
2. Subject to the remedies and penalties identified in Chapters 1.25 (Administrative Penalties — Compliance Orders) and 1.26 (Administrative Penalties — Citations) of the Municipal Code; and
3. Summarily abated by this City.



City of Pasadena
Planning & Community Development
Code Compliance Division
 175 N Garfield Avenue
 Pasadena, CA 91101
 Phone: 626-744-8633

Administrative Citation

Case Number: **CTP2020-10137**

Date of Violation (s): **05/16/2020**

B. Stop Work Order.

1. Any construction in violation of this Zoning Code or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order".
2. Any violation of a Stop Work Order shall be subject to the penalties described in Subsection A. above.

Corrective Action: Food service required while alcohol is sold. Violations of CUP # 6a

Compliance Date: 05/16/2020

4th Citation: \$1,000.00

Violation: P.M.C. 17.78.060 - Zoning Violations

Zoning Violations: Any use of land or structure operated or maintained contrary to the provisions of this Zoning Code, any structure constructed or maintained contrary to the provisions of this Zoning Code, and any conditions of land use permit or subdivision approval not properly complied with shall be subject to the following:

A. Public nuisance. Any use or structure which is altered, constructed, converted, enlarged, erected, established, installed, maintained, moved, operated, set up, or used contrary to the provisions of this Zoning Code, including the failure to comply with or carry out any condition attached to the grant of any Certificate of Appropriateness, Conditional Use Permit, Variance, or other permit or entitlement granted in compliance with this Zoning Code, is hereby declared to be unlawful and a public nuisance and shall be:

1. Subject to the remedies and penalties identified in this Chapter and Chapter 14.50 (Property Maintenance and Nuisance Abatement) of the Municipal Code;
2. Subject to the remedies and penalties identified in Chapters 1.25 (Administrative Penalties — Compliance Orders) and 1.26 (Administrative Penalties — Citations) of the Municipal Code; and
3. Summarily abated by this City.

B. Stop Work Order.

1. Any construction in violation of this Zoning Code or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order".
2. Any violation of a Stop Work Order shall be subject to the penalties described in Subsection A. above.

Corrective Action: Stop Operating past 1:30 A.M. Violations of CUP #9e

Compliance Date: 05/16/2020

4th Citation: \$1,000.00

Violation: P.M.C. 17.78.060 - Zoning Violations

Zoning Violations: Any use of land or structure operated or maintained contrary to the provisions of this Zoning Code, any structure constructed or maintained contrary to the provisions of this Zoning Code, and any conditions of land use permit or subdivision approval not properly complied with shall be subject to the following:

A. Public nuisance. Any use or structure which is altered, constructed, converted, enlarged, erected, established, installed, maintained, moved, operated, set up, or used contrary to the provisions of this Zoning Code, including the failure to comply with or carry out any condition attached to the grant of any Certificate of Appropriateness, Conditional Use Permit, Variance, or other permit or entitlement granted in compliance with this Zoning Code, is hereby declared to be unlawful and a public nuisance and shall be:

1. Subject to the remedies and penalties identified in this Chapter and Chapter 14.50 (Property Maintenance and Nuisance Abatement) of the Municipal Code;
2. Subject to the remedies and penalties identified in Chapters 1.25 (Administrative Penalties — Compliance Orders) and 1.26 (Administrative Penalties — Citations) of the Municipal Code; and
3. Summarily abated by this City.

B. Stop Work Order.

1. Any construction in violation of this Zoning Code or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order".
2. Any violation of a Stop Work Order shall be subject to the penalties described in Subsection A. above.

Corrective Action: Must meet applicable code requirements for all other departments. Violations of CUP #5

Compliance Date: 05/16/2020

4th Citation: \$1,000.00

Penalties Total Amount: \$4,000.00



City of Pasadena
Planning & Community Development
Code Compliance Division
175 N Garfield Avenue
Pasadena, CA 91101
Phone: 626-744-8633

Administrative Citation

Case Number: **CTP2020-10137**

Date of Violation (s): **05/16/2020**

Failure to correct the violation(s) by the date indicated may result in the imposition of a citation with fine (P.M.C 1.26.060)

If you have any questions please contact :

Robert Cravens
Code Compliance Officer
Phone: (626) 744-4201
Email: rcravens@cityofpasadena.net



City of Pasadena
Planning & Community Development
Code Compliance Division
175 N Garfield Avenue
Pasadena, CA 91101
Phone: 626-744-8633

Administrative Citation

Case Number: **CTP2020-10137**

Date of Violation (s): **05/16/2020**

Payment must be made within 30 days from the date of this citation. If you would like to appeal this citation, a request for an administrative citation hearing must be submitted within 30 days from the date of service of this citation. A deposit or payment of the total fine due is required in order to schedule a hearing.

Pursuant to Chapter 1.25 and 1.26 of Title I of the Pasadena Municipal Code, administrative citations may be issued for certain municipal code violations. The penalties for each violation are progressive. Issuance of additional citation(s) does not eliminate the previous citation(s), all fines/fees are due no more than 30 days from the issuance date of the citation. Payment of the penalty does not excuse the failure to correct the violation. In addition, correcting the violation(s) within the established deadline will not result in the waiver of the fine.

TO SATISFY THIS CITATION

PAY THE PENALTY

Each day or portion of the day during which a violation continues constitutes a separate offense for which you may be charged. Payment of the amount indicated will not preclude a charge and/or prosecution for each day or portion of a day for which any violation continues. The City may pursue other alternatives to remedy the violations.

You must do one of the following within 30 days of this notice:

- Pay the amount online at <https://www.cityofpasadena.net/citations/>
- Pay the amount of the fine by mail. See below for address and information.
- Pay this fine in person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Thursday. The Permit Center will be open alternating Fridays only with new, extended hours of 8:00 a.m. - 3:00 p.m. The Permit Center will be closed to the public on the opposite Fridays in accordance with the City's 9/80 Plan closed Friday schedule. You can view the closed Friday schedule at: <https://www.cityofpasadena.net/planning/scheduled-city-closure-980-plan/>. The Permit Center is closed on all legal holidays.

MAKE PAYMENTS

Make check or money order payable to: **The City of Pasadena** and mail to:

Code Enforcement Division
175 N Garfield Ave Pasadena CA 91101

DO NOT send cash. Write the case number, citation number and address of violation on the check or money order.

IF YOU WISH TO CONTEST THE VIOLATION AND FINE

You should appear at the Pasadena Permit Center and request an Administrative Hearing application. You must state in writing your reasons for contesting the citation. You must also deposit the full amount of the total penalty indicated on the citation, unless the City finds that you are financially unable to do so. Financial hardship penalty waiver forms are available upon request. The City will waive the deposit with the required documented proof of financial hardship. The hearing will be scheduled no later than sixty (60) days after receipt of the written request. You must complete a hearing application in person within thirty (30) days of the issuance of the citation, at the address below:

Pasadena Permit Center
Attn: Code Compliance Division
175 North Garfield Avenue
Pasadena, CA 91101
(626) 744-8633

LATE PAYMENT INFORMATION

If no response is made to all violations listed on this form within 30 day: (1) This matter will be referred to Collections and additional fees will be applied (2) The city may commence prosecution for the violation(s) or pursue other legal remedies.



City of Pasadena
Planning & Community Development
Code Compliance Division
 175 N Garfield Avenue
 Pasadena, CA 91101
 Phone: 626-744-8633

Administrative Citation

Case Number: **CTP2020-10137**

Date of Violation (s): **05/16/2020**

Business: Crystal Aceves

Citation/Invoice Number: INV-00001775

Mailing Address

Crystal Aceves
 22 W Green ST 311
 Pasadena, CA 91101

Location of code Violation(s):

Address

Parcel

72 N FAIR OAKS AVE COMMERCIAL BUILDING
 PASADENA, CA 91103

5723-022-018

Description of Violation(s):

Violation: P.M.C. 17.78.060 - Zoning Violations

Zoning Violations: Any use of land or structure operated or maintained contrary to the provisions of this Zoning Code, any structure constructed or maintained contrary to the provisions of this Zoning Code, and any conditions of land use permit or subdivision approval not properly complied with shall be subject to the following:

A. Public nuisance. Any use or structure which is altered, constructed, converted, enlarged, erected, established, installed, maintained, moved, operated, set up, or used contrary to the provisions of this Zoning Code, including the failure to comply with or carry out any condition attached to the grant of any Certificate of Appropriateness, Conditional Use Permit, Variance, or other permit or entitlement granted in compliance with this Zoning Code, is hereby declared to be unlawful and a public nuisance and shall be:

1. Subject to the remedies and penalties identified in this Chapter and Chapter 14.50 (Property Maintenance and Nuisance Abatement) of the Municipal Code;
2. Subject to the remedies and penalties identified in Chapters 1.25 (Administrative Penalties — Compliance Orders) and 1.26 (Administrative Penalties — Citations) of the Municipal Code; and
3. Summarily abated by this City.

B. Stop Work Order.

1. Any construction in violation of this Zoning Code or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order".
2. Any violation of a Stop Work Order shall be subject to the penalties described in Subsection A. above.

Corrective Action: Stop Serving alcohol past 1:00 A.M.Violations of CUP #3

Compliance Date: 05/16/2020

4th Citation: \$1,000.00

Violation: P.M.C. 17.78.060 - Zoning Violations

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City of Pasadena
Planning & Community Development
Code Compliance Division
 175 N Garfield Avenue
 Pasadena, CA 91101
 Phone: 626-744-8633

Administrative Citation

Case Number: **CTP2020-10137**

Date of Violation (s): **05/16/2020**

B. Stop Work Order.

1. Any construction in violation of this Zoning Code or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order".
2. Any violation of a Stop Work Order shall be subject to the penalties described in Subsection A. above.

Corrective Action: Food service required while alcohol is sold. Violations of CUP # 6a

Compliance Date: 05/16/2020

4th Citation: \$1,000.00

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3. Summarily abated by this City.

B. Stop Work Order.

1. Any construction in violation of this Zoning Code or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order".
2. Any violation of a Stop Work Order shall be subject to the penalties described in Subsection A. above.

Corrective Action: Stop Operating past 1:30 A.M. Violations of CUP #9e

Compliance Date: 05/16/2020

4th Citation: \$1,000.00

Violation: P.M.C. 17.78.060 - Zoning Violations

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2. Any violation of a Stop Work Order shall be subject to the penalties described in Subsection A. above.

Corrective Action: Must meet applicable code requirements for all other departments. Violations of CUP #5

Compliance Date: 05/16/2020

4th Citation: \$1,000.00

Penalties Total Amount: \$4,000.00



City of Pasadena
Planning & Community Development
Code Compliance Division
175 N Garfield Avenue
Pasadena, CA 91101
Phone: 626-744-8633

Administrative Citation

Case Number: **CTP2020-10137**

Date of Violation (s): **05/16/2020**

Failure to correct the violation(s) by the date indicated may result in the imposition of a citation with fine (P.M.C 1.26.060)

If you have any questions please contact :

Robert Cravens
Code Compliance Officer
Phone: (626) 744-4201
Email: rcravens@cityofpasadena.net



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Payment must be made within 30 days from the date of this citation. If you would like to appeal this citation, a request for an administrative citation hearing must be submitted within 30 days from the date of service of this citation. A deposit or payment of the total fine due is required in order to schedule a hearing.

Pursuant to Chapter 1.25 and 1.26 of Title I of the Pasadena Municipal Code, administrative citations may be issued for certain municipal code violations. The penalties for each violation are progressive. Issuance of additional citation(s) does not eliminate the previous citation(s), all fines/fees are due no more than 30 days from the issuance date of the citation. Payment of the penalty does not excuse the failure to correct the violation. In addition, correcting the violation(s) within the established deadline will not result in the waiver of the fine.

TO SATISFY THIS CITATION

PAY THE PENALTY

Each day or portion of the day during which a violation continues constitutes a separate offense for which you may be charged. Payment of the amount indicated will not preclude a charge and/or prosecution for each day or portion of a day for which any violation continues. The City may pursue other alternatives to remedy the violations.

You must do one of the following within 30 days of this notice:

- Pay the amount online at <https://www.cityofpasadena.net/citations/>
- Pay the amount of the fine by mail. See below for address and information.
- Pay this fine in person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Thursday. The Permit Center will be open alternating Fridays only with new, extended hours of 8:00 a.m. - 3:00 p.m. The Permit Center will be closed to the public on the opposite Fridays in accordance with the City's 9/80 Plan closed Friday schedule. You can view the closed Friday schedule at: <https://www.cityofpasadena.net/planning/scheduled-city-closure-980-plan/>. The Permit Center is closed on all legal holidays.

MAKE PAYMENTS

Make check or money order payable to: **The City of Pasadena** and mail to:

Code Enforcement Division
175 N Garfield Ave Pasadena CA 91101

DO NOT send cash. Write the case number, citation number and address of violation on the check or money order.

IF YOU WISH TO CONTEST THE VIOLATION AND FINE

You should appear at the Pasadena Permit Center and request an Administrative Hearing application. You must state in writing your reasons for contesting the citation. You must also deposit the full amount of the total penalty indicated on the citation, unless the City finds that you are financially unable to do so. Financial hardship penalty waiver forms are available upon request. The City will waive the deposit with the required documented proof of financial hardship. The hearing will be scheduled no later than sixty (60) days after receipt of the written request. You must complete a hearing application in person within thirty (30) days of the issuance of the citation, at the address below:

Pasadena Permit Center
Attn: Code Compliance Division
175 North Garfield Avenue
Pasadena, CA 91101
(626) 744-8633

LATE PAYMENT INFORMATION

If no response is made to all violations listed on this form within 30 day: (1) This matter will be referred to Collections and additional fees will be applied (2) The city may commence prosecution for the violation(s) or pursue other legal remedies.

ATTACHMENT D



MEMORANDUM

TO: Luis Rocha, Zoning Administrator

FROM: Javier Marquez, Code Enforcement Officer

DATE: September 17, 2021

SUBJECT: 72 N. Fair Oaks – Violations of Conditional Use Permit #2726 (5/16/20, 6/27/20, 7/4/20, 7/4/21, 10/23/21)

May 8, 2020 Incident

Code Compliance and the Police Department had received multiple complaints that Der Wolfkopf Restaurant was open and operating as a nightclub/stripclub. On May 8, 2020, the Police Department conducted an inspection at approximately 9:30 P.M., 12 occupants were found, some of which were drinking. Marcos Huerta identified himself as the business owner and indicated that the persons on the property were assisting with a light remodel (there was evidence of construction). I spoke with Marcos Huerta on May 13, 2020, I made him aware of the Safer at Home Order (restaurants required to be closed for onsite dining at this time), and potential Conditional Use Permit violations. Mr. Huerta assured me that the restaurant will remain closed.

May 16, 2020 Incident

Continued complaints were received. On May 16, 2020, a Police Department covert operation was conducted. The front door to Der Wolfkopf was closed, the undercover officers accessed the interior of Der Wolfkopf via the alley. There were 9 patrons observed in the bar, in addition, business owner of record, Crystal Aceves was behind the bar. Police officers identified themselves and made Ms. Aceves aware that the business was operating in violation of the Safer at Home Order and Conditional Use Permit; bar tab receipts were found and documented. I had a conversation with Melissa Marsh (Property Manager at Cardinal Equities) on June 24, 2020, making her aware of Safer at Home and Conditional Use Permit violations. I informed Ms. Marsh that her tenant's violations were egregious and could result in the revocation of the Conditional Use Permit. On June 24, 2020, a Code Compliance administrative citation was issued to the property owner (Cardinal Equities c/o Peter Cohen) and Ms. Aceves for the following Conditional Use Permit violations:

PMC 17.78.060 – CUP Condition #3

The hours of operation shall be limited until 1:30 A.M., and alcoholic beverage service shall terminate at 1:00 A.M.

PMC 17.78.060, CUP Condition #5

Non-compliance with Safer at Home Order – Must meet applicable code requirements for all other departments.

PMC 17.78.060, CUP Condition #6(A)

Food service shall remain open during the hours that alcoholic beverages are sold.

PMC 17.78.060 – CUP Condition #9(E)

Live entertainment and amplified or unamplified music shall terminate no later than 1:00 A.M. nightly.

The City Prosecutor's Office filed charges against Der Wolfskopf and Crystal Aceves for three criminal violations. The charges are HS 120175 – Violation of an Emergency Order, PMC 2.370.120(B) – Violation of an Emergency Order and PMC 8.04.030 – Violation of an Emergency Order. The charges stem from the incident that occurred on May 16, 2020. Charges were filed on June 29, 2020, arraignment for both parties is scheduled for July 22, 2020.

June 27, 2020 Incident

Continued complaints were received. On June 27, 2020, the Police Department conducted a follow-up covert operation. Police officers observed a bouncer in the lower area of the bar, they were denied access and told entry required a \$1,000 table service. Ms. Aceves was identified in inside Der Wolfskopf at the time of the detail. At 1:15 A.M. the undercover police officers were asked to leave. The following Conditional Use Permit violations were observed:

PMC 17.78.060, CUP Condition #6(A)

Food service shall remain open during the hours that alcoholic beverages are sold.

PMC 17.78.060, CUP Condition #5

Non-compliance with Safer at Home Order – Must meet applicable code requirements for all other departments

PMC 17.78.060 – CUP Condition #9(E)

Live entertainment and amplified or unamplified music shall terminate no later than 1:00 A.M. nightly.

June 3-4, 2020 Incident

Continued complaints were received. On June 3, 2020, the Police Department conducted a follow-up covert operation. Ms. Aceves was identified in inside Der Wolfskopf at the time of the detail. Undercover officers were denied food, told kitchen closed at 11:00 P.M. and were able to order drinks until June, 4, 2020 at 1:08 A.M. The following Conditional Use Permit violations were observed:

PMC 17.78.060 – CUP Condition #3

The hours of operation shall be limited until 1:30 A.M., and alcoholic beverage service shall terminate at 1:00 A.M.

PMC 17.78.060, CUP Condition #5

Non-compliance with Safer at Home Order – Must meet applicable code requirements for all other departments.

PMC 17.78.060, CUP Condition #6(A)

Food service shall remain open during the hours that alcoholic beverages are sold.

PMC 17.78.060 – CUP Condition #8

Maintain a minimum of one licensed and uniformed security guard per 20 patrons during the hours of 8:00 PM to 1:00 A.M.

PMC 17.78.060 – CUP Condition #9(E)

Live entertainment and amplified or unamplified music shall terminate no later than 1:00 A.M. nightly.

May 3, 2021 Incident

Continued complaints were received. On May 3, 2021, the Pasadena Police Department responded to the business concerning a disturbance call related to a fight in progress at the location. The incident occurred at approximately 3:07 am, though the business was closed, there were approximately ten (10) employees occupying the establishment after required closing hours. Code compliance confirmed the following violations:

PMC 17.78.060 – CUP Condition #3

The hours of operation shall be limited until 1:30 A.M

September 4, 2021 Incident

Continued complaints were received. On September 4, 2021 Code Compliance and the Pasadena Police Department conducted a compliance check of the business. Manager Jay Owens was on site and contacted about the compliance inspection. Code Officer confirmed the following violations:

PMC 17.78.060 – CUP Condition #3

The hours of operation shall be limited until 1:30 A.M., and alcoholic beverage service shall terminate at 1:00 A.M.

PMC 17.78.060, CUP Condition #9

Non-compliance with no live entertainment or amplified music past 12:30 am nightly

PMC 17.78.060 – CUP Condition #8

Maintain a minimum of one licensed and uniformed security guard per 20 patrons during the hours of 8:00 PM to 1:00 A.M.

PMC 17.78.060 – CUP Condition #9(E)

Live entertainment and amplified or unamplified music shall terminate no later than 1:00 A.M. nightly.

PMC 17.78.060 – CUP Condition #3 Operating hours

The hours of operation shall be limited until 1:30 A.M.

October 23, 2021 Incident

Continued complaints were received. On October 23, 2021, the Police Department received three loud music complaints. At 11:09 P.M. Officers responded to a loud music call where Sgt. S. Gomez spoke to the on-site manager at the location and instructed him to have the DJ turn down the music and reminded him of the CUP regulations as they pertain to music at the location. Music from Der Wolf could be heard from the intersections of Holly St. and Fair Oak Blvd. Subsequently, the music could be heard from the intersection of Holly St. and Raymond Ave. which both locations are approximately 60 feet from the business location.