


ATTACHMENT II
Planning and Development Board
Staff Report and Backup

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
PLANNING DIVISION**

DATE: January 18, 2018 **FILE:** 17-AP-57

TO: Planning and Development Board

VIA: Leslie A. Del Monte, Planning Manager

FROM: Alexandra Carcamo, Principal Planner 

SUBJECT: 2057 Coolidge Associates, LLC. requests an appeal of an administrative decision regarding the re-establishment of a non-conforming use located at 2057 Coolidge Street (Assisted Living Facility - Coolidge Holdings, LLC).

REQUEST

Appeal of an administrative decision regarding the re-establishment of a non-conforming use (Assisted Living Facility - Coolidge Holdings, LLC).

RECOMMENDATION

Appeal: Denial

BACKGROUND

In July of 2009 a Special Exception was granted with conditions for the establishment of a non-conforming use (Alzheimer's Center) within a lawful non-conforming building located at 2057 Coolidge Street (Resolution 09-S-36). The property is approximately half an acre and is located within the Regional Activity Center (RAC), which was recently rezoned in October of 2016.

In April of 2016 the State ceased operations for the Assisted Living Facility (ALF). Subsequently, the property was put up for sale; during this time in September of 2016 an application for a Certificate of Use was submitted. Initially, Staff was inclined to deny the Certificate of Use, however the Applicant provided proof that actions taken by the state were intended to be rectified and that management staff onsite had entered into a contract with another ALF who would be operating the facility as same, therefore not intentionally discontinuing the use and were working on gathering the needed documents/licenses for establishment. Cognizant of the limitations of non-conforming uses, the City granted the approval of the Certificate of Use contingent upon the Applicant obtaining all applicable licenses and establishment of the use within ninety days of said approval. The allowed time period lapsed without establishment of the use. In December of 2016, a new application was submitted for the same use; after several meetings with the Applicant and Staff, in February 2017 the City deemed the use discontinued, as no proof of establishment was provided. In fact, during the time between the December 2016 and February 2017 time period, additional research by Staff discovered that the use was discontinued as no water usage activities were found and Fire Inspections were conducted, noting the property as vacant.

REQUEST

The request is for an Appeal of an administrative decision regarding the re-establishment of a non-conforming use. As stated in their Application Package (Attachment A), the Applicant believes the City's interpretation of the Zoning and Land Development Regulations relative to the proposed use is not

adequate. Appeals of administrative decisions shall be pursuant to Section 5.7 of the Zoning and Land Development Regulations (Attachment B) which states:

Appeals of an administrative decision by the Director. Any party in interest aggrieved by an administrative decision by the Director authorized under this Article, may file an appeal to the applicable Board. Such appeal must be filed within 30 days of the administrative decision, shall be in writing, on a form provided by the Department of Planning and Development Services and shall specify the grounds for such appeal. The appeal form shall be accompanied by the applicable fee as established by resolution of the City Commission. Upon receiving an appeal from an administrative decision, the Department of Planning and Development Services shall schedule a public hearing before the applicable Board. Notice of the public hearing shall be as prescribed in § 5.7.F. of this Article.

Based upon evidence and additional opportunities to establish the use within the additional 90 days granted by the city and based upon the Applicants failure to comply, the City has deemed the use as discontinued, therefore all administrative opportunities by the City to establish the use have exhausted.

The 30 day deadline to appeal Staffs determination of February 2017 lapsed, therefore the applicant has stated they are filing an appeal from the decision made in June 2017 from an email that the City Attorney replied to agreeing with Staff's original decision from February 2017. It is the City's position that the 30 day deadline expired, as such it is not eligible for appeal, and the affirmation of Staff's decision made by the City Attorney cannot be appealed. In the interest of allowing the Applicant additional due process the application was administered. It continues to be Staff's position that the allowed time period as per the Zoning and Land Development Regulations to re-establish the use in an administrative capacity has lapsed.

The Applicant was informed to apply for a Special Exception for the re-establishment of a non-conforming use as they fall within section 3.12.A of the Zoning and Land Development Regulations (Attachment C) which states:

- A. *Nonconforming use. The lawful nonconforming use of a building may be continued, although such use does not conform to the regulations of the applicable zoning district within which the building is located. Any such use may be changed to a use of the same or more restrictive nature as determined by the Director of the Department of Planning and extended throughout the building, provided no structural alterations, except those required by law, are made therein and the cubical contents of the building are not enlarged. If such nonconforming use is discontinued for a period of three months or more, any further use of said building shall be in conformity with the regulations of the applicable zoning district unless otherwise approved by the Planning and Development Board pursuant to division G. of this section within 24 months of the abandonment. A lawful nonconforming use is reestablished by the approval of a Special Exception by the Planning and Development Board.*

The Applicant has chosen the route of an appeal instead of applying for the Special Exception. More recently the Applicant has expressed the desire to establish a Residential Detoxification Center which will be deemed a Social Service Facility per the Zoning and Land Development Regulations and therefore would not be permitted in this Zoning District. This use is not considered to be similar to an ALF and therefore would not be eligible for the re-establishment of the previous use.

Owner/Applicant:	2057 Coolidge Associates, LLC.
Address/Location:	2057 Coolidge Street
Area of Property:	Approximately 0.5 acre
Land Use:	Regional Activity Center
Zoning:	Dixie - Highway High Intensity Mixed-Use District (DH-3)
Existing Use of Land:	Vacant

ADJACENT LAND USE

North: Regional Activity Center (RAC)
South: Regional Activity Center (RAC)
East: Regional Activity Center (RAC)
West: Regional Activity Center (RAC)

ADJACENT ZONING

North: Dixie - Highway High Intensity Mixed-Use District (DH-3)
South: Dixie - Highway High Intensity Mixed-Use District (DH-3)
East: Dixie - Highway High Intensity Mixed-Use District (DH-3)
West: Dixie - Highway High Intensity Mixed-Use District (DH-3)

ATTACHMENTS

ATTACHMENT A: Application Package
ATTACHMENT B: Zoning and Land Development Regulations, Section 5.7. Appeal Procedures relating to Decisions of the Planning and Development Board, Historic Preservation Board, and Administrative Decisions
ATTACHMENT C: Zoning and Land Development Regulations, Section 3.12 Nonconforming Structures and Uses
ATTACHMENT D: Land Use and Zoning Map

ATTACHMENT A

Application Package

SACHS SAX CAPLAN

ATTORNEYS AT LAW

SUITE 200
6111 BROKEN SOUND PARKWAY NW
BOCA RATON, FLORIDA 33487

TELEPHONE (561) 994-4499
DIRECT LINE (561) 237-6819
FACSIMILE (561) 994-4985

MICHAEL S. WEINER, ESQ.
MWEINER@SSCLAWFIRM.COM

September 25, 2017

Via: Hand Delivery

Ms. Alexandra Carcamo
Principal Planner
City of Hollywood
Department of Development Services, Planning Division
2600 Hollywood Blvd., Room 315
Hollywood, FL 33022
Email: acarcamo@hollywoodfl.org

Re: Appeal Submission, 2057 Coolidge St.

Dear Alexandra:

Enclosed is the General Application form along with the required documents. Per your instructions, we are submitting the following items in addition to the General Application: a survey; the warranty deed; and a letter documenting the appeal request.

Also enclosed are two checks which total \$2,559.00 made payable to the City of Hollywood to cover the fee for an appeal to be heard by the Planning and Development Board on November 9, 2017.

Very truly yours,

SACHS SAX CAPLAN

/s/ Michael S. Weiner
Michael S. Weiner

PLANNING DIVISION



File No. (internal use only): _____

2600 Hollywood Boulevard Room 315
Hollywood, FL 33022

GENERAL APPLICATION



Tel: (954) 921-3471
Fax: (954) 921-3347

This application must be completed in full and submitted with all documents to be placed on a Board or Committee's agenda.

The applicant is responsible for obtaining the appropriate checklist for each type of application.

Applicant(s) or their authorized legal agent must be present at all Board or Committee meetings.

At least one set of the submitted plans for each application must be signed and sealed (i.e. Architect or Engineer).

Documents and forms can be accessed on the City's website at

<http://www.hollywoodfl.org/DocumentCenter/Home/View/21>



APPLICATION TYPE (CHECK ONE):

- ☐ Technical Advisory Committee ☐ Historic Preservation Board
☒ City Commission ☐ Planning and Development Board

Date of Application: 7/6/17 and 9/25/17

Location Address: 2057 Coolidge St. Hollywood, FL 33020

Lot(s): 1; ^{W 28 ft of 2} E 32 ft of 2; 3 Block(s): 12 Subdivision: North Hollywood

Folio Number(s): 5142 03 10 0780

Zoning Classification: IM-1 Land Use Classification: TOD

Existing Property Use: Alzheimer's Center or similar use Sq Ft/Number of Units: 18597 / 48 units

Is the request the result of a violation notice? () Yes (X) No If yes, attach a copy of violation.

Has this property been presented to the City before? If yes, check all that apply and provide File Number(s) and Resolution(s): Resolution No. 09-S-36

- ☐ Economic Roundtable ☐ Technical Advisory Committee ☐ Historic Preservation Board
☐ City Commission ☒ Planning and Development

Explanation of Request: See attached letter

Number of units/rooms: 48 units (89 Beds) Sq Ft: 18,597

Value of Improvement: N/A Estimated Date of Completion: N/A

Will Project be Phased? () Yes (X) No If Phased, Estimated Completion of Each Phase

Name of Current Property Owner: 2057 Coolidge Associates LLC

Address of Property Owner: 7200 W Camino Real # 200 Boca Raton, FL 33433

Telephone: 561-952-2501 Fax: _____ Email Address: Donny@privcapcompanies.com

Name of Consultant/Representative/Tenant (circle one): Michael S. Weiner, Esq.

Address: 6111 Broken Sound Pkwy # 200 Boca Raton, FL 33433 Telephone: 561-994-4499

Fax: 561-994-4495 Email Address: MWeiner@ssclawfirm.com

Date of Purchase: N/A Is there an option to purchase the Property? Yes () No (X)

If Yes, Attach Copy of the Contract.

List Anyone Else Who Should Receive Notice of the Hearing: _____

Address: _____

Email Address: _____

PLANNING DIVISION

File No. (internal use only)

2500 Hollywood Boulevard Room 315
Hollywood, FL 33022

GENERAL APPLICATION

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

The applicant/owner(s) signature certifies that he/she has been made aware of the criteria, regulations and guidelines applicable to the request. This information can be obtained in Room 315 of City Hall or on our website at www.hollywoodfl.org. The owner(s) further certifies that when required by applicable law, including but not limited to the City's Zoning and Land Development Regulations, they will post the site with a sign provided by the Office of Planning and Development Services. The owner(s) will photograph the sign the day of posting and submit photographs to the Office of Planning and Development Services as required by applicable law. Failure to post the sign will result in violation of State and Municipal Notification Requirements and Laws.

(I)(We) certify that (I) (we) understand and will comply with the provisions and regulations of the City's Zoning and Land Development Regulations, Design Guidelines, Design Guidelines for Historic Properties and City's Comprehensive Plan as they apply to this project. (I)(We) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my)(our) knowledge. (I)(We) understand that the application and attachments become part of the official public records of the City and are not returnable.

Signature of Current Owner: *Daniel Cohen* Date: 7/6/17

PRINT NAME: Daniel Cohen Date: _____

Signature of Consultant/Representative: _____ Date: _____

PRINT NAME: _____ Date: _____

Signature of Tenant: _____ Date: _____

PRINT NAME: _____ Date: _____

Current Owner Power of Attorney

I am the current owner of the described real property and that I am aware of the nature and effect the request for Zoning Relief to my property, which is hereby made by me or I am hereby authorizing Michael Weiner, Esq. to be my legal representative before the City Commission (Board and/or Committee) relative to all matters concerning this application.

Sworn to and subscribed before me
this 6 day of July

Francesca Barzini
Notary Public
State of Florida



Daniel Cohen
Signature of Current Owner

Daniel Cohen
Print Name

My Commission Expires: _____ (Check One) ☒ Personally known to me; OR ☐ Produced Identification _____

CITY OF HOLLYWOOD
PLANNING AND ZONING BOARD

RESOLUTION NO. 09-S-36

A RESOLUTION OF THE CITY OF HOLLYWOOD PLANNING AND ZONING BOARD APPROVING A SPECIAL EXCEPTION WITH CONDITIONS TO ALLOW FOR THE ESTABLISHMENT OF A NONCONFORMING USE (ALZHEIMER'S CENTER) WITHIN A LAWFUL NONCONFORMING BUILDING LOCATED AT 2055-57 COOLIDGE STREET, HOLLYWOOD, FLORIDA, PURSUANT TO THE PROVISIONS OF SECTION 3.12 H. OF THE ZONING AND LAND DEVELOPMENT REGULATIONS.

WHEREAS, Section 3.12.G.4 of the City's Zoning and Land Development Regulations provides that an application for a Special Exception may be filed to establish a nonconforming use within a lawfully nonconforming building which, because of its unique design or orientation or location, is appropriate for such use; and

WHEREAS, the Starting Place, Inc., as applicant/property owner for the property located at 2055-57 Coolidge Street, has applied for a Special Exception to establish a nonconforming use (Alzheimer's Center) within a lawfully nonconforming building at the subject property in order to renovate and convert the existing building into a 48 unit (89 beds) Community Residential Facility specializing in Alzheimer's and dementia care; and

WHEREAS, the Director of the Office of Planning and Planning staff, following an analysis of the application and its associated documents have determined that the proposed request for a Special Exception does meet the criteria set forth in

Return to: Office of Planning
City of Hollywood
2600 Hollywood Blvd, Rm 315
Hollywood, FL 33020

Section 3.12.H of the Zoning and Land Development Regulations and have therefore recommended that it be approved with the following conditions:

- (1) That a Unity of Title, in a form acceptable to the City Attorney's Office, must be submitted prior to the issuance of any building permits and shall be recorded in the Public Records of Broward County, Florida, prior to the issuance of a Certificate of Occupancy (C/O) or Certificate of Completion (C/C); and
- (2) That the Applicant must obtain all applicable permits, agreements, licenses for the proposed improvements (i.e. - interior renovations, re-striping of parking areas, right-of-way improvements, landscaping, fencing, paved areas, etc.) as shown on the attached plans dated 6/8/2009 denoted as Exhibit "A", prior to the issuance of a Certificate of Occupancy (C/O) or Certificate of Completion (C/C) and establishing/operating a Alzheimer's Center; and
- (3) That this Special Exception is specifically for the proposed Alzheimer's Center or a similar use as approved by the City of Hollywood and cannot be combined with other lots for expansion/intensification.

; and

WHEREAS, Section 3.12.H of the Zoning and Land Development Regulations states that any approval of G.1 through G.5 shall be based upon the Planning and Zoning Board determining that the following criteria have been met:

1. The approval of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.
2. The approval will not, under any circumstances of the particular case, be detrimental to the health, safety and general welfare of persons working or residing within the vicinity.
3. The approval will not be detrimental or injurious to property and improvements in the vicinity or to the general welfare of the city.
4. The approval will, to the maximum extent possible, bring the use or building and the site upon which it is located into compliance with the city regulations; and

WHEREAS, on July 20, 2009, the Planning and Zoning Board met and held an advertised public hearing to consider the Special Exception request and the Board determined that the criteria set forth in Section 3.12.H of the Zoning and Land Development Regulations have been met and therefore approve the Special Exception with the aforementioned conditions recommended by City staff to allow the establishment of a nonconforming use (Alzheimer's Center) within a lawfully nonconforming building at the subject property as specifically outlined in the Office of Planning staff report and the Applicant's application package;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That following review of the Office of Planning staff report, the Applicant's application and supporting documents and materials, all submitted written and oral testimony received during the public hearing, the consideration of the criteria listed herein for approving/denying the requested Special Exception for the property located at 2055-57 Coolidge Street, Hollywood, Florida, and its findings set forth above, the Board hereby approves the Special Exception with the conditions set forth below to establish a nonconforming use (Alzheimer's Center) within a lawful nonconforming building at the subject property which will be renovated and converted into a 48 unit (89 beds) Community Residential Facility specializing in Alzheimer's and dementia care. The Applicant shall comply with the following conditions:

- (1) That a Unity of Title, in a form acceptable to the City Attorney's Office, must be submitted prior to the issuance of any building permits and shall be recorded in the Public Records of Broward County, Florida, prior to the issuance of a Certificate of Occupancy (C/O) or Certificate of Completion (C/C); and
- (2) That the Applicant must obtain all applicable permits, agreements, licenses for the proposed improvements (i.e. -- Interior renovations, re-striping of parking areas, right-of-way improvements, landscaping, fencing, paved areas, etc.) as shown on the attached plans dated 6/8/2009 denoted as Exhibit "A", prior to the issuance of a Certificate

of Occupancy (C/O) or Certificate of Completion (C/C) and establishing/operating a Alzheimer's Center; and

- (3) That this Special Exception is specifically for the proposed Alzheimer's Center or a similar use as approved by the City of Hollywood and cannot be combined with other lots for expansion/intensification.

Section 2: That the approval by the Board granting the Special Exception shall become null and void unless the applicant obtains all appropriate building or other permit(s) or license(s) within 18 months of the Board's approval. Said 18 months shall commence upon passage and adoption of this Resolution.

Section 3: That the Office of Planning is hereby directed to forward a copy of this resolution to the applicant and the owner of the property upon which the request was made and a copy shall be recorded in the Public Records of Broward County, Florida, as provided by the applicable provisions of Article 5 in the Zoning and Land Development Regulations.

PASSED AND ADOPTED THIS 20th DAY OF July, 2009.

RENDERED this 23rd day of July, 2009.


ELLEN WACHER, CHAIR

ATTEST:


ANDREW ZULLO, SECRETARY

APPROVED AS TO FORM & LEGALITY
for the use reliance of the Planning and
Zoning Board of the City of Hollywood,
Florida, only.


JEFFREY P. SHEFFEL, BOARD COUNSEL

SACHS SAX CAPLAN

ATTORNEYS AT LAW

SUITE 200
6111 BROKEN SOUND PARKWAY NW
BOCA RATON, FLORIDA 33487

TELEPHONE (561) 994-4499
DIRECT LINE (561) 237-6819
FACSIMILE (561) 994-4985

MICHAEL S. WEINER, ESQ.
MWEINER@SSCLAWFIRM.COM

September 25, 2017

Via: Hand Delivery

Ms. Alexandra Carcamo
Principal Planner
City of Hollywood
Department of Development Services, Planning Division
2600 Hollywood Blvd., Room 315
Hollywood, FL 33022
Email: acarcamo@hollywoodfl.org

Re: Appeal Submission, 2057 Coolidge St.

Dear Alexandra:

This letter contains the detailed Explanation of the Request for General Application submitted for the property located at 2057 Coolidge Street (the "Property"). The undersigned represents 2057 Coolidge Associates LLC, the Owner of the Property (the "Applicant").

I. Background

We are submitting the General Application as part of our appeal of the decision contained in the June 8, 2017 email from Alan Fallik, Esq., Acting City Attorney for City of Hollywood (the "City") denying the request for a Certificate of Use at the Property. We confirmed via email on June 28, 2017 that the June 8, 2017 email from Alan Fallik, Esq. was a final denial of the request for a Certificate of Use at the Property. Accordingly, we submitted an appeal on July 6, 2017. Since that date, we have had numerous communications with City staff, including the following:

- Meeting with City staff on July 26, 2017 to discuss the appeal
- PACO submission via email on August 28, 2017
- PACO meeting on September 5, 2017

In addition to these dates, we have had numerous communications with City staff via email and telephone to confirm the progress of the appeal through the appropriate channels. Based on instruction from City staff, we are now filing an additional General Application

dated today, September 25, 2017, in order to have the appeal heard by the Planning and Development Board at its November 9, 2017 meeting. We are delivering this letter as part of a submittal meeting scheduled for 2:00 pm on September 25, 2017.

This appeal concerns the Property that was the subject of Resolution No. 09-S-36 in 2009 (the "2009 Resolution"). In the 2009 Resolution, the Planning and Zoning Board approved a Special Exception to allow for a nonconforming use within a lawful nonconforming building. The Resolution stated that the Special Exception "is specifically for the proposed Alzheimer's Center or a similar use."

II. Similar Use

So that there is no misunderstanding, the Applicant has consistently maintained that the proposed Residential Detoxification Center is a "similar use" to the Alzheimer's Center. Proof of the similarity of use was submitted as a part of the initial appeal submitted to the City staff. Submission of this information was, in part, based upon the position taken by Alan Fallik, Esq., wherein in an email dated June 8, 2017, the statement was made that "City staff firmly believes that the proposed use of this property is not similar to the previous one."

At the PACO meeting on September 5, 2017, City staff expressed agreement with Applicant's interpretation, stating that the City agreed that the proposed use is in fact a "similar use" to the Alzheimer's Center approved in the 2009 Resolution. According to the information presented by City staff at the PACO meeting, the only issue relevant to this appeal is whether the approved non-conforming use was "discontinued" or "abandoned," and the issue regarding similarity of use is no longer a point of disagreement. In reliance on these statements by City staff, we focus this appeal on the lack of abandonment. However, we reserve all rights to supplement with additional information to support the position that the proposed use is similar to the previously approved use.

III. Lack of Abandonment

It is our understanding that the City's position is that the nonconforming use was "abandoned." We understand that this interpretation is what resulted in the email from Alan Fallik, Esq. denying the request for a Certificate of Use and the statements by City staff that Applicant should instead seek a new special exception. This appeal concerns this interpretation. It is Applicant's position that the non-conforming use was not abandoned, and therefore the Certificate of Use should continue in full force and effect.

For a nonconforming use to be considered abandoned, there must be proof of intent to abandon. "Abandonment occurs when the landowner 'intentionally and voluntarily foregoes further non-conforming use of the property.'" *Hobbs v. Department of Transp.*, 831 So.2d 745 (Fla. 5th DCA 2002), citing *Lewis v. City of Atlantic Beach*, 467 So.2d 751 (Fla. 1st DCA 1985). For the Property at issue here, no owner exhibited such intent at any point.

Although the City cited water usage numbers and Fire and Police Department statements,

any indication of temporary vacancy is not enough to show abandonment. “Temporary cessation of a nonconforming use or the temporary vacancy of buildings used for the nonconforming use does not operate to effect abandonment of the nonconforming use.” See *Lewis*, supra.

In addition to the lack of intent to abandon, the specific facts concerning this Property show that the parties took timely action to prevent any assertion of abandonment. They filed timely applications with the City of Hollywood for the required Certificate of Use. Specifically, a prior potential purchaser of the property obtained a Certificate of Use on September 22, 2016. After this potential purchaser decided not to go through with the purchase, the Owner applied for a Certificate of Use in the Owner’s name on December 14, 2016. This application was filed within 90 days of the prior grant of the Certificate of Use. Despite repeated attempts by the Owner and real estate broker to follow-up with the City regarding the application for a Certificate of Use in the Owner’s name, including multiple phone calls as well as emails on January 10, 2017, January 11, 2017, January 18, 2017, January 23, 2017, January 24, 2017, January 26, 2017, and January 30, 2017, the City did not respond until February 14, 2017. Throughout this time period, the Owner was actively pursuing an application with the City in order to obtain the required Certificate of Use. Despite receiving a preliminary indication of a possible denial from the City on February 14, 2017, the Owner continued its efforts resulting in the meeting of April 26, 2017 and the follow-up letters on May 3, 2017 and June 28, 2017, as well as additional emails and phone calls.

As the facts above demonstrate, at no time did the Owner stop their efforts to obtain the necessary approval from the City of Hollywood. As was true in the *Hobbs* case cited above, the parties were only prevented from continuing the nonconforming use because they were unable to obtain the necessary additional approvals. As in *Hobbs*, there is no evidence that the parties desired to abandon their right to operate the nonconforming use. Also like in *Hobbs*, there was in fact no abandonment.

Accordingly, based on both the lack of intent to abandon and continuing efforts to obtain the necessary approvals, the Property was not abandoned and the use was not discontinued. The Owner should not need to seek a Special Exception determination to reinstate the use since the Property was not abandoned. In denying the Certificate of Use based on an improper determination of abandonment, the City improperly applied its Code and the relevant Ordinance.

IV. FHA and ADA Considerations

As we have explained in previous letters to the City, the improper denial of the Certificate of Use violated the Federal Fair Housing Act and the Americans with Disabilities Act. The FHA was originally enacted to prohibit discrimination in housing practices on the basis of race, color, religion, or national origin. *Elliott v. Sherwood Manor Mobile Home Park*, 947 F. Supp. 1574, 1576 (M.D. Fla. 1996). In 1988, Congress extended coverage to people with disabilities. See Fair Housing Amendments Act of 1988 (“FHAA”), Pub. L. No. 100-430, 102 Stat. 1620, 1622, 1623 & 1636 (1988), codified at 42 U.S.C. § 3601 et seq. Courts have recognized this expansion as “a clear pronouncement of a national commitment to end the

unnecessary exclusion of persons with handicaps from the American mainstream.” *Hovsons, Inc. v. Twp. of Brick*, 89 F.3d 1096, 1105 (3d Cir. 1996) (quoting *Helen L. v. DiDario*, 46 F.3d at 333 n. 14). The FHA is to be broadly construed to effectuate the goal of eradicating housing discrimination. *Id.* at 1105 (citing *Trafficante v. Met. Life Ins. Co.*, 409 U.S. 205, 209 (1972)). Congress intended the FHA to “apply to state or local land-use ... laws, regulations, practices or decisions which discriminate against individuals with handicaps.” H.R. Rep. No. 100-711, at 25, 1988 U.S.C.C.A.N. at 2185. This law “is intended to prohibit the application of special requirements through land-use regulations . . . that have the effect of limiting the ability of such individuals to live in the residence of their choice in the community.” H.R. Rep. No. 711, 100th Cong. 2d Sess. 18, reprinted in 1988 U.S.C.C.A.N. 2173, 2185.

Similarly, in enacting the Americans with Disabilities Act (“ADA”), Congress found that “[h]istorically, society has tended to isolate and segregate individuals with disabilities, and ... such forms of discrimination ... continue to be a serious and pervasive social problem.” 42 U.S.C. § 12101(a)(2). Congress recognized that “[i]ndividuals with disabilities continually encounter various forms of discrimination, including ... segregation...” 42 U.S.C. § 12101(a)(5). To further the goal of eliminating discrimination against the disabled, Congress stated that “the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals[.]” 42 U.S.C. § 12101(a)(8). In response to its mandate, the United States Department of Justice has stated that “[i]ntegration is fundamental to the purposes of the [ADA].” 28 C.F.R. Part 333 35, App. A. § 35.130. This integration mandate is contained in 28 C.F.R. § 35.130, entitled “[g]eneral prohibitions against discrimination.”

Under the FHA and ADA, persons in recovery from alcohol or other substance abuse are considered disabled and thus entitled to the statutes’ protections. *Jeffrey O. v. City of Boca Raton*, 511 F. Supp. 2d 1339, 1346-7 (S.D. Fla. 2007); *MX Group, Inc. v. City of Covington*, 293 F.3d 326, 336-340 (6th Cir. 2002); *Innovative Health Sys. v. City of White Plains*, 117 F.3d 37, 48-49 (2d Cir. 1997); 42 U.S.C. § 12210(b); and 28 C.F.R. § 35.104(A)(ii) (listing “drug addiction” as a physiological impairment). Congress intended the FHA to protect the rights of handicapped persons to live in a residence of their choice in the community. *Bryant Woods Inn, Inc. v. Howard County, Md.*, 911 F.Supp. 918, 946 (D.Md. 1996) (citation omitted); see also *City of Edmonds v. Washington State Bldg. Code Council*, 18 F.3d 802, 806 (9th Cir. 1994), *aff’d*, 115 S. Ct. 1776 (1995).

By improperly considering the non-conforming use abandoned and/or discontinued, the City is applying its land use regulations in a manner that will exclude people with disabilities and discriminate against them.

V. Standing

As the Owner of the Property, Applicant is a potential claimant under local, federal or state law. Additionally, Applicant has standing because Applicant proposes to provide housing to “qualified individuals” with disabilities, and therefore has standing as a “person alleging discrimination on the basis of disability” under the ADA. 42 U.S.C. § 12133 and 28 C.F.R. § 35.130(b)(6); *A Helping Hand, LLC v. Baltimore County, Md.*, 515 F.3d 356, 364 (4th Cir.

2008). Similarly, since Applicant wishes to provide housing for handicapped persons, Applicant has standing under the FHA. See, e.g., *Judy B. v. Borough of Tioga*, 889 F. Supp. 792, 797 (M.D. Pa. 1995); *North Shore-Chicago Rehab., Inc. v. Village of Skokie*, 827 F. Supp. 497, 507 n.3 (N.D. Ill. 1993); *Horizon House Dev. Servs., Inc. v. Twp. of Upper Southampton*, 804 F. Supp. 683, 692 (E.D. Pa. 1992), *aff'd mem.*, 995 F.2d 217 (3d Cir. 1993).

Pursuant to your procedure at a hearing duly called, we shall establish all of the relevant criteria required under Section 5.8 of the Code. Upon your receipt of these materials, if you believe any additional documentation is required, please contact us. We reserve all rights, including but not limited to the right to submit additional evidence in support of this appeal at or prior to the Planning and Development Board hearing.

Very truly yours,

SACHS SAX CAPLAN

/s/ Michael S. Weiner
Michael S. Weiner

This instrument was prepared by:
Gavin S. Banta, Esquire
Angelo & Banta, P.A.
515 East Las Olas Boulevard, Suite 850
Fort Lauderdale, Florida 33301

Record and return to:
Mark S. Meland, Esquire
Meland, Russin & Budwick, P.A.
200 South Biscayne Boulevard, Suite 3000
Miami, Florida 33131

WARRANTY DEED

This Indenture, made this 31 day of ^{July}~~August~~, 2009 between **THE STARTING PLACE, INC., a Florida non-profit organization**, whose post office address is 351 North State Road 7, #200, Plantation, Florida 33317, hereinafter referred to as the Grantor, and **2057 COOLIDGE ASSOCIATES, LLC, a Florida limited liability company**, whose address is 9344 Bay Drive, Surfside, Florida 33154, hereinafter referred to as the Grantee.

WITNESSETH:

That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee the real property (the "Property") located in Broward County, Florida, and more particularly described on Exhibit "A" attached hereto and made a part hereof.

- SUBJECT TO:
1. All restrictions, easements and other matters appearing on the plat and/or common to the subdivision;
 2. Real estate taxes for the year 2009 and all subsequent years; and
 3. Zoning and/or restrictions and prohibitions imposed by governmental authority.

TOGETHER with all the tenements, hereditaments and appurtenances belonging or in any way appertaining to the Property.

TO HAVE AND TO HOLD the same in fee simple forever.

AND GRANTOR hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and that Grantor does hereby fully warrant the title to the Property and will defend the same against the

lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal as of the day and year first above written.

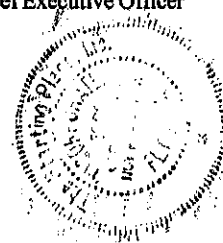
Signed, sealed and delivered in the presence of these witnesses:

**THE STARTING PLACE, INC., a
Florida non-profit organization**

C. S. Bunt
Witness Print Name: C. S. Bunt

By: Nancy L. Merolla
Nancy L. Merolla, Chief Executive Officer

Dawn Ann Fontana
Witness Print Name: Dawn Ann Fontana



STATE OF FLORIDA)
COUNTY OF BROWARD) SS:

The foregoing instrument was sworn to, subscribed and acknowledged before me this 31 day of July, 2009 by Nancy L. Merolla, Chief Executive Officer of The Starting Place, Inc., a Florida non-profit organization, on behalf of the organization. She is personally known to me or presented Florida Driver's License as identification and did not take an oath.



Dawn Ann Fontana
Notary Public, State of Florida at Large
Printed Name: Dawn Ann Fontana
My Commission Expires: _____

EXHIBIT "A"

Lot 1, the West 28 feet of Lot 2, Block 12, NORTH HOLLYWOOD, according to the plat thereof, recorded in Plat Book 4, Page 1, of the Public Records of Broward County, Florida.

The East 32 feet of Lot 2, and all of Lot 3, Block 12, NORTH HOLLYWOOD, according to the plat thereof, recorded in Plat Book 4, Page 1, of the Public Records of Broward County, Florida.

TITLE NOTES:
OFFICIAL RECORDS BOOK 23591, PAGE 0067,
AS PRESENTED TO US, AFFECTS THE PROPERTY
BUT IS NOT PLOTTABLE.

OFFICIAL RECORDS BOOK 1295, PAGE 621
AS PRESENTED TO US, AFFECTS LOT 1 AND
THE WEST 28 FEET OF LOT 2 BUT IS NOT
PLOTTABLE.

OFFICIAL RECORDS BOOK 34145, PAGE 1891,
AS PRESENTED TO US, IS ILLEGIBLE,
SPECIFICALLY THE LEGEND ON PAGE 4 OF
SAID DOCUMENT.

OFFICIAL RECORDS BOOK 40082, PAGE 1783
AS PRESENTED TO US, APPEARS TO AFFECT
THE PROPERTY BASED SOLELY UPON THE
PROPERTY DESCRIPTION ON DOCUMENT PAGE 4.

OFFICIAL RECORDS BOOK 40082, PAGE 1789,
AS PRESENTED TO US, AFFECTS THE PROPERTY
BUT IS NOT PLOTTABLE.

OFFICIAL RECORDS BOOK 46407, PAGE 953, AS
PRESENTED TO US AFFECTS THE PROPERTY BUT
IS NOT PLOTTABLE.

LEGEND:

N&D NAIL AND DISK
C CENTERLINE
R/W RIGHT-OF-WAY
CONC. CONCRETE
LP LIGHT POLE
FH FIRE HYDRANT
CLF CHAIN LINK FENCE
CBS CONCRETE BLOCK & STUCCO
CB CATCH BASIN
MV WATER VALVE
SMH SANITARY SEWER MANHOLE
UP UTILITY POLE
WM WATER METER
MUP WOOD UTILITY POLE
SMH SANITARY MANHOLE



CONCRETE

CHAIN LINK FENCE

WOOD OR PLASTIC FENCE

P.B. PLAT BOOK
PG. PAGE
OW OVERHEAD WIRES
12.75 DENOTES EXISTING ELEVATION

A/C AIR CONDITIONING APPURTENANCE
FFE FINISH FLOOR ELEVATION
POB POINT OF BEGINNING
POC POINT OF CURVATURE
MUP WOOD UTILITY POLE
TSB TRAFFIC SIGNAL BOX
HC HANDICAPPED PARKING SPACE
PS PARKING SPACE
EM ELECTRIC METER
TS TRANSFORMER SLAB
TB TELEPHONE BOX
P. PLANTED PORTION
F. FOUNTAIN
WF WOOD FENCE
C. COLUMN
FH FIRE HYDRANT
CD CLEANOUT
BFPV BACKFLOW PREVENTER VALVE
SV SEWER VALVE

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Associates, Inc. In no event shall this
material be read, used, copied or
reproduced without the express written
consent of the sender.

CERTIFIED TO:
U.S. Small Business Administration

NOTE: AS OF 2-7-2011 THIS PROPERTY LIES
IN QUADRANGLE MAP FORT LAUDERDALE SOUTH
QUAD NUMBER 1702, SE QUADRANT.

LEGAL DESCRIPTION:

LOT 1, THE WEST 28 FEET OF LOT 2, BLOCK
12, "NORTH HOLLYWOOD", ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT BOOK 4
PAGE 1, OF THE PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA, SECTION 3, TOWNSHIP 51
SOUTH, RANGE 42 EAST.

AND

THE EAST 32 FEET OF LOT 2, AND ALL OF
LOT 3, BLOCK 12, "NORTH HOLLYWOOD",
ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 4, PAGE 1, OF THE
PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA, SECTION 3, TOWNSHIP 51
SOUTH, RANGE 42 EAST.

NOTES:

SET N&D DENOTES SET NAIL & DISK
STAMPED "LB-1678".

FND. N&D DENOTES FOUND NAIL AND DISK

SET PIPE DENOTES SET 1/2" IRON PIPE
WITH CAP STAMPED "LB-1678".

FOUND PIPE DENOTES FOUND 1/2" IRON PIPE
& CAP, CAP ILLEGIBLE.

FOUND REBAR DENOTES FOUND 1/2" IRON PIPE
& CAP, CAP ILLEGIBLE.

EXAMINATION OF THE ABSTRACT OF TITLE
WILL HAVE TO BE MADE IN ORDER TO
DETERMINE THE RECORDED INSTRUMENTS, IF
ANY, AFFECTING THIS PROPERTY.

INTERNAL ANGLES SHOWN ARE MEASURED
ANGLES. THE NORTH ARROW IS BASED UPON
THE PLAT OF "NORTH HOLLYWOOD" AND IS
REFERENCED TO THE CENTERLINE OF COOLIDGE
STREET, ASSUMED BEARING = DUE EAST.

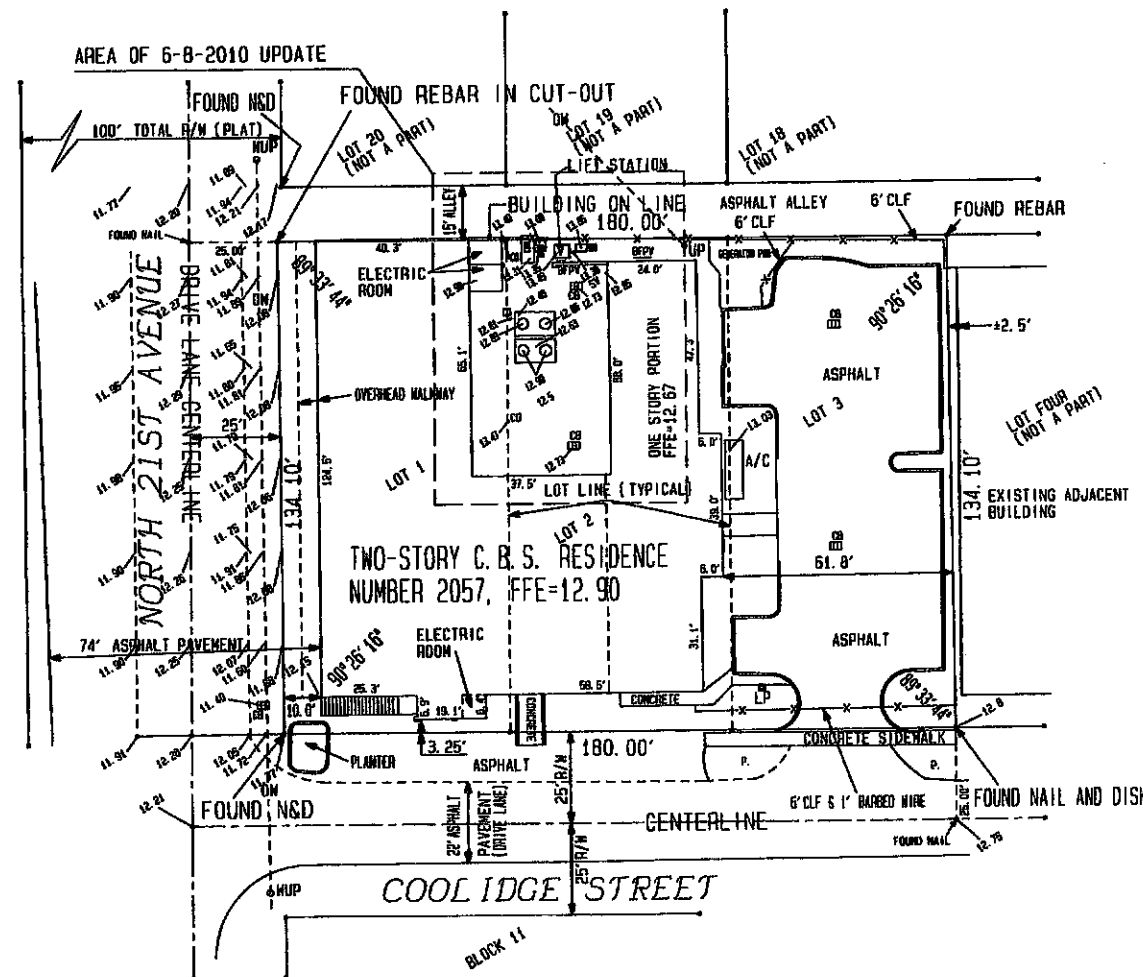
PROPERTY CONTAINS 24,139 SQUARE FEET.
OR 0.554 ACRES, MORE OR LESS.

ELEVATIONS ARE BASED UPON NATIONAL
GEODETIC VERTICAL DATUM AND REFERENCED
TO BROWARD COUNTY BENCHMARK NUMBER 1895,
ELEVATION = 11.075

ACCORDING TO THE NATIONAL FLOOD PROGRAMS
FLOOD RATE MAP NO. 12011C, PANEL NO. 0308
SUFFIX "F", COMMUNITY NUMBER 125113,
THIS PROPERTY LIES IN FLOOD ZONE "X",
AREAS DETERMINED TO BE OUTSIDE THE
500-YEAR FLOOD PLAIN

ALL RECORDING REFERENCES SHOWN HEREON
REFER TO THE PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA AND CAN BE FOUND ON
CHICAGO TITLE INSURANCE COMPANY'S TITLE
COMMITMENT OFFICE FILE NUMBER 2660-23,
EFFECTIVE DATE JULY 27, 2009 AT 11:00 PM

LEGAL DESCRIPTION SHOWN HEREON IS
WRITTEN SPECIFICALLY AS SUCH AT THE
REQUEST OF THE CLIENT.



Campanile & Associates, Inc Certificate
of Authorization No. = LB-1678.

PROJECT# 4679	DATE 3- 7-2009
DRAWN AC	CHECKED
FIELD BOOK; 311	PAGES
DRAWING# 4679	SCALE 1" = 30'

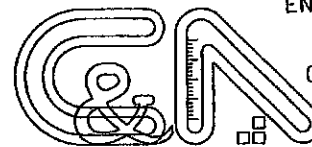
SKETCH OF SURVEY

FOR

Gregg Covin Real Estate

CAMPANILE & ASSOCIATES, INC.

ENGINEERS PLANNERS SURVEYORS



6420 MAHI DRIVE
CORAL GABLES, FLORIDA 33158
(305) 971-1988
(305) 971-1989 (FAX)

4.	1-19-2011	ADD ELEVATIONS 21 AVE., NO UPDATE	AC		
3.	6-8-2010	UPDATE OF COURTYARD AREA ONLY	AC		
2.	8-1-2009	ADD RECORDING REFERENCES/NOTES/NO UPDATE	AC		
1.	6-24-2009	ADD RECORDING REFERENCE/NO UPDATE	AC		
No.	DATE	REVISION DESCRIPTION	BY	CHK.	APV.

CAMPANILE & ASSOCIATES, INC.

Louis R. Campanile

BY: LOUIS R. CAMPANILE, PRESIDENT
PROFESSIONAL SURVEYOR AND MAPPER No. 1224
STATE OF FLORIDA

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF
A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH,
PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

ATTACHMENT B

**Zoning and Land Development Regulations, Section
5.7. Appeal Procedures relating to Decisions of the
Planning and Development Board, Historic
Preservation Board, and Administrative Decisions.**

Print

City of Hollywood Zoning and Land Development Regulations

§ 5.7. Appeal Procedures relating to Decisions of the Planning and Development Board, Historic Preservation Board, and Administrative Decisions.

A. Appeal of a Planning and Development Board decision. Except as provided in § 5.6 above, any appeal of a decision by the Planning and Development Board must be made as follows:

1. The City Manager, or the Executive Director of the CRA when the decision involves a project within the Executive Director's said CRA District, may file an appeal within ten days of the date of such decision or ruling. In computing the period of time prescribed, the day of the Board's decision or ruling from which the designated period of time begins to run shall not be included. If the tenth day falls on a Saturday, Sunday, or legal holiday, the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. On the day following the Board meeting, the Department of Planning and Development Services shall notify each member of the City Commission of a decision of the Board. Should the City Manager or the Executive Director of the CRA wish to appeal a decision of the Board, a notice must be filed with the Department of Planning and Development Services within the aforementioned ten-day period. Upon receipt of such notice, the Department of Planning and Development Services will notify the City Clerk who shall schedule the appeal before the City Commission. Public notice requirements shall be the same as those set forth in § 5.7.F. of this Article. Should a member of the Commission wish to review a Board's decision, he/she shall follow the CRR procedure set forth in § 5.6 above.

2. Any person who appeared on the record at the Board meeting and who has filed written notice of his/her position prior to the Board's ruling may file an appeal of an adverse ruling as set forth in division A.5. below.

3. Any appeal filed pursuant to divisions A.1 or A.2 above must be made on a form provided by the Department of Planning and Development Services and, if filed pursuant to division A.2 above, be accompanied by the applicable filing fee as established by resolution of the City Commission.

4. In the absence of any CRR or timely appeal pursuant to division A.1 or A.2 above, the decision or ruling of the Board shall be final.

5. Appeals brought pursuant to division A.2 above shall be processed as follows:

a. An appeal of a ruling of the Board which results in the requested development being allowed to go forward as requested in the application shall be to a court of competent jurisdiction by petition for writ of certiorari within 30 days of the Board's decision.

b. An appeal relating to a ruling of the Board which results in the requested development not being allowed to go forward shall be to the City Commission and must be filed within ten days of the date of such decision. In computing the period of time prescribed, the day of the Board's decision or ruling from which the designated period of time begins to run shall not be included. If the tenth day falls on a Saturday, Sunday, or legal holiday, the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

c. A reversal or modification of a ruling of the Board, including those relating to stipulations or conditions, shall require a five-sevenths vote of the City Commission. An affirmance of a ruling of the Board shall require a three-sevenths vote of the City Commission. All applicable criteria relative to the original petition shall apply.

d. Once filed, an appeal pursuant to the provisions of this section may not be withdrawn without approval of the City Commission at a duly advertised public meeting.

6. When an appeal is filed, the appeal will be heard de novo and the same criteria applied by the Board below are applicable to the City Commission in hearing the matter.

7. An appeal of a City Commission decision shall be to the circuit court by writ of certiorari within 30 days of the City Commission's decision.

B. Appeal of decisions by the Planning and Development Board relating to Variances. Any appeal of a decision by the Planning and Development Board relating to Variances shall be in accordance with the procedures set forth in § 5.7.A. of this Article.

C. Appeal of decisions by the Historic Preservation Board. Any appeal of a decision of the Historic Preservation Board shall be in accordance with the procedures set forth in § 5.7.A. of this Article.

D. Appeals of an administrative decision by the Director. Any party in interest aggrieved by an administrative decision by the Director authorized under this Article, may file an appeal to the applicable Board. Such appeal must be filed within 30 days of the administrative decision, shall be in writing, on a form provided by the Department of Planning and Development Services and shall specify the grounds for such appeal. The appeal form shall be accompanied by the applicable fee as established by resolution of the City Commission. Upon receiving an appeal from an administrative decision, the Department of Planning and Development Services shall schedule a public hearing before the applicable Board. Notice of the public hearing shall be as prescribed in § 5.7.F. of this Article.

1. Stay of proceedings. An appeal of an administrative decision by a party of interest, other than the city, shall not automatically stay proceedings in furtherance of the action appealed. However, an appellant may file a request to stay proceedings pending the appeal. Upon receiving such request for a stay, the Board, in its discretion, may grant, modify or deny such relief. The Board may in its discretion require the applicant to post a bond which complies with the requirements set forth in Rule 9.130, Florida Rule of Appellate Procedure, during the pendency of the appeal.

2. Decision of the Board. The applicable Board shall hold a public hearing on an appeal from an administrative decision, and may reverse or affirm, wholly or in part, or may modify the administrative decision appealed as is deemed to be proper, and to that end shall have all the powers of the official from whom the appeal is taken. The Board shall adopt a resolution setting forth the action of the Board, including any requirement or interpretation made by the Board relative to the case. A copy of the resolution shall be mailed to the appellant and submitted to the City Clerk. Such resolution shall be authorization for any approval, permit or license incidental to any use of the land or building as set forth in the resolution. The decision of the Board may be appealed to the City Commission pursuant to § 5.7.A. of this Article.

E. Development approval challenges.

1. Purpose. To provide for a limited extension of the effective period of development approvals issued by the city when third parties file challenges to such approvals, or file challenges to other permits or approvals issued for the development project, which challenges, if upheld, would prevent the developer from proceeding with the development as approved, in order to enable the property owner to have a reasonable time to develop the project after the third party challenge is concluded.

2. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEVELOPMENT APPROVALS. Approvals for the development of real property in the City of Hollywood granted by the city, through its City Commission, Planning and Development Board, or other committee or individual with the authority under the Zoning and Land Development Regulations or Code of Ordinances to issue such approvals, including, without limitation, site plan approvals, variances, special exceptions and design review approvals, which approvals have an Effective Period as defined below.

EFFECTIVE PERIOD. That period for which a Development Approval is valid as set forth in the City of Hollywood Zoning and Land Development Regulations, Code of Ordinances or in a Resolution or Ordinance granting a Development Approval.

THIRD PARTY CHALLENGES. Challenges to permits or approvals by the city or state or federal or local agency, or the South Florida Water Management District, filed by a party other than the city, or the developer or owner of the property for which such permit or approval has been granted, which challenges are prosecuted by writ of certiorari, by administrative judicial appeal, or by original action.

3. Extension of the effective period of development approvals. When a third party challenge is filed, the Effective Period of the Development Approval for the property that is the subject of the challenge, shall be extended for a time period which is equal to the number of days of the time period beginning on the date that the third party challenge is filed and ending on the date that all appeal periods expire with respect to a final determination of the third party challenge.

4. Application. Development approvals granted subsequent to the effective date of this Article, as well as development approvals pending on the effective date of this Article, shall be eligible for the extension provided for herein.

F. Public notice of appeals. When an appeal from a decision of a Board or the Director of the Department of Planning and Development Services is filed, the following notice procedures shall be followed:

1. When notice and notification are required, the following shall apply:

a. Notice of the public hearing shall be published at least ten days prior to the date of the public hearing in a newspaper of general circulation in the city.

b. Notification to the appellant and property owners within 500 feet of the subject property shall be mailed at least 15 days prior to the date of the public hearing.

c. Such notices and notifications shall state the date, time and place of the public hearing, and shall contain the legal description of any property subject to any action and, in substance, the matter to be heard.

d. The mailing of notice to individual property owners, whose addresses are indicated on the records of the tax assessor to be within Broward County, as set forth in this Article, shall not be required in any change of zoning district involving 500 or more parcels, as indicated on the records of the assessor, provided that the city, in addition to publishing the required notice, shall publish, in conjunction with the required notice, in a newspaper of general circulation within the city, a map of the entire area affected by the petition with the existing and proposed zoning classification clearly indicated therein.

(Ord. O-2001-15, passed 5-16-2001; Am. Ord. O-2002-40, passed 11-6-2002; Am. Ord. O-2003-04, passed 2-19-2003; Am. Ord. O-2003-38, passed 11-5-2003; Am. Ord. O-2008-11, passed 6-4-2008; Am. Ord. O-2011-14, passed 5-4-11)

ATTACHMENT C

**Zoning and Land Development Regulations, Section
3.12 Nonconforming Structures and Uses.**

[Print](#)

City of Hollywood Zoning and Land Development Regulations

§ 3.12. Nonconforming Structures and Uses.

It is the purpose and intent of the regulations within this section to provide procedures whereby lawful nonconforming structures and uses, as herein defined, may be maintained, enlarged or modified where such maintenance, enlargement or modification will not have a detrimental effect upon other persons or property within the vicinity, and in so doing to bring such uses and structures up to present city standards to the maximum possible extent.

A. Nonconforming use. The lawful nonconforming use of a building may be continued, although such use does not conform to the regulations of the applicable zoning district within which the building is located. Any such use may be changed to a use of the same or more restrictive nature as determined by the Director of the Department of Planning and extended throughout the building, provided no structural alterations, except those required by law, are made therein and the cubical contents of the building are not enlarged. If such nonconforming use is discontinued for a period of three months or more, any further use of said building shall be in conformity with the regulations of the applicable zoning district unless otherwise approved by the Planning and Development Board pursuant to division G. of this section within 24 months of the abandonment. A lawful nonconforming use is reestablished by the approval of a Special Exception by the Planning and Development Board.

B. Conforming use of a nonconforming building. A lawful nonconforming building may be utilized for any use which conforms to the regulations of the applicable zoning district within which the building is located, provided no structural alterations except those required by law are made or cubical contents of the building enlarged except pursuant to division G. of this section.

C. Nonconforming use of a nonconforming building. The lawful nonconforming use of a lawful nonconforming building may be continued although such use and building do not conform to the regulations of the applicable zoning district within which the building is located. Such use may not be expanded to utilize additional floor area to that which existed at the time its lawful nonconformity was established, and no structural alteration (except as required by law) or enlargement of the cubical contents of the building is permitted except pursuant to division G. of this section.

D. Nonconforming Use of Land. The lawful nonconforming use of land may be continued although such use does not conform to the regulations of the applicable zoning district within which the land is located. However, no such use shall be enlarged, intensified or extended to occupy a greater area of land or reinstated following discontinuance for a period of six months or more, except as approved pursuant to division G. of this section.

E. Nonconforming structures. Lawful nonconforming structures other than buildings are likewise permitted to remain, provided no structural alterations other than those required by law are made, and further provided that the discontinued use of such structure or the use or building to which it is necessary for a period of six months or more shall require its modification so as to comply with the regulations of the applicable zoning district.

F. Maintenance and repairs. Necessary maintenance and repairs may be made to any nonconforming building or structure, provided no structural alterations are made, and further provided that such work does not exceed 50% of the value of such building or structure in any 12-month period as shown on the county tax assessment records or as established by an independent appraiser who is a designated member of any nationally recognized professional appraiser's organization.

G. Processing of applications. The Planning and Development Board shall hear applications for the following, according to procedures and criteria set forth for Special Exceptions outlined in Article 5 of these Zoning and Land Development Regulations.

1. Re-establishment of a nonconforming use which had lawfully existed as requested, but which has been discontinued for a period of six months or more.

2. Expansion of a lawful nonconforming use within a building to utilize additional floor area within such building not otherwise permitted.

3. Intensification of a lawful nonconforming use of land or extension of such use to occupy a greater area than otherwise permitted.

4. Establishment of a nonconforming use within a lawfully nonconforming building which, because of its unique design or orientation or location, is appropriate for such use.

5. Change, enlargement, expansion or restoration of a lawful nonconforming building.

H. Any approval of G.1. through G.5. above shall be based upon the findings by the Planning and Development Board that:

1. The approval of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

2. The approval will not, under any circumstances of the particular case, be detrimental to the health, safety and general welfare of persons working or residing within the vicinity.

3. The approval will not be detrimental or injurious to property and improvements in the vicinity or to the general welfare of the city.

4. The approval will, to the maximum extent possible, bring the use or building and the site upon which it is located into compliance with city regulations.

In authorizing approval, the Board shall include such conditions as it deems necessary and reasonable under the circumstances to carry out the intent of this section.

I. Compliance With Regulations. Nothing in this section shall diminish the responsibility of an owner to maintain his use or structure in full compliance with all other city, county, state or federal regulations or licensing procedures.

J. Establishment of non-Conformity. For the purpose of this section, the mere possession of a valid approval to use land or buildings or valid license to do so without actual demonstrable use of such land or structure is an insufficient basis to establish lawful nonconformity.

K. Approvals. All approvals pursuant to the provisions of this section shall become null and void unless the appropriate building or other permit or license is applied for within 24 months of the date of such decision by the Board. All approvals shall run with the land and are not personal to the owner of such land at the time of approval.

(Ord. O-84-16, passed 2-15-84; Am. Ord. O-91-64, passed 9-4-91; Am. Ord. O-94-13, passed 4-6-94; Am. Ord. O-2001-16, passed 5-16-2001; Am. Ord. O-2009-39, passed 12-2-2009; Am. Ord. O-2011-14, passed 5-4-11; Am. Ord. O-2015-13, passed 6-17-15) (O-94-13 renumbered from 3.18, 4-6-94)




ATTACHMENT D

Land Use and Zoning Map



DEVELOPMENT SERVICES
PLANNING

Legend

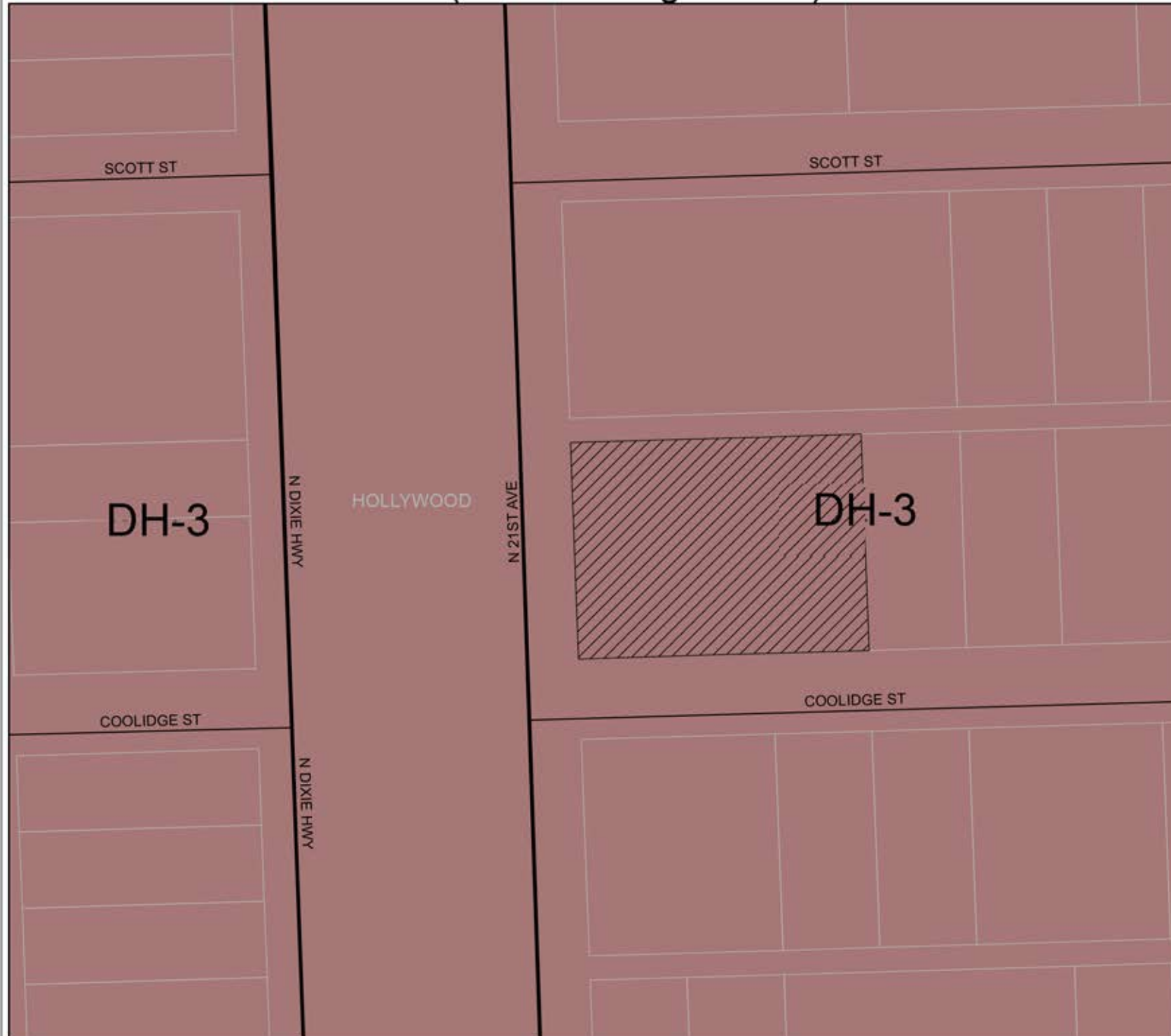
-  Subject Property
-  Streets
-  Major Roads

LAND USE

 RAC

ZONING

 DH-3



0 20 40 80 Feet



Backup

utdmindg

Account # Service	# Man	Meter	# Customer	Name Cd	Read Date	By	Bill#	Parcel Curr	Read	Usage	Repl	Usage	Location		Charge Amt Billed	Amt Billed	Status Days
													Usage	Billed			
133644				331829	2057		COOLIDGE ASSOCIATES, LLC	614203100780					2057	COOLIDGE			CURRENT
1000	1	NEP	60309924	A	03/14/2017		0	627,400		0		0	0		.00		30
1000	1	NEP	60309924	A	02/12/2017		1139408	627,400		0		0	0		109.05		30
1000	1	NEP	60309924	A	01/13/2017		1099043	627,400		0		0	0		.00		30
1000	1	NEP	60309924	A	12/14/2016		1058827	627,400		0		0	0		114.45		30
1000	1	NEP	60309924	A	11/14/2016		1018544	627,400	300		0	300			.00		30
1000	1	NEP	60309924	A	10/15/2016		978049	627,100		0		0	0		14.46		30
1000	1	NEP	60309924	A	09/15/2016		937732	627,100		0		0	0		176.81		30
1000	1	NEP	60309924	A	08/16/2016		897602	627,100		0		0	0		.00		30
1000	1	NEP	60309924	A	07/17/2016		856992	627,100		0		0	0		114.45		30
1000	1	NEP	60309924	A	06/17/2016		816678	627,100		0		0	0		.00		30
1000	1	NEP	60309924	A	05/18/2016		776352	627,100	1,300		0	1,300			149.45		30
1000	1	NEP	60309924	A	04/18/2016		736200	625,800	5,600		0	5,600			62.66		30
1000	1	NEP	60309924	A	03/19/2016		695878	620,200	9,500		0	9,500			336.33		30
1000	1	NEP	60309924	A	02/18/2016		655318	610,700	20,700		0	20,700			269.92		30
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1000	1	NEP	60309924	A	11/20/2015		534362	571,400	10,900		0	10,900			1,297.39		30
1000	1	NEP	60309924	A	10/21/2015		494197	560,500	11,500		0	11,500			997.74		30
1000	1	NEP	60309924	A	09/21/2015		453911	549,000	9,900		0	9,900			2,707.02		30
1000	1	NEP	60309924	A	08/22/2015		413430	539,100	17,700		0	17,700			472.36		30
1000	1	NEP	60309924	A	07/23/2015		373084	521,400	15,400		0	15,400			1,334.75		30
1000	1	NEP	60309924	A	06/23/2015		332191	506,000	10,000		0	10,000			424.16		30
1000	1	NEP	60309924	A	05/24/2015		291819	496,000	11,700		0	11,700			1,210.23		30
1000	1	NEP	60309924	A	04/24/2015		251640	484,300	10,100		0	10,100			525.38		30
1000	1	NEP	60309924	A	03/25/2015		211111	474,200	9,500		0	9,500			1,471.72		30
															554.30		30
															1,546.43		30
															477.18		30
															1,347.20		30
															853.14		30
															2,318.46		30
															742.28		30
															2,032.06		30
															482.00		30
															1,359.65		30
															563.94		30
															1,571.34		30
															486.82		30
															1,372.11		30
															457.90		27
															1,297.39		27

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City of Hollywood, FL
UB Consumption History Report

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utdmnding

Account # Service	Man	Meter #	Customer Cd	Name Read Date	By	Bill#	Parcel Curr Read	Usage	Repl Usage	Location Billed Usage	Charge Amt Billed Amt	Status Days
133644			331829	2057		COOLIDGE ASSOCIATES, LLC	14203100780			2057 COOLIDGE		CURRENT
1000	1	NEP 60309924	A	02/26/2015		170707	464,700	13,700	0	13,700	660.34	25
											1,820.38	
1000	1	NEP 60309924	A	02/01/2015		130371	451,000	10,300	0	10,300	496.46	31
											1,397.01	
1000	1	NEP 60309924	A	01/01/2015		90317	440,700	11,000	0	11,000	530.20	29
											1,484.17	
1000	1	NEP 60309924	A	12/03/2014		22410	429,700	21,000	0	21,000	1,012.20	29
											2,729.37	
1000	1	NEP 60309924	A	11/04/2014		11522958	408,700	12,800	0	12,800	.00	32
											.00	
1000	1	NEP 60309924	A	10/03/2014		11522957	395,900	9,000	0	9,000	.00	30
											.00	
1000	1	NEP 60309924	A	09/03/2014		11522956	386,900	9,300	0	9,300	.00	30
											.00	
1000	1	NEP 60309924	A	08/04/2014		11522955	377,600	11,700	0	11,700	.00	32
											.00	
1000	1	NEP 60309924	A	07/03/2014		11522954	365,900	8,400	0	8,400	.00	28
											.00	
1000	1	NEP 60309924	A	06/05/2014		11522953	357,500	8,200	0	8,200	.00	29
											.00	
1000	1	NEP 60309924	A	05/07/2014		11522952	349,300	9,700	0	9,700	.00	30
											.00	
1000	1	NEP 60309924	A	04/07/2014		11522951	339,600	9,700	0	9,700	.00	32
											.00	
1000	1	NEP 60309924	A	03/06/2014		11522950	329,900	6,000	0	6,000	.00	29
											.00	
1000	1	NEP 60309924	A	02/05/2014		11522949	323,900	8,400	0	8,400	.00	30
											.00	
1000	1	NEP 60309924	A	01/06/2014		11522948	315,500	8,900	0	8,900	.00	31
											.00	
1000	1	NEP 60309924	A	12/06/2013		11522947	306,600	11,900	0	11,900	.00	30
											.00	
1000	1	NEP 60309924	A	11/06/2013		11522946	294,700	8,600	0	8,600	.00	30
											.00	
1000	1	NEP 60309924	A	10/07/2013		11522945	286,100	10,100	0	10,100	.00	32
											.00	
1000	1	NEP 60309924	A	09/05/2013		11522944	276,000	9,500	0	9,500	.00	30
											.00	
1000	1	NEP 60309924	A	08/06/2013		11522943	266,500	19,900	0	19,900	.00	32
											.00	
1000	1	NEP 60309924	A	07/05/2013		11522942	246,600	15,600	0	15,600	.00	30
											.00	
1000	1	NEP 60309924	A	06/05/2013		11522941	231,000	10,900	0	10,900	.00	30
											.00	
1000	1	NEP 60309924	A	05/06/2013		11522940	220,100	16,300	0	16,300	.00	32
											.00	
1000	1	NEP 60309924	A	04/04/2013		11522939	203,800	17,700	0	17,700	.00	30
											.00	
1000	1	NEP 60309924	A	03/05/2013		11522938	186,100	10,000	0	10,000	.00	28
											.00	
1000	1	NEP 60309924	A	02/05/2013		11522937	176,100	10,000	0	10,000	.00	32

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City of Hollywood, FL
UB Consumption History Report

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utdmnding

Account # Service	Man	Meter	Customer #	Name Cd	Read Date	By	Bill#	Parcel Curr Read	Usage	Repl	Usage	Location Billed Usage	Charge Amt Billed Amt	Status Days
133644			331829	2057	COOLIDGE ASSOCIATES, LLC		14203100780					2057 COOLIDGE		CURRENT
1000	1	NEP	60309924	A	01/04/2013		11522936	166,100	8,900		0	8,900	.00	30
1000	1	NEP	60309924	A	12/05/2012		11522935	157,200	11,200		0	11,200	.00	30
1000	1	NEP	60309924	A	11/05/2012		11522934	146,000	12,100		0	12,100	.00	33
1000	1	NEP	60309924	A	10/03/2012		11522933	133,900	9,600		0	9,600	.00	28
1000	1	NEP	60309924	A	09/05/2012		11522932	124,300	13,100		0	13,100	.00	33
1000	1	NEP	60309924	A	08/03/2012		11522931	111,200	11,000		0	11,000	.00	29
1000	1	NEP	60309924	A	07/05/2012		11522930	100,200	10,300		0	10,300	.00	30
1000	1	NEP	60309924	A	06/05/2012		11522929	89,900	10,100		0	10,100	.00	33
1000	1	NEP	60309924	A	05/03/2012		11522928	79,800	8,700		0	8,700	.00	29
1000	1	NEP	60309924	A	04/04/2012		11522927	71,100	9,500		0	9,500	.00	30
1000	1	NEP	60309924	A	03/05/2012		11522926	61,600	10,700		0	10,700	.00	31
1000	1	NEP	60309924	A	02/03/2012		11522925	50,900	10,200		0	10,200	.00	29
1000	1	NEP	60309924	A	01/05/2012		11522924	40,700	8,300		0	8,300	.00	30
1000	1	NEP	60309924	A	12/06/2011		11522923	32,400	8,500		0	8,500	.00	33
1000	1	NEP	60309924	A	11/03/2011		11522922	23,900	6,300		0	6,300	.00	29
1000	1	NEP	60309924	A	10/05/2011		11522921	17,600	5,500		0	5,500	.00	29
1000	1	NEP	60309924	A	09/06/2011		11522920	12,100	4,700		0	4,700	.00	33
1000	1	NEP	60309924	A	08/04/2011		11522919	7,400	1,700		0	1,700	.00	29
1000	1	NEP	60309924	A	07/06/2011		11522918	5,700	600		0	600	.00	33
1000	1	NEP	60309924	A	06/03/2011		11522917	5,100	500		0	500	.00	30
1000	1	NEP	60309924	A	05/04/2011		11522916	4,600	900		0	900	.00	29
1000	1	NEP	60309924	A	04/05/2011		11522915	3,700	2,400		0	2,400	.00	32
1000	1	NEP	60309924	A	03/04/2011		11522914	1,300	400		0	400	.00	28
1000	1	NEP	60309924	A	02/04/2011		11522913	900	300		0	300	.00	31
1000	1	NEP	60309924	A	01/04/2011		11522912	600	200		0	200	.00	90

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City of Hollywood, FL
UB Consumption History Report

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utdmnding

Account # Service	#	Man	Meter	#	Customer	Name	Cd	Read	Date	By	Bill#	Parcel		Usage	Repl	Usage	Location		Charge	Amt	Status
												Curr	Read				Billed	Usage			
133644					331829	2057					COOLIDGE ASSOCIATES, LLC	14203100780				2057	COOLIDGE				CURRENT
1000	1	NEP	60309924		E	10/06/2010					11522911			0		0		0		.00	29
																				.00	
1000	1	NEP	60309924		E	09/07/2010					11522910			0		0		0		.00	34
																				.00	
1000	1	NEP	60309924		A	08/04/2010					11522909			0		0		0		.00	29
																				.00	
1000	1	NEP	60309924		A	07/06/2010					11522908			0		0		0		.00	32
																				.00	
1000	1	NEP	60309924		A	06/04/2010					11522907			0		0		0		.00	29
																				.00	
1000	1	NEP	60309924		E	05/06/2010					11522906			0		0		0		.00	30
																				.00	
1000	1	NEP	60309924		A	04/06/2010					11522905			0		0		0		.00	28
																				.00	
1000	1	NEP	60309924		E	03/09/2010					11522904			0		0		0		.00	29
																				.00	
1000	1	NEP	60309924		A	02/08/2010					11522903			0		0		0		.00	14
																				.00	
1000	1	NEP	60309924		A	01/25/2010					11522902	736,800		0		0		0		.00	17
																				.00	
1000	1	NEP	60309924		A	01/25/2010					11522900			0		0		0		.00	49
																				.00	
1000	1	NEP	60309924		A	01/08/2010					11522901	736,800	-9,281		0		-9,281		.00	17	
																				.00	
1000	1	NEP	60309924		E	12/07/2009					11522899	746,081	3,009		0		3,009		.00	33	
																				.00	
1000	1	NEP	60309924		E	11/04/2009					11522898	743,072	2,592		0		2,592		.00	29	
																				.00	
1000	1	NEP	60309924		E	10/06/2009					11522897	740,480	5,980		0		5,980		.00	64	
																				.00	
1000	1	NEP	60309924		A	08/03/2009					11522896	734,500	0		0		0		.00	0	
																				.00	

** END OF REPORT - Generated by Alberto Jimenez **



Hollywood Fire Rescue & Beach Safety Department Division of Fire Prevention & Life Safety Inspection Report
 2741 Stirling Road • Hollywood, FL • 33312-6505 • Phone 954-967-4404 • Fax 954-967-4585

Date of Inspection: 12/16/16 Fire Prevention Officer: Hutle Grid: ALF/SE
 Business Name: Waldridge Palms Business Address: 2057 Waldridge St
 Business Contact: Vital Kessouk Phone Number(s): _____
 Building Owner's Name: (Prop Manager) Mailing Address: _____
 Emergency Contact(s): 561-952-2501 office cell 317-452-2309
 Occupancy Classification: R4 Occupant Information & Load: 2 Story / 1 max ALF O/L ☐ yes ☐ no
☐ Knox Box details: _____
☒ Fire Alarm certification: 12/15/16 Details: EST Panel at entrance ✓
☒ Standpipe / Sprinkler system Certification: 12/15/16 Details: Riser in alley FDC in alley + NW corner
☒ Suppression System(s) Certification: 12/15/16 Details: hood sup system ✓ Green tag
☒ Fire Extinguisher(s) Certification: 12/1/16 Details: ABC 1 K / type 11/2016
☐ Fire Pump Certification: ____ / ____ / ____ Details: _____
☐ Backflow Preventer Certification: ____ / ____ / ____ Details: _____
☒ Emergency generator Certification: ____ / ____ / ____ Details: #1 runs east side of Bld
☐ Hazardous materials / process: both located in #2 runs west side of Bld + Life Safety
☐ Smoke Evacuation system: East parking area ☐ Fire Safety Plan or Disaster Plan for Occupancy
 Additional Information: Vacant at time of inspection

Inspection Summary - A check box indicated non-compliance with applicable code(s) with explanation provided below

- | | | |
|---|--|---|
| <input type="checkbox"/> 1 Boiler/equipment rooms | <input type="checkbox"/> 9 Extinguishers/extinguishing systems | <input type="checkbox"/> 17 Smoke detectors |
| <input type="checkbox"/> 2 Building Condition | <input type="checkbox"/> 10 Fire alarm system | <input type="checkbox"/> 18 Sprinkler/standpipe system(s) |
| <input type="checkbox"/> 3 Electrical hazards | <input type="checkbox"/> 11 Fire Dept. access | <input type="checkbox"/> 19 Backflow Preventer |
| <input type="checkbox"/> 4 Emergency generator or fire pump | <input type="checkbox"/> 12 Fire drills | <input type="checkbox"/> 20 Trash/Laundry Rooms |
| <input type="checkbox"/> 5 Emergency egress | <input type="checkbox"/> 13 Gas/Gas appliance(s) | <input type="checkbox"/> 21 Storage Rooms |
| <input type="checkbox"/> 6 Emergency light(s) | <input type="checkbox"/> 14 General Housekeeping | <input type="checkbox"/> 22 Return Smoke Detector Letter |
| <input type="checkbox"/> 7 Exit light(s) | <input type="checkbox"/> 15 Hazardous Gas, Liquid, Solid | <input type="checkbox"/> 23 Return Compliance Form Below |
| <input type="checkbox"/> 8 Extension Cords | <input type="checkbox"/> 16 Meter room or breaker panel | <input type="checkbox"/> 24 Other |

Ok for current vacant Building. A inspection will be required before opening a new Assisted Living Facility. All Exits must be accessible as per designed.

Signature of owner/agent acknowledging receipt of inspection report: _____

All deficiencies are to be corrected within 30 days. Once you have completed this section and mail or fax to the Division of Fire Prevention & Life Safety (see above) I, _____ (print name), as the owner or his/her representative, certify that the above deficiencies have been corrected as of _____ (date).
 _____ (your signature)

This occupancy received a satisfactory fire safety inspection on ____ / ____ / ____ verified by signature below:

Fire Prevention Officer's Signature: _____



Hollywood Fire Rescue & Beach Safety Department Division of Fire Prevention & Life Safety Inspection Report

2741 Stirling Road • Hollywood, FL • 33312-6505 • Phone 954-967-4404 • Fax 954-967-4585

Date of Inspection: 12/7/16 Fire Prevention Officer: Hofe Grid: ALF/5E?
Business Name: Cowledge Palms Business Address: 2057 Cowledge St
Business Contact: _____ Phone Number(s): _____
Building Owner's Name: _____ Mailing Address: cell 347-452-2309
Emergency Contact(s): Yitzi Kessack - Prop Manager 561-952-7501 office
Occupancy Classification: R4 Occupant Information & Load: 2 story 181 mox O/L ☐ yes ☐ no
☒ Knox Box details: _____
☒ Fire Alarm certification: _____ Details: EST Panel at front desk
☒ Standpipe/Sprinkler system Certification: _____ Details: FLX4 Allied no access to enter
☒ Suppression System(s) Certification: _____ Details: Kitchen Hood System
☒ Fire Extinguisher(s) Certification: 12/1/16 Details: ABC K type 11/2016
☐ Fire Pump Certification: _____ Details: _____
☐ Backflow Preventer Certification: _____ Details: _____
☒ Emergency generator Certification: _____ Details: #1 runs outside of Bld
☐ Hazardous materials / process: both located #2 runs west side + life safety
☐ Smoke Evacuation system: in East parking lot ☐ Fire Safety Plan or Disaster Plan for Occupancy
Additional Information: Vacant now.

Inspection Summary - A check box indicated non-compliance with applicable code(s) with explanation provided below

- | | | |
|--|---|--|
| <input type="checkbox"/> 1 Boiler/equipment rooms | <input checked="" type="checkbox"/> 9 Extinguishers/extinguishing systems | <input type="checkbox"/> 17 Smoke detectors |
| <input type="checkbox"/> 2 Building Condition | <input checked="" type="checkbox"/> 10 Fire alarm system | <input checked="" type="checkbox"/> 18 Sprinkler/standpipe system(s) |
| <input type="checkbox"/> 3 Electrical hazards | <input type="checkbox"/> 11 Fire Dept. access | <input type="checkbox"/> 19 Backflow Preventer |
| <input checked="" type="checkbox"/> 4 Emergency generator or fire pump | <input type="checkbox"/> 12 Fire drills | <input type="checkbox"/> 20 Trash/Laundry Rooms |
| <input checked="" type="checkbox"/> 5 Emergency egress accessible | <input type="checkbox"/> 13 Gas/Gas appliance(s) | <input type="checkbox"/> 21 Storage Rooms |
| <input checked="" type="checkbox"/> 6 Emergency light(s) person + | <input type="checkbox"/> 14 General Housekeeping | <input type="checkbox"/> 22 Return Smoke Detector Letter |
| <input checked="" type="checkbox"/> 7 Exit light(s) | <input type="checkbox"/> 15 Hazardous Gas, Liquid, Solid | <input type="checkbox"/> 23 Return Compliance Form Below |
| <input type="checkbox"/> 8 Extension Cords | <input type="checkbox"/> 16 Meter room or breaker panel | <input checked="" type="checkbox"/> 24 Other |

- (9) Recertify Hood Suppression System
(10) Recertify Fire Extinguisher in Nurse Station 1st floor
(3) Cover all open wires.
(24) Ceiling missing in A/C Room east wing. SD + sprinkler head will not work as designed. Replace.
(5) Need to research controlled access / delayed access for most doors
(5) All Emergency Exits need to be accessible. Have some sealed shut because of security issues as a vacant Building
(10) (8) (4) Provide Certification Reports for Fire Alarm, Hood Suppression and Sprinkler System. Provide report/invoice for load test for both generators.
(10) Repair/Replace Exit Emergency Light (battery backup)

Signature of owner/agent acknowledging receipt of inspection report: [Signature]

All deficiencies are to be corrected within 30 days. Once you have complied complete this section and mail or fax to the Division of Fire Prevention & Life Safety (see above). I, _____ (print name), as the owner or his/her representative, certify that the above deficiencies have been corrected as of _____ (date).
(your signature)

This occupancy received a satisfactory fire safety inspection on ___/___/___ verified by signature below:

Fire Prevention Officer's Signature: _____

State shutting down assisted living center in Hollywood

The Sun Sentinel logo is displayed in white serif font against a black background. Below the text are two red wavy lines.

Aide hits woman with pitcher at ALF, sparking state investigation into Coolidge Palms in Hollywood



By **Susannah Bryan**
Sun Sentinel

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State shutting down Coolidge Palms assisted living center in Hollywood

APRIL 6, 2016, 5:31 PM

A troubled Hollywood assisted living facility is being forced to close after losing its license to operate. The facility has until the end of April to transfer residents to other facilities, said Shelisha Coleman, spokeswoman for the Florida Agency on Health Care Administration.

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required a trip to the hospital for stitches.

Aide Mary Hunte told police she poured water on the woman's head on Jan. 26, then struck her with the pitcher because the woman bit her arm. But a state investigator who saw a surveillance video of the incident disputes the aide's claim.

Hunte was never disciplined, according to a manager at the 81-bed facility at Coolidge Street and Dixie Highway.

Christopher Parrella, an attorney for Coolidge Palms, could not be reached for comment despite an email and call to his office.

Coolidge Palms has had 30 complaints filed against it over the past five years, according to the state. One incident, involving an amputee left to change her own diapers, led to a \$10,000 fine last year.

But it was the water pitcher incident that led the state to impose an emergency moratorium prohibiting the facility from taking in new patients, state records show.

At the time of the incident, Coolidge Palms had been under a "plan of correction" required by the state to ensure that staff be retrained on resident rights and recognizing and reporting abuse and neglect. The state in February found no evidence it had complied.

The state's decision to shut down a big facility is rare, said Brian Lee, a former elder care ombudsman for the state of Florida.

"Usually they shut down small places. [The state] is flexing their muscles by going after a large assisted living facility," said Lee, executive director of Families for Better Care, a national advocacy group for improving conditions at long-term care facilities.

Staff Writer Megan O'Matz contributed to this report.

sbryan@sunsentinel.com or 954-356-4554

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Alexandra Carcamo

From: John Marino
Sent: Tuesday, January 17, 2017 12:21 PM
To: Alexandra Carcamo
Cc: David Strauss
Subject: RE: Coolidge Palms - 2057 Coolidge Street

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning,

This facility was a huge problem for us and the Agency for Healthcare. I believe the owners of Coolidge Palms have a stake in Midtown Manor too. The Manager from Coolidge Palms was the manager at Midtown when we did our inspection. We inspected them on April 28, 2016 and they had numerous violations. My last update from ACHA was they were not complying and were being fined. I honestly would like the certificate of use changed to something other than an Assisted Living Facility. We have way too many in our City (Currently 42). I'm working on making suggestions to change our ordinance and zoning so ALFs can't be within a specific distance of another ALF.

From January 1, 2015 – April 30, 2016 (They were closed down at the end of April), Police responded to Coolidge Palms 155 times.

- 35 – Police Service Calls (residents reporting money stolen, not getting meds, etc)
- 16 – Abuse Calls
- 16 – Police Information Calls (residents reporting not being allowed in, etc)
- 16 – Suspicious Incidents
- 12 – Baker Acts
- 11 - Disturbances
- 7 – Missing People
- 7 – Batteries
- 7 – 911 Calls (fights, threats, etc)
- 7 – Sick/Injured Persons
- 6 – Thefts
- 3 – Assist Other Agencies (missing people recovered in other jurisdiction)
- 3 – Code Violations
- 1 – Fight
- 1 – Trespass
- 1- Sexual Battery
- 1 – Fire
- 1-Civil Matter
- 1 – Felony Arrest
- 1 – Misdemeanor Arrest

Since they have been closed, we have responded there 3 times (May 1, 2016-January 12, 2017).

- Police Information – Complainant advised Doctor didn't have a license
- Civil Matter – Complainant advised Coolidge Palms wouldn't return his items
- Trespass – Three homeless men were sleeping in the facility

Lieutenant John Marino
Hollywood Police Department
Neighborhood Services Unit
East Division
(954) 967-4505
jmarino@hollywoodfl.org

From: Alexandra Carcamo
Sent: Wednesday, January 11, 2017 4:03 PM
To: John Marino
Subject: Coolidge Palms - 2057 Coolidge Street

Hello Lieutenant Marino,

As per our conversation earlier, any information regarding the Coolidge Palms ALF located at 2057 Coolidge Street is greatly appreciated.

We currently have an applicant requesting a Certificate of Use for an ALF at the property but we have concerns as their license was revoked back in April of 2016. They claim that the "new" ownership will not bring the same issues as before, but as you know that is never a guarantee.

Thank you in advance for your help.

Best regards,
Alex