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**Wednesday, May 19, 2021  
to Jennifer Driver at [jdriver@cityofpasadena.net](mailto:jdriver@cityofpasadena.net)**

City of Pasadena  
Board of Zoning Appeals  
Attn: Jennifer Driver, Planner  
175 North Garfield Avenue  
Pasadena, California 91101

**Re: 1811 N. Raymond Ave., Board of Zoning Appeals, May 20, 2021  
Pasadena Villa Senior Living, former site of Pasadena Recovery Center**

Dear Members of the Board:

I am an attorney for the owner and operator of 1811 N. Raymond. From 2000 to 2019, I was the attorney for the prior owner/operator, Pasadena Recovery Center. Pasadena Recovery Center's operations as a sober living facility fully complied with "Residential Care – General" as defined in Pasadena's Zoning Code. There was never any contrary suggestion from any source, nor was any City code violation issued.

**Pasadena Recovery Center Lawfully Operated as a Sober Living Facility**

Pasadena Recovery Center was managed and controlled by Dr. Michael Bloom, M.D. It operated with a City of Pasadena business license issued annually from 2000 through 2019. I was in regular contact with Dr. Bloom, and I visited the property on several occasions between 2000 and 2019. I was last at the facility in April 2019 and observed its operations. During this time, I also regularly communicated with the City of Pasadena Planning Department and other City departments regarding the Pasadena Recovery Center.

Beginning in 2018, Pasadena Recovery Center transitioned from a licensed drug and alcohol treatment facility and began operating solely as a sober living home, which involved people residing there days and nights on-site. The number of residents fluctuated over time, but during that entire time, more than seven residents always lived on-site. Usually, it was a much higher number.

As a sober living facility, the residents benefited by contact with their fellow residents and with the staff in encouraging them to strengthen their resolve to abstain from the use of alcohol and other drugs or intoxicating substances. Pasadena Recovery Center's mission was to provide 24-hour non-medical residential care for

people who needed to reside on-site and receive personal services, supervision, and mutual support. As a sober living home, Pasadena Recovery Center did not provide drug or alcohol treatment services that would require a state license.

Pasadena Recovery Center operated pursuant to successive business licenses each year by the City of Pasadena beginning in 2000 through 2019, which extended through the date that entity closed on May 24, 2019. During the time period 2012 to 2019, based on conversations with staff at the City Planning Department and with City inspectors, and based on the City's public land use and inspection records available online, City personnel in the Planning, Health, and Fire Departments were aware that sober living homes operated as exempt from licensing by the State of California. From 2000 to 2019, the City regularly inspected the Pasadena Recovery Center and understood how the Center was operating—first as a drug and alcohol treatment center, and later as a sober living home exempt from state licensing.

### Potential Violation of State and Federal Laws Protecting Disabled Persons

The City of Pasadena, its employees and officials all have a duty to avoid discrimination against disabled persons. In 2002 and 2003 the California Attorney General sent three letters to mayors, planning departments, and building officials in all California cities explaining their personal duties to avoid discrimination against disabled persons under California and U.S. laws. In 2020 emails to me related to this property, City Planning staff acknowledged receipt of the three Attorney General letters and the City's duties under law.

On April 18, 2019, a potential purchaser of 1811 North Raymond Avenue asked the City Planning Department for a verification of the property's legal status under the Zoning Code. That request was made by Abady Holdings Corporation, an entity affiliated with the eventual buyer, Pas 26, LLC, and the future operator, Pasadena Villa Senior Living. A City representative then physically inspected the Pasadena Recovery Center and met with on-site staff. The City inspector saw that Pasadena Recovery Center was operating as a sober living home during April 2019. On April 30, 2019, the City issued a letter on City of Pasadena Planning Department letterhead confirming Pasadena Recovery Center was operating as a lawful sober living home.

In 2004, in McClure v. City of Long Beach, a federal jury awarded \$21.5 million in A.D.A. and Fair Housing Act damages based on city actions revoking prior permits to operate treatment centers for disabled persons in residential zones. The verdict included \$10 million in punitive damages personally against two Long Beach officials for their role in revoking the permits and in causing the properties' foreclosures. On appeal, the City of Long Beach paid \$20 million to avoid an appellate decision in the U.S. 9th Circuit Court of Appeal. This was paid through the Southern California Joint Powers Insurance Authority, of which the City of Pasadena is a member. The Authority sent a detailed written report of the McClure case to each city attorney and liability officer. The City of Pasadena received the report of the McClure case. Based on recent public statements, it appears that the Pasadena City Council has received advice on the McClure case and the City's duty to avoid discrimination against

disabled persons, including a business serving disabled persons. The Planning Commission may not have received such advice, even though there is no immunity from personal liability if a Planning Commissioner engages in acts held by a court to be discriminatory against disabled persons or against a business serving them.

Pasadena also received written reports of liability of cities for civil rights violations in denial of zoning approvals in Secreto v. City of San Dimas (2006) and Yamagiwa v. City of Half Moon Bay (2007). From the 1960s to the mid-1980s, 1811 N. Raymond was zoned "Sanatorium and Convalescent Care." The 1980s zone change to RM-12 had the potential impact to deny services to disabled persons, illegal discrimination. In 1996, California Law was amended to render any such zone change "void." See Government Code section 65008(a), and see my prior letter to the BZA dated January 14, 2021, regarding this same property. Denying "legal non-conforming use" status to this property would be deemed discrimination against the disabled residents now residing there and also subject the City of Pasadena and individual city officials to personal liability for prohibited discrimination against disabled persons.

Therefore, we respectfully request that the Board uphold the Zoning Administrator's Determination verifying the property's legal status.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Sutton". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

**Christopher Sutton**  
**Attorney for Pasadena Villa Senior Living**

cc: James L. Arnone, Latham & Watkins LLP