

STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION

FHFC CASE NO. 2013-029VW  
Application No. 2011-191C

NORTHWEST PROPERTIES IV, LTD.

Petitioner,

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

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FLORIDA HOUSING  
FINANCE CORPORATION

**PETITION FOR WAIVER OF 2011 UNIVERSAL APPLICATION INSTRUCTIONS,  
HOUSING CREDIT PROGRAM, PART III, SECTION B(2)(a)**

Petitioner, Northwest Properties IV, Ltd., a Florida limited partnership (“Northwest IV”) petitions Respondent Florida Housing Finance Corporation (“Florida Housing”) for a waiver of the requirement to provide electric doorbells in all units located in the Development (as defined below). *See* 2011 Universal Application Instructions, Housing Credit Program, Part III, Section B(2)(a) (the “Instructions”), which incorporate the Visitability and Universal Design Manual (the “Manual”).

Pursuant to Section 120.542, Fla. Stat., and Rule 28-104.001 through 28-104.006, F.A.C., Northwest IV requests a waiver of the Instructions in order to allow for the use of a community-wide access control intercom system installed at a single entry point at each building in the Development (the “Visitor Notification System”) in lieu of an electric doorbell at individual unit doors in the Development (the “Required Doorbell”). The Visitor Notification System, coupled with gates at all entrances to each building, provides greater security for the residents of the Development than the Required Doorbell. Unwelcome visitors would be unable to gain access

to any residential building in the entire Development, if not admitted through the Visitor Notification System; the Required Doorbell alone would allow unwanted visitors to reach every unit front door before being detected. Because the Visitor Notification System is an integrated doorbell and intercom device, a resident can be certain that the visitor seeking entry is, in fact, a welcome invitee through voice communication before the visitor enters the property. With the Visitor Notification System in place, individual doorbells would be superfluous. Specifications for the Audio Entrance Station and the Tenant Station that comprise the Visitor Notification System are attached hereto as Exhibit "A". Specifications for the building fences and gates are attached hereto as Exhibit "B".

**A. THE PETITIONER**

1. The name, address, telephone and facsimile numbers, and email address for Northwest IV and its qualified representative are:

Northwest Properties IV, Ltd.  
c/o Carlisle Development Group, LLC  
Attention: Lindsay Lecour  
2950 SW 27<sup>th</sup> Avenue, Suite 200  
Miami, Florida 33133  
Telephone: 305-476-8118  
Facsimile: 305-476-1557  
E-mail: llecour@carlisledevelopmentgroup.com

2. The name, address, telephone and facsimile numbers, and e-mail address of Northwest IV's attorney, for purposes of this Petition, are:

Brian J. McDonough, Esquire  
STEARNS WEAVER MILLER WEISSLER  
ALHADEFF & SITTERSON, P.A.  
150 West Flagler Street  
Miami, Florida 33130  
Telephone: 305-789-3350  
Facsimile: 305-789-3395  
E-mail: bmcdonough@stearnsweaver.com

**B. THE DEVELOPMENT**

3. In 2011, Northwest IV applied for low-income housing tax credits from Florida Housing pursuant to the 2011 Universal Cycle. *See* Application No. 2011-191C. The Universal Application package has been adopted and incorporated into Chapter 67-48 by Rule 67-48.004(1)(a), F.A.C. (2011). Northwest IV received an allocation of low income housing tax credits from Florida Housing.

4. Northwest IV has closed on the financing and housing credit syndication which will provide funds for the construction of 138 units in 6 residential buildings and 2 non-residential buildings intended to serve low-income persons in Fort Lauderdale, Broward County, Florida (the “Development”).

5. The provisions of the 2011 Universal Cycle Application, by incorporation of the Manual, as more particularly described below, require the installation of an electric doorbell for each unit. However, it has been determined by Northwest IV that the use of the Visitor Notification System would provide greater security to the residents.

6. The requested waiver will not adversely affect the Development. However, a denial of this Petition (a) would provide residents with a less secure visitor control system; (b) could result in delay in completing construction of the Development; and (c) would violate principles of fairness<sup>1</sup>. § 120.542(2), Fla. Stat. (2011).

7. The waiver being sought is permanent in nature.

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<sup>1</sup>“Substantial hardship” means a demonstrated economic, technological, legal or other type of hardship to the person requesting the variance or waiver. “Principles of Fairness” are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. Section 120.542(2), Florida Statutes.



C. **Rule from Which Relief is Requested and Statute Implemented by the Rule**

8. Northwest IV realleges and incorporates Paragraphs 1 through 7 as though fully set forth herein.

9. Northwest IV requests a waiver of Part III, Section B(2)(a) of the Universal Application Instructions that provides as follows:

**2. Required Universal Design and Visitability Features (Threshold):**

**All universal design and visitability features must meet the specification outlined in the FHFC Universal Design and Visitability manual (the Manual). The Manual, effective 11-3-29010 is incorporated by reference and available on the 2011 Universal application link labeled Related References and Links.**

**(a) For all new construction units:**

**In addition to meeting the requirements outlined in Item III B.1 above, all proposed Developments that involve any new construction units, regardless of the Development Category selected at Part III.A.3.a. of the Application, must include the universal design and visitability features and amenities outlined in Part A.1 of the Manual in all of the new construction units.**

Part A.1 of the Manual includes the following:

**Feature: Electrically-wired door bell accessible to a seated person at the entrance of unit, not more than 48” from finished floor of primary entry door.**

10. The Florida Housing Finance Corporation Act<sup>2</sup> designates Florida Housing as the State of Florida’s housing credit agency within the meaning of Section 42(h)(7)(A) of the Internal Revenue Code of 1986. As the designated agency, Florida Housing is responsible for and is authorized to establish procedures for the allocation and distribution of low-income

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<sup>2</sup> The Florida Housing Finance Corporation Act is set forth in Sections 420.501 through 420.516 of the Florida Statutes (the “Act”). See also, Rule 67.40.020(1), F.A.C. (“ ‘Act’ means the Florida Housing Finance Corporation Act, section 420.501 through 420.516 of the Florida Statutes”)

housing tax credits. § 420.5099(1) and (2), Fla. Stat. (2011). The Allocation Procedures were established in Rule Chapter 67, Florida Administrative Code. Accordingly, the Instruction that is the subject of Northwest IV's waiver request is implementing, among other sections of the Act, the statutory authorization for Florida Housing's establishment of Allocation Procedures for Housing Credit Programs. § 420.5099(1) and (2), Fla. Stat. (2011).

**D. Justification for Petitioner's Requested Waiver**

11. Northwest IV realleges and incorporates Paragraphs 1 through 10 as though fully set forth herein.

12. Under Section 120.542(1), Fla. Stat., and Chapter 28-104, F.A.C., Florida Housing has the authority to grant waivers to its rule requirements when strict application of these rules would lead to unreasonable, unfair and unintended consequences in particular instances. Waivers shall be granted when the person who is subject to the rule demonstrates that the application of the rule would (1) create a substantial hardship or violate principles of fairness, and (2) the purpose of the underlying statute has been or will be achieved by other means by the person. § 120.542(2), Fla. Stat. (2011).

13. In this instance, Northwest IV meets the standards for a waiver.

14. The Visitor Notification System provides greater security for the residents of the Development than the Required Doorbell. The Required Doorbell provides no access control to buildings within the Development, only to individual units. However, the Visitor Notification System prevents unwelcome visitors from gaining access to the buildings of the Development. Because the Visitor Notification System is an integrated doorbell and intercom device, a resident can be certain that the visitor seeking entry is, in fact, a welcome invitee through voice



communication before the visitor enters the property. Other entry points to the Development will be controlled by gates for which all residents will have swipe-card access.

15. The intent of the 48” measurement in the Manual is intended to make the doorbell accessible to a wheelchair-bound visitor to the Development in accordance with the Fair Housing Act. The Visitor Notification System will be equally accessible to visitors and residents of the Development, because design criteria for its installation at the entry gate and intercom boxes in each unit reflect the requirements of the Fair Housing Act and ADA guidelines for forward and parallel wheelchair approaches.

16. Northwest IV has elected to spend additional resources to install the Visitor Notification System, in the best interests of its tenants. Installation of the Required Doorbells would involve cutting through drywall and stucco, which would not only cause delay in the completion of construction of the Development, but would add no value to the security of the residents in their homes. With the Visitor Notification System in place, individual doorbells would be a redundant expense for Northwest IV. It should be noted that, in any unit designated for hearing-impaired residents, Northwest IV is installing strobe alerts as an accompaniment to the Visitor Notification System.

#### **E. Conclusion**

17. Controlling statutes and Florida Housing’s Rules are designed to allow the flexibility necessary to provide relief from rule requirements when strict application, in particular circumstances, would lead to unreasonable, unfair, or unintended results. Waivers should be granted when the applicant subject to the rule demonstrates that strict application would: (a) create a substantial hardship or violate principles of fairness; and (b) the purpose of the underlying statute has been or will be achieved by other means. §120.542(2), Fla. Stat. (2011).

18. The requested waiver will not adversely impact the Development or Florida Housing. The goal of incorporating enhanced security into the Development will be achieved through the installation of the Visitor Notification System, with no detriment to any party.

19. A denial of the requested waiver could result in a substantial hardship for Northwest IV which would be required to install a product which is redundant and costly to install compared to the benefit provided by it.

20. Finally, by granting the requested waiver, Florida Housing would recognize the economic realities and principles of fundamental fairness in the development of affordable rental housing. This recognition would promote participation by experienced developer entities in meeting the purpose of the Act through providing appropriate features and amenities within residential units developed for low-income residents.

20. Should Florida Housing require additional information, Northwest IV is available to answer questions and to provide all information necessary for consideration of its Petition for Waiver of Part III, Section B(2)(a) of the Instructions which accompany the 2011 Universal Cycle Application.

WHEREFORE, Petitioner Northwest Gardens IV, Ltd., respectfully requests that the Florida Housing Finance Corporation provide the following relief:

- A. Grant the Petition and all relief requested herein;
- B. Waive the requirement for the use of the Required Doorbell; and
- C. Grant such further relief as may be deemed appropriate.

Respectfully submitted,

STEARNS WEAVER MILLER WEISSLER  
ALHADEFF & SITTERSON, P.A.

Counsel for Northwest Gardens IV, Ltd.

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Tel: (305) 789-3350

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E-mail: [bmcdonough@swwwas.com](mailto:bmcdonough@swwwas.com)

By: \_\_\_\_\_

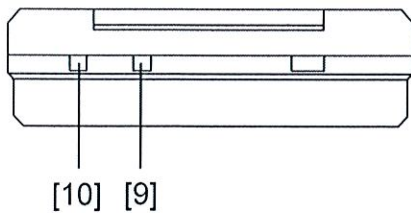
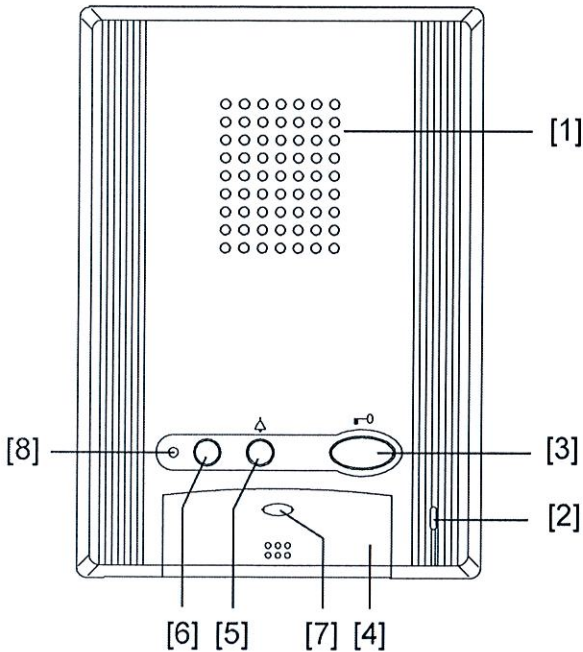
  
BRIAN J. MCDONOUGH, ESQ.



# GT-1A

## Audio Only Tenant Station

### FEATURE CALL-OUT:



### FEATURE CALL-OUT DEFINITIONS:

- [1] Speaker
- [2] Microphone
- [3] Door release button
- [4] Talk button
- [5] Light button / Security guard station call button
- [6] Service button (option)
- [7] Talk LED
- [8] Call tone off LED
- [9] Receive volume control
- [10] Call tone volume control

### SPECIFICATIONS:

- Power Source: 24V DC, supplied from GT-BC
- Call: Varying ring tones from entrance panel, concierge, or doorbell
- Communication: Hands-free or Press-to-talk
- Capacity: Max. 4 tenant stations per resident location
- Wiring: 2-conductor, PE insulated, common bus
- Mounting: Wall mount
- Temperature: 32-104°F (0-40°C)
- Dimensions: 6-7/8" H x 4-15/16" W x 1-1/4" D
- Weight: Approx. 0.70 lbs (330g)



**DESCRIPTION:**

The GTA-DES is an audio entrance station for the GT Multi-Unit entry system. This unit is equipped with an audio module for communication, a 10-key keypad for direct digital dialing, and a VFD display for a greeting message, tenant names & numbers, and system status. The GTA-DES offers a user guide that can be configured to display any one of six languages. The guide provides operational assistance by lighting the appropriate icon as well as offers audible guidance.

The GTA-DES works on a common bus wiring system, carrying the calling and communication functions on a 2 conductor wire. A separate power supply provides voltage to the digital display, while the power for the audio is supplied on the common bus wires.

The entrance station is designed to be semi-flush mount and has an optional rain hood or hooded surface mount box to be used as necessary.

Audio and video entrance panels are intermixable within a system. Audio and video tenant stations are also intermixable, allowing up to two video stations and two audio stations to be used in the same tenant location. (If using the GT-2C, use only additional GT-2H for total of 4 stations within a tenant location).

Communication is hands free at the entrance station when a tenant answers the call.

**FEATURES:**

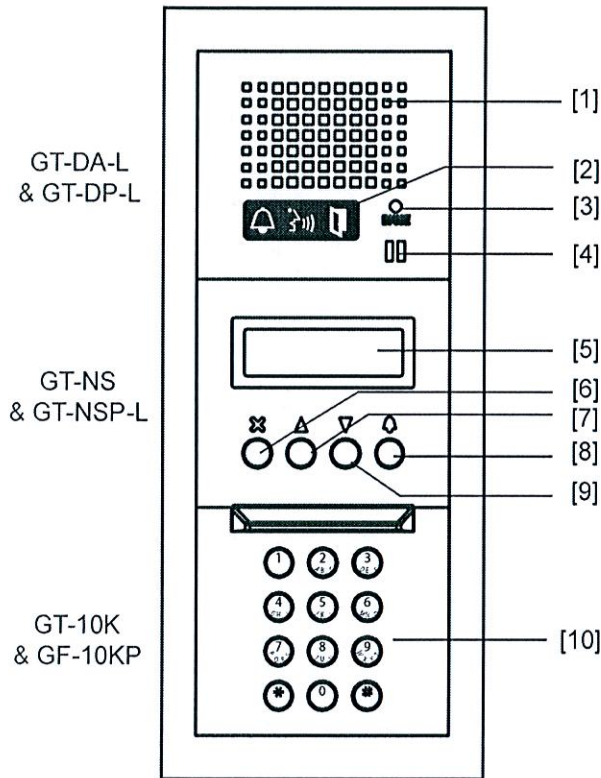
- Hands free audio communication
- Direct digit dialing, alphabetical scrolling, or "jump" scrolling by letter to select tenant name
- Digital panel can store up to 500 tenant name/number locations
- Alpha-numeric room numbers and/or names can be programmed
- Access Control door entry with keypad with up to 500 unique codes to activate door release
- Scrolling welcome message, up to 160 characters, adjustable scroll speed
- VFD (Vacuum Fluorescent Display) displays calling unit name and number
- PC program for loading resident information, access codes, and welcome message (Via USB)
- Semi-flush mount, with the option of a rain hood (GT-103H), or surface mounted with hooded box (GT-103HB)
- Zinc die cast weather resistant construction



# GTA-DES

## Audio Entrance Station with Digital Directory

### FEATURE CALL-OUT:



### FEATURE CALL-OUT DEFINITIONS:

- Speech Module GT-DA-L & GT-DP-L
  - [1] Speaker
  - [2] Guidance indicators  
Door call-in / Talk / Door release
  - [3] In use LED (orange)
  - [4] Microphone
- Digital name scrolling module GT-NS & GT-NSP-L
  - [4] Display
  - [5] Cancel button (or set and return)
  - [7] Back search button (or move cursor to the left)
  - [8] Call button (or set and move forward)
  - [9] Forward search button (or mover cursor to the right)
- Digital keypad module GT-10K & GF-10KP
  - [10] 10-key (0~9, \*, #)

### SPECIFICATIONS:

|                  |   |
|------------------|---|
| Power:           | 24V DC, use specified number of PS-2420UL per system configuration  |
| Calling:         | Electronic ring tone from entrance panel  |
| Communication:   | Hands free from entrance panel to tenant station  |
| Capacity:        | Max. 16 Entry panels per system<br>Max. 4 Concierge stations per system<br>Max. 500 Tenant stations per system<br>Max. 4 Tenant stations per unit   |
| Wire:            | Two sets of 2-conductor, PE insulation (two common buses for audio & video)<br>Aiphone #872002, 2 conductor PE insulated, non-shielded, 11.05 pf/ft<br>Aiphone #871802, 2 conductor PE insulated, non-shielded, 11.05 pf/ft |
| Wiring Distance: | GT-BC to farthest entrance: 980'<br>GT-BC to farthest tenant (audio): 980'  |
| Talk Path:       | Single channel with privacy   |
| Dimensions:      | 12-5/8" H x 5-5/16" W x 9/16" D<br>(Outer panel dimensions, not including optional rain hood or surface mount box.)   |

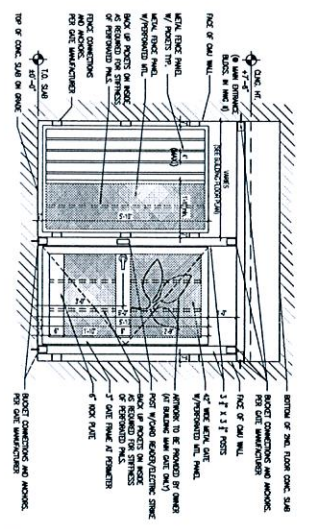
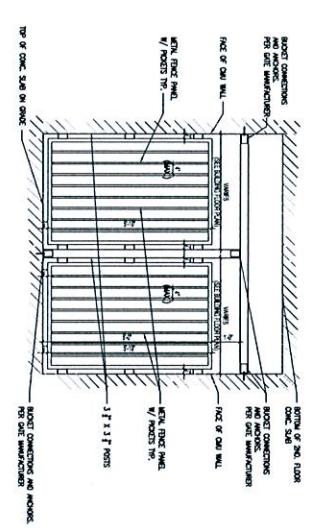
### KIT COMPONENTS:

The GTA-DES kit is made up of the following components:

- GT-DA-L: Audio Module with Guidance
- GT-DP-L: Audio Module Panel
- GT-NS: Scroll Module
- GT-NSP-L: Scroll Module Panel
- GT-10K: Keypad Module
- GF-10KP: Keypad Module Panel
- GT-3B: Module Back Box
- GT-3F: 3 Module Frame



NOTES:  
 1. METAL FENCE & GATE TO BE SUBMITTED FOR A FLORIDA CONSTRUCTION SPECIFICATION AND APPROVED TO BE SUBMITTED FOR PERMIT.  
 2. ALL TO GOVERNOR'S / ARCHITECT'S POWER FOR PERMITTING SPECIFICATION AND PER SECTION 57.



**CONSTRUCTION SET\_03-01-2013**

**A-741**  
 BUILDING 1-M  
 FENCE & GATE  
 DETAILS  
 1220NW22 11-03-2012

| NO. | DATE | NO. | DESCRIPTION |
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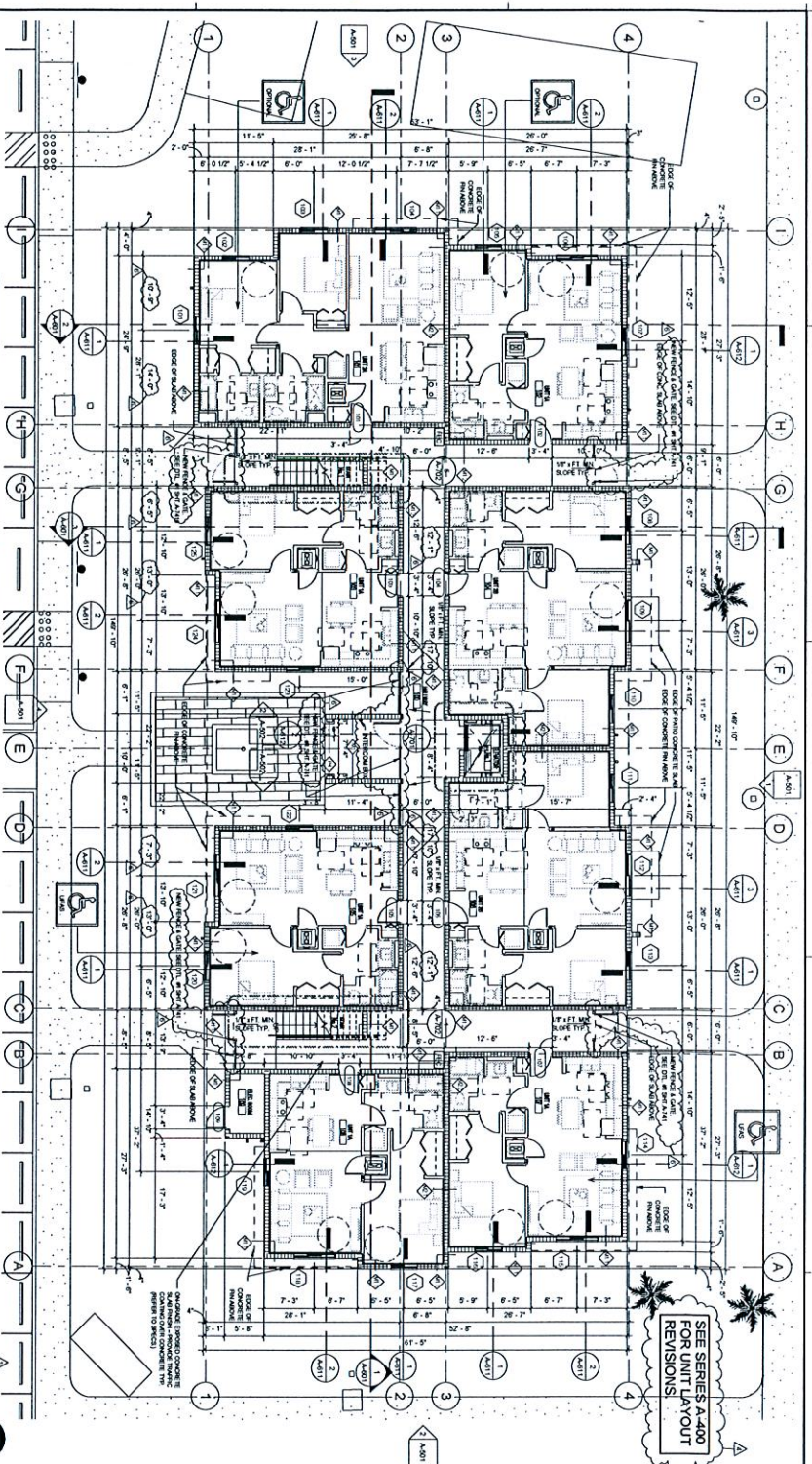
Seal  
 BERNARD ZYSCOVICH  
 Reg. No. RA-7410

Project  
 1220 NW 8th, STREET,  
 FORT LAUDERDALE, FL 33311  
**WILLIAM H. LINDSEY APTS.**  
 Project No. 1220NW22

Architect  
**ZYSCOVICH**  
 ARCHITECTS  
 1200 N. Bayshore Blvd., 21st Fl. | 305.372.2222 | info@zyscovich.com  
 Miami, FL 33132-2164 | 305.577.4572 | www.zyscovich.com

EXHIBIT "B"





SEE SERIES A-200 FOR UNIT LAYOUT REVISIONS.

**Waterproofing Notes as requested by A.H.I.:**  
 All waterproofing to be inspected by the Owner's Special Inspector, who shall review and approve the waterproofing details. These notes are extracted from, but do not replace, the product specification documents and the manufacturer's instructions.  
**A. BENTONITE WATERPROOFING FOR BELOW GRADE ELEVATION:**  
 1. Bentonite Waterproofing: Minimum of 10 lbs/sq. ft. (3 kg/sq. m) of bentonite clay granules between two layers of geotextile polypropylene fabric, one woven or one nonwoven, needle punched and heat fused together.  
 2. Products: Subject to compliance with requirements, provide one of the following:  
 a. Cagle Coatings & Waterproofing, CCM MIRCALY  
 b. COTTO, Vulkor  
 3. Grab Tensile Strength: 56 lbf (222 N) according to ASTM D 4632  
 4. General: Manufacturer's standard accessories recommended for intended use and compatible with bentonite waterproofing.  
 5. Prepare substrates to be waterproofed. Install waterproofing and accessories, and protect waterproofing from damage and wetting according to manufacturer's written instructions.  
 6. Install protection course before backfilling or placing overburden when recommended by waterproofing manufacturer.  
 7. Install a continuous layer of waterproofing sheets directly against concrete to horizontal and vertical substrates. Stagger end joints between sheets a minimum of 24 inches (600 mm). Fasten seams by stapling to adjacent sheet or nailing to substrate.

**B. WATERPROOFING AT CONCRETE EYEWALLS - TOP OF PARAPET (INTER-MODIFIED CEMENT WATERPROOFING):**  
 1. Positive-Side: Polyurethane Modified Cement Waterproofing: Manufacturer's proprietary blend of dry cementitious and other ingredients for mixing with polymer admixture to produce a waterproof coating that is suitable for vertical and horizontal applications below or above grade. Is breathable, resists positive-side hydrostatic pressure.  
 2. Products: Subject to compliance with requirements, provide the following: BASF Building Systems, Thoresol.  
 3. Drawings currently show stucco on the top horizontal surface of the concrete eyewalls. That stucco can be eliminated if a positive slope is provided to the eyewalls. In this case, Thoresol Cementitious Waterproofing shall be applied to the top of the eyewall, with a bead of sealant (Sonosonol Sonolastic 150 VLM Low Modulus Sily-Seamant Polymer Sealant) or equal, shall be applied at the joint between the eyewall slab and the wall. A bead of sealant at all joints between wall/floor slabs and slabs at exterior walls, prior to placement of stucco. This also applies to all horizontal components of exterior concrete "frames".  
 4. Apply Thoresol waterproofing on top of parapet cap and extend down 8" on both sides of parapet.

**C. WATERPROOFING AT EXTERIOR WINDOWS AND DOORS:**  
 1. Set continuous sill members and flashing in full bed of sealant as specified in Division 07 Section "Joint Sealants" to produce weathertight installation.  
 2. Exterior side of the exterior hollow metal door frames, and perimeters of windows and storefronts shall receive a finish bead of sealant. Exterior sealant shall be a Dow Corning 790 or equal silicone sealant approved by the Architect.  
 3. Building paint shall extend to cover the edge of sealants.  
 4. JOINT SEALANT BACKING: Cylindrical Sealant Backings, ASTM C 1330, Type C (closed-cell material with a surface skin) Type O (open-cell material), or any of the preceding types, as approved in writing by joint-sealant manufacturer for joint application indicated, and of size and density to control sealant depth and otherwise contribute to producing optimum sealant performance. Bond-Breaker Tape: Polyethylene tape or other plastic tape recommended by sealant manufacturer.  
 5. Install sealants using proven techniques that comply with the following and at the same time backings are installed:  
 a. Place sealants so they're dry, contact and fully wet joint substrates.  
 b. Completely fill recesses in seal joint configuration.  
 c. Produce uniform, cross-sectional shapes and depths relative to joint widths that allow optimum sealant performance.  
 6. Tooling of V-shaped Sealants: Immediately after sealant application and before skimming or curing begins, tool sealant configuration to approximate specifications below to form smooth, uniform beads of sealant configuration. Do not use metal tooling to form sealant beads or to form smooth, uniform beads of joint configuration. Remove excess sealant from surfaces adjacent to joints.  
 7. Use tooling agents that are approved in writing by sealant manufacturer and that do not discolor sealants or adjacent surfaces.  
 8. Provide concave joint profile per Figure 9A in ASTM C 1193, unless otherwise indicated.  
 9. Consult product specifications and manufacturer's instructions for more detail.

**KEY NOTES**

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**REFLECTED CEILING LEGEND**

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**CONSTRUCTION SET\_03-01-2013**

**ARCHITECTURAL LEGEND & NOTES**

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**WILLIAM H. LINDSEY APTS.**  
 Project No. 1220NWG2

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**BUILDING 1-M FIRST FLOOR PLAN**  
 1220NWG2 1004-2012  
**A-201**