

**ATTACHMENT F**

Appeal Document, dated June 28, 2021

ZLR 2021 - 00068



PASADENA PERMIT CENTER  
www.cityofpasadena.net/permitcenter

**REQUEST FOR APPEAL**

**APPLICATION INFORMATION**

Project Address: 1450 N. Fair Oaks Avenue, Pasadena, California 91103  
Case Type (MCUP, TTM, etc.) and Number: Zoning Administrator Determination/Interpretation  
Hearing Date: \_\_\_\_\_ Appeal Deadline: June 28, 2021

**APPELLANT INFORMATION**

APPELLANT: Sadvipra LLC Telephone: [ 626 ] 305-0281  
Address: 150 Deodar Lane Fax: [ ] \_\_\_\_\_  
City: Bradbury State: CA Zip: 91008 Email: jingmercado@hotmail.com

APPLICANT (IF DIFFERENT): \_\_\_\_\_

I hereby appeal the decision of the:

- Hearing Officer
- Zoning Administrator
- Design Commission
- Director of Planning and Development
- Historic Preservation
- Film Liaison

**REASON FOR APPEAL**

The decision maker failed to comply with the provisions of the Zoning Code, General Plan or other applicable plans in the following manner (use additional sheets if necessary):

Please see attached response Request for Appeal

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Josemar Mercado Signature of Appellant Date

\* OFFICE USE ONLY

PLN # \_\_\_\_\_ CASE # \_\_\_\_\_ PRJ # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

DATE APPEAL RECEIVED: \_\_\_\_\_ APPEAL FEES: \$ \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_

APP-RFA Rev: 1/18/07

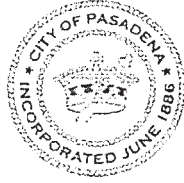
## Request for Appeal

On June 19, 2021, Appellant received the attached letter from the Zoning Administrator (“ZA”), dated June 16, 2021, asserting 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 (Emphasis added).”

However, while the property known as 1450 N. Fair Oaks Avenue, Pasadena, California (the “Facility”) currently does not have any patients, the Facility has never discontinued the nonconforming use as a 96-bed convalescent facility. The beds are still at the Facility. The medical records are still at the Facility. The Facility continues to be maintained in a condition to receive patients. The 1450 North Fair Oaks, LLC (the “Operator”) continued to work with state officials to address deficiencies identified in the survey of the Facility through September of 2020. The Operator continued to staff the Facility through September of 2020. Staff continues to clean, monitor and maintain the Facility. Additionally, the Operator continues to comply with reporting requirements, such as audit reports and stated various mandated reports and requests. As the nonconforming did not cease on June 10, 2020, and continues currently, the period of discontinued nonconforming use has not even begun, much less run for more than twelve (12) months.

Any actions by the California Department of Public Health pertained to the Operator, not the Facility itself. Additionally, CMS allowed the continuation of the Medicare provider agreement for the Operator until November 27, 2020. CMS also allowed payment for new admissions until August 27, 2020. Thus, in CMS’s estimation, the Operator could operate under applicable federal law for purposes of receiving Medicare payments after June 10, 2020 and thus, the Facility was still a SNF after June 10, 2020, with time allowance to satisfy CMS’s requirements to maintain the Medicare provider agreement.

Appellant therefore believes that the ZA’s determination of June 16, 2021 was in error as the Facility did not cease on June 10, 2020, and has not, in fact, ceased that use. Appellant hereby files this Request for Appeal so that the issue of the loss of the Facility’s non-conforming status due to disuse can be heard by the City’s Board of Zoning Appeals.



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](mailto:lrocha@cityofpasadena.net).

Sincerely,

  
Luis Rocha  
Zoning Administrator

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