

ATTACHMENT B

BZA Decision Letter dated August 24, 2021



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

August 24, 2021

Sadvipra LLC
Josemar Mercado, Agent for Service of Process
150 Deodar Lane
Bradbury, CA 91008

RE: Zoning Administrator's Determination #55
1450 North Fair Oaks Avenue
AIN# 5728-011-022
Council District #1

ZLR2021-00068

Dear Mr. Mercado:

The Appeal of the **Zoning Administrator's Determination #55** at **1450 North Fair Oaks Avenue** was considered by the **Board of Zoning Appeals** on **August 19, 2021**.

ZONING ADMINISTRATOR DETERMINATION #55: Appeal of a determination by the Zoning Administrator that a Medical Services – Extended Care land use lost its nonconforming status pursuant to PMC Section 17.71.060.B1 (Termination of Nonconforming Use by Discontinuance).

At the conclusion of the public hearing, a motion was made to uphold the Zoning Administrator's Determination that the nonconforming Medical Services – Extended Care land use at 1450 North Fair Oaks lost its nonconforming status due to disuse that resulted in a 4-0 vote by the members present. As a result, action was taken to **uphold** Zoning Administrator Determination #55.

You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Board of Zoning Appeals has the right to appeal this decision within **ten days (August 30, 2021)**. The effective date of this case will be **August 31, 2021**. Prior to such effective date, a member of the City Council may request that it be called for review to the City Council. However, if there is a request for a call for review, the appeal period will continue to run. If the tenth day falls on a day when City offices are closed, the appeal deadline shall be extended through the next day when offices are open. The decision becomes effective on the eleventh day from the date of the decision. The regular Appeal fee is \$236.90.

For further information regarding this case please contact **Jennifer Driver** at **(626) 744-6756** or jdriver@cityofpasadena.net.

Sincerely,



Luis Rocha
Zoning Administrator

Enclosure: Attachment A (Zoning Administrator Determination #55)

xc: City Manager, City Clerk, City Council, City Council District Liaison, Building Division, Public Works, Design and Historic Preservation, Department of Transportation, Code Compliance, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
ZONING ADMINISTRATOR'S DETERMINATION #55



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

VIA REGULAR AND CERTIFIED MAIL

June 16, 2021

1450 North Fair Oaks LLC
Josemar Mercado, Agent for Service of Process
150 Deodar Lane
Bradbury, CA. 91008

Sadvipra LLC
Josemar Mercado, Agent for Service of Process
150 Deodar Lane
Bradbury, CA. 91008

SUBJECT: 1450 N. FAIR OAKS AVENUE - LOSS OF NON-CONFORMING STATUS

Dear Mr. Mercado:

This letter is to inform you that the property located at 1450 N. Fair Oaks Avenue, situated in Pasadena's FGSP-RM-16 zoning district and operated as a 96 bed convalescent facility until June 10, 2020, has lost its' non-conforming status through disuse. Such disuse was precipitated by the California Department of Public Health issuing a Temporary Suspension of the facility's license on June 10, 2020, and a June 11, 2020, decision to evacuate all residents based on advice from the California Attorney General's Office.

For reference, the site was established as a hospital use in 1953 and 1954 with two approved Variances which allowed for the construction of a new 25 bed surgical hospital. Over time the surgical hospital became a convalescent facility, which falls under the "Residential Care, General" land use classification defined by the Pasadena Zoning Code as a State licensed facility, family home, group care facility, or similar facility that is maintained and operated to provide 24-hour nonmedical residential care for seven or more adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance. Residential Care, General uses are no longer permitted within the FGSP-RM-16 zoning district and therefore use of the site was legal non-conforming.

Pasadena Zoning Code section 17.71.060(B)(1) states that "Without any further action by the City, a non-conforming 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." You are hereby notified that, pursuant to PMC Chapter 17.72 (Appeals), any person that believes the Zoning Administrator's determination, on the applicability of the provisions of the Zoning Code, to be in error has the right to appeal this decision within ten days (June 28, 2021). Any appeals will be heard by the Board of Zoning Appeals. The effective date of this determination will be June 29, 2021. The regular appeal fee is \$236.90.

If you have any questions regarding this correspondence you may contact me by telephone at (626) 744-6747 or email at lrocha@cityofpasadena.net.

Sincerely,



Luis Rocha
Zoning Administrator

cc: David Reyes, Director
Jennifer Paige, Deputy Director
Theresa Fuentes, Assistant City Attorney