

**The Fox Law Firm, LLC**

250 Commerce Street, Suite 200-A  
Montgomery, AL 36104  
334-676-3404

March 26, 2024

***VIA ELECTRONIC DELIVERY***

Emily Marsal  
Executive Director  
SHPDA  
100 North Union Street, Suite 870  
Montgomery, AL 36130

**RE: AL-2023-013, CON 3040-SCALF  
Birmingham Operations, LLC d/b/a Harmony at Birmingham**

Dear Mrs. Marsal:

As you know, this firm represents Birmingham Operations, LLC d/b/a Harmony at Birmingham (“Harmony”) in connection with the above-referenced Project and Certificate of Need (“CON”). Pursuant to Alabama Certificate of Need Program Rules and Regulations (the “CON Rules”) r. 410-1-10.-.03, please accept this letter as a Notice of Request for Project Modification for the above-referenced CON.

This CON was issued on September 5 2023, for the construction and operation of a thirty-two (32) bed specialty care assisted living facility (“SCALF”) as a part of a senior living community to be developed in the City of Trussville in Jefferson County, Alabama (the “Project”). The site identified in the CON application and the public hearing was located at 595 Mann Street in Trussville, which property was under a purchase agreement between the applicant and the property owner.

Since issuance of the CON, Harmony has undertaken significant efforts to complete the Project, conducting project due diligence including Phase I Environmental, test pit boring, and property surveys. Unfortunately, some difficulties have arisen in connection with the previously proposed and identified site. Although these difficulties may be able to be resolved, to do so would unduly delay the Project and potentially increase costs.

Accordingly, Harmony has reached agreement with the City of Trussville regarding purchase, condition upon the approval of your agency, of an almost adjacent parcel of property

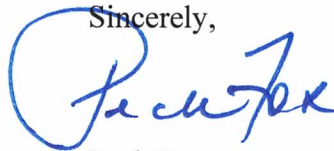
suitable for the project. The address for this proposed parcel has not yet been assigned, but is anticipated to be either 207 Kenimer Avenue or 211 Kenimer Avenue, both in Trussville. A map showing the previously identified parcel marked as #1 and the new proposal as #2 is attached hereto for reference. There is no proposed change in scope or cost of the project via this project modification, only a de minimis relocation of the as-yet undeveloped parcel.

Additionally, Harmony would like to notify your agency of its desire to change the planned "d/b/a" designation of the facility from Harmony at Birmingham to the more geographically correct Harmony at Trussville.

Harmony remains committed to this Project, and believes that the proposed Project Modification is the best means of achieving a successful implementation. As required, the Project Modification filing fee of 35% of the original CON application fee is being hand-delivered separately to your agency's office. It should also be noted that there were no intervenors, opponents or other persons of interest whom should be served with this request.

Should you have any questions or need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peck Fox". The signature is written in a cursive style with a large initial "P" and "F".

Peck Fox



