

BEFORE THE FLORIDA HOUSING FINANCE CORPORATION

NORTHSIDE PROPERTY II, LTD.,

Petitioner,

FHFC Case No.: 2017-099BP

FHFC Case No. 2018-047BS

vs.

RFA 2017-108

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

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FLORIDA HOUSING FINANCE CORPORATION

**FORMAL WRITTEN PROTEST
AND PETITION FOR ADMINISTRATIVE HEARING**

Petitioner Northside Property II, Ltd. (“Petitioner” or “Northside”) files this Formal Written Protest and Petition for Administrative Hearing (“Petition”) pursuant to section 120.57(3), Florida Statutes, and rules 67-60.009 and 28-110.004, Florida Administrative Code. This Petition challenges the intended decision of Respondent Florida Housing Finance Corporation (“Florida Housing”) to award funding to Sierra Bay Apartments, Ltd., Application No. 2018-023BS (“Sierra Bay”) in connection with Request for Applications 2017-108, SAIL Financing of Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits (the “RFA”).

I. Parties

1. Petitioner is a legally formed entity qualified to do business in Florida that applied for funding¹ pursuant to the RFA. Petitioner sought funding in connection with the proposed new

¹ In accordance with the RFA, Northside sought funding from the State Apartment Incentive Loan (“SAIL”) program, in conjunction with an allocation of non-competitive Housing Credits and tax-exempt bond financing through Florida Housing’s Multifamily Mortgage Revenue Bond (“MMRB”) program.

construction of a 180-unit, high rise apartment complex called Northside Transit Village II that is intended to serve the elderly demographic in Miami-Dade County, Florida. For purposes of this proceeding, Petitioner's address, telephone number, and email address are those of its undersigned counsel.

2. Florida Housing is the agency affected by this Petition. Florida Housing's address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301. Florida Housing's file number for Petitioner's application is 2018-047BS.

II. Notice

3. Petitioner received notice of Florida Housing's intended decision to award funding pursuant to the RFA on December 8, 2017, when Florida Housing's Board of Directors approved the recommendation of its Review Committee, which previously had recommended certain applicants for funding. A copy of the notice posted on the Florida Housing website concerning the Board action is attached as **Exhibit A**. Petitioner was not among those recommended for funding.

4. Petitioner timely filed a notice of intent to protest on December 13, 2017. A copy of that notice is attached as **Exhibit B**.

III. Background

5. Florida Housing is a public corporation created by section 420.504, Florida Statutes, to administer the governmental function of awarding various types of funding for affordable housing in Florida. Among the programs administered by Florida Housing is the SAIL Program, governed by section 420.5087, Florida Statutes. RFA 2017-108 proposed to award \$87,320,000 in SAIL funding for the development of affordable housing for the elderly and family

demographic groups. The funding offered through the RFA is required to be used in conjunction with tax-exempt bonds and non-competitive Housing Credits.²

6. Florida Housing has the responsibility and authority to establish procedures for allocating and distributing various types of funding for affordable housing, including SAIL funds. In accordance with that authority, Florida Housing has adopted chapter 67-60, Florida Administrative Code, which governs the competitive solicitation process for several programs, including SAIL. R. 67-60.001(1), Fla. Admin. Code. Other administrative rule chapters relevant to Florida Housing's selection process in connection with this RFA are chapter 67-48, which governs competitive affordable multifamily rental housing programs; and chapter 67-53, governing compliance procedures. Applicants for funding pursuant to RFA 2017-108 are required to comply with provisions of the RFA and each of the administrative rule chapters referenced in this paragraph. *See* RFA, p. 7 (§ Three F.3).

7. The RFA was issued on August 31, 2017, and amended on September 13, September 15, and October 3, 2017. It establishes a detailed process of selecting Applicants for funding in large, medium and small counties. RFA, pp. 65-73 (§ 5). First, Applicants are required to meet certain mandatory submission requirements. RFA, pp. 65-68. Among these requirements is demonstrating an Applicant's "Ability to Proceed" with the development via

² Florida Housing issues both competitive and non-competitive housing credits pursuant to section 420.5099, Florida Statutes. Florida Housing is designated as the housing credit agency for the State of Florida within the meaning of Section 42(h)(7)(A) of the Internal Revenue Code. § 420.5099, Fla. Stat. Housing Credits (also known as tax credits) are a dollar-for-dollar offset to federal income tax liability. Developers who receive an allocation of housing credits receive the awarded amount every year for ten years. The developer usually sells the housing credits to a syndicator that in turn sells them to investors seeking shelter from federal income taxes.

the execution of certain forms by the local government where the development will be located. *See* RFA, pp. 34-37. Those Applications that do not meet these requirements are deemed ineligible for funding. The RFA sets forth goals for funding two elderly, new construction Applications located in a large county; three family, new construction Applications located in a large county; one elderly, new construction Application located in a medium county; and two family, new construction Applications located in a medium county. RFA, p. 69. Applicants are awarded points based on a variety of criteria, including proximity to transit services and community services such as a public school, medical facility, grocery store, or pharmacy. RFA, pp 19-23. All large county Applications must achieve a minimum number of transit service points and achieve a minimum number of total proximity points to be eligible for funding. RFA, p. 19. Applicants that achieve a higher number of total proximity points may also qualify for the Proximity Funding Preference. In order to receive the Proximity Funding Preference, Applicants in large counties must achieve at least 12.5 proximity points. In order to be eligible for funding at all, Applicants in large counties must achieve at least 10.5 total proximity points. RFA, p. 20.

8. Because many Applicants achieve the maximum number of points and meet the mandatory eligibility requirements, the RFA sets forth a series of tie-breakers to determine which Applications will be awarded funding:

- (1) **First, by the Application's eligibility for the Proximity Funding Preference (which is outlined in Section Four A.5.e of the RFA) with the Applications that qualify for the preference listed above the Applications that do not qualify for the preference;**

- (2) Next, by the Application's eligibility for the Per Unit Construction Funding Preference (which is outlined in Section Four A.11.d of the RFA) with Applications that qualify for the preference listed above Applications that do not qualify for the preference;
- (3) Next, by the Application's Leveraging Level number (which is outlined in Item 3 of Exhibit C) with Applications that have a lower Leveraging Level number listed above Applications that have a higher Leveraging Level number;
- (4) Next, by the Application's eligibility for Florida Job Creation Funding Preference (which is outlined in Item 4 of Exhibit C) with Applications that qualify for the preference listed above Applications that do not qualify for the preference;
- (5) Finally, by lottery number, with Applications that have a lower lottery number listed above Applications with a higher lottery number.

RFA, pp. 69-70 (emphasis supplied).

9. The RFA also provides that Applications will only be selected for funding if there is enough SAIL funding available in both the applicable SAIL Geographic Category (SAIL Geographic Funding Test) and the SAIL Demographic Category (SAIL Demographic Funding Test) to fund the Applicant's total SAIL request amount. RFA p. 70. The RFA also imposes a County Award Tally, which establishes a procedure to ensure that funding is not concentrated in any one county. *Id.* Nonetheless, the RFA provides that developments in certain counties will be funded first. For example, the highest-ranking eligible new construction Applications in Miami-Dade and Broward counties are to be funded first, regardless of the Applicant's demographic commitment. RFA, p. 70.³

10. Florida Housing received 38 applications in response to the RFA, of which 28 were found to be eligible for funding. **Exhibit C**, 2017-108 – All Applications Chart. Among

³ The Review Committee determined that no Broward County applications were eligible for funding.

the eligible Applications was Petitioner's Northside Transit Village II, to be located in Miami-Dade County. *Id.*

11. Florida Housing's Review Committee for the RFA met on November 15, 2017. Its recommendations were approved by the Florida Housing Board on December 8, 2017. *See Exhibit A.*

12. Among the Applications selected for funding is Sierra Bay, a proposed 140-unit new construction apartment complex to serve the elderly demographic. As more fully described below, Sierra Bay is ineligible for funding because it should not have received six points for a Public Bus Transfer Stop and because it made inconsistent representations about its proposed development to Florida Housing and to Miami-Dade County. If Sierra Bay is determined to be ineligible, Petitioner's Northside Transit Village II would be next in line for funding.

IV. Substantial Interests Affected

13. Petitioner's substantial interests are affected because if Sierra Bay is found ineligible for funding, Northside Transit Village II would be the next eligible Application based on the Funding Selection Order explained on pages 70-72 of the RFA. Sierra Bay and Northside Transit Village II are both new construction developments proposed to serve the elderly in a large county.⁴

⁴ Per the RFA's Funding Selection Order, the first Applications to be selected for funding are new construction Applications in Miami-Dade and Broward counties, regardless of the demographic commitment. Harbour Springs, Application No. 2018-048BS, a proposed family development in Miami-Dade County, meets this criteria. No Broward County Application was deemed to be eligible. The second RFA goal is to fund two elderly, large county new construction Applications. If neither of the Applicants selected under the first goal is a development proposed to serve the elderly, then the next two highest ranking eligible elderly, large county, new construction Applications are to be selected for funding, subject to the County Award Tally and both Funding Tests. Sierra Bay and Brisas del Rio Apartments, Application No. 2018-030BS (also in Miami-Dade County), were selected to meet this goal. Northside Transit Village II also meets

Sierra Bay's Public Bus Transfer Stop

14. Sierra Bay indicated that a "Public Bus Transfer Stop" was located .09 miles from the Development Location Point on the Sierra Bay development site. *See* Sierra Bay Application, p. 5. The RFA, on page 88, defines "Public Bus Transfer Stop" as follows:

For purposes of proximity points, a Public Bus Transfer Stop means a fixed location at which passengers may access at least three routes of public transportation via buses. Each qualifying route must have a scheduled stop at the Public Bus Transfer Stop at least hourly during the times of 7 am to 9 pm and also during the times of 4 pm to 6 pm Monday through Friday, excluding holidays, on a year-round basis. This would include bus stations (i.e., hubs) and bus stops with multiple routes. Bus routes must be established or approved by a Local Government department that manages public transportation. Buses that travel between states will not be considered.

Additionally, it must have been in existence and available for use by the general public as of the Application Deadline.

(Emphasis supplied).

15. The coordinates provided by Sierra Bay (latitude of 25.565771 and longitude of -80.382293) for its transit stop correspond to a Miami-Dade transit stop identified as southbound "US 1 & SW 216 St," located on the southbound or west side of US 1, approximately 240 feet southwest of the centerline of the intersection of US 1 and SW 216th Street. *See Exhibit D*, Surveyor's Affidavit from Kenneth C. Jackson. Only one bus route stops at these coordinates: Route 35. *See Exhibit E*, Letter from Gerald Bryan, Chief, Service Planning and Scheduling, Miami-Dade County Department of Transportation and Public Works (confirming that as of the Application Deadline, October 12, 2017, the bus stop in question was -- and is -- served by only

this goal. If either Brisas del Rio or Sierra Bay are disqualified, Northside Transit Village II is the next eligible Application for funding. *See* RFA, pp. 70-71; *see also* **Exhibit A**.

one route. *See also Composite Exhibit F*, photographs of the bus stop sign and the Miami-Dade County Transit Schedule at the coordinates provided by Sierra Bay.

16. There are no Public Bus Transfer Stops located in the immediate area surrounding the coordinates Sierra Bay listed in its Application. The only other routes that make stops in the area are Routes 34 and 38. *See Exhibit E* (letter from Mr. Bryan). However, neither route stops at the bus stop listed in the Sierra Bay Application. Routes 34 and 38 only make stops at northbound “BUSWAY & SW 216 St,” a bus stop located approximately 150 feet west of the bus stop listed in the Sierra Bay Application. *Id.* Route 35 does not stop at “BUSWAY & SW 216 St.” *Id.*; *see also Composite Exhibit G* (schedules for Bus Routes 34, 35, and 38).⁵

17. The Miami-Dade transit stop identified as southbound US 1 & SW 216 St in Sierra Bay’s Application does not meet the definition of a Public Bus Transfer Stop because it does not access three routes of public transportation via buses. *See Exhibit E*.

18. Public Bus Transfer Stops are entitled to a maximum of six proximity points for transit services. RFA, p. 21. Public Bus Stops are entitled to a maximum of two proximity points for transit services. *Id.* Sierra Bay should have identified its bus stop at US 1 & SW 216 St. as a Public Bus Stop, which would have meant that Sierra Bay would have been entitled to two transit proximity points. However, because Sierra Bay incorrectly identified its bus stop as a Public Bus Transfer Stop, Sierra Bay is entitled to zero proximity points for transit services.

⁵ Notably, Route 34 does not make at least hourly stops during the times of 7 am to 9 am or 4 pm to 6 pm Monday through Friday, excluding holidays, on a year-round basis, as required by the RFA. Thus, even if Sierra Bay were to argue that all three routes should be combined – which is not contemplated by the RFA – Route 34 would fail to meet the number of stops required by the RFA.

19. Sierra Bay claimed 10 community services proximity points as follows: 3.5 points for a grocery store located 0.49 miles away; three points for a medical facility 0.54 miles away; and 3.5 points for a pharmacy 0.49 miles away. *See* Sierra Bay Application, p. 6. Because Sierra Bay is entitled to zero proximity points for transit services, it has a total of only 10 proximity points, .5 points less than the minimum number of points required for a large county Application. Thus, Sierra Bay is ineligible for funding. *See* RFA, p. 20. Even if Sierra Bay were awarded two transit proximity points for a Public Bus Stop, it would have only 12 total proximity points and would fail to achieve the 12.5 points required for the Proximity Funding Preference. *Id.* Without the Proximity Funding Preference, Sierra Bay would be ranked below Petitioner's Application.

20. Sierra Bay should have been aware of the necessity of precisely identifying a Public Bus Transfer Stop in order to receive the six points associated with such a transit service. Florida Housing, in two recent cases affecting Miami-Dade County applications, has rescinded proposed funding awards for Applicants that inappropriately identified Public Bus Stops as Public Bus Transfer Stops. *See Pinnacle Heights, LLC v. Florida Housing Finance Corporation*, DOAH Case No. 15-3304BID, FHFC Case No. 2015-025BP (Final Order adopting Recommended Order)⁶; *GM Silver Creek, Ltd. v. Florida Housing Finance Corporation*, DOAH Case No. 17-1545BID, FHFC Case No. 17-1545BID. The Final and Recommended Orders in *Pinnacle Heights* and the Consent Agreement in *GM Silver Creek* are attached as **Composite Exhibit H**.

21. In the *Pinnacle Heights* case, the challenged Applicant – Rio at Flagler LP – argued that one of its bus routes essentially constituted two routes because it had two separate destinations. Recommended Order at pp. 9-10. However, the Administrative Law Judge noted that Florida

⁶ The discussion of the issue can be found on pages 7-10 of the Recommended Order.

Housing relies on the determinations of local government officials as to the interpretation of “routes”:

[W]hether Route 11 is a single route or two routes is a determination that must be made by the local government, and not the applicant. Mr. Bryan testified that the Authority established Route 11 as a single route with two separate terminate points. . . . Because Florida Housing does not second guess the determination of the local government, the undersigned has rejected Rio’s assertion that the bus stop is a Public Bus Transfer Stop. Without the inclusion of the six proximity points for this type of transit service, Rio’s application is not eligible for funding in this cycle.

Recommended Order, p. 10. Notably, the “Mr. Bryan” referenced as the local government’s expert in the *Pinnacle Heights* Recommended Order in 2015 is the same Mr. Bryan who opined in 2016, in the *GM Silver Creek* case, according to the Petition for Administrative Hearing filed in that proceeding, that the transit service stop identified by Applicant Ambar Key, LTD. (Application No. 2017-147C), did not meet Florida Housing’s definition of a Public Bus Transfer Stop, as defined in RFA 2016-114. Florida Housing agreed with the challenger based on Mr. Bryan’s testimony. *See* Consent Agreement in **Composite Exhibit H**. Similar to the 2015 and 2016 cases, in 2017 Mr. Bryan wrote the letter attached as **Exhibit E** to this Petition. Mr. Bryan’s letter in **Exhibit E** clearly shows that the transit stop submitted by Sierra Bay does not meet Florida Housing’s definition of a Public Bus Transfer Stop.

Sierra Bay Site Plan Approval and Verification of Zoning Forms

22. As part of their Applications, Applicants are required to submit “Ability to Proceed” forms signed by local government officials, including forms demonstrating site control and that the development is consistent with zoning and land use regulations. RFA, pp. 34-35. The Ability to Proceed forms allow Florida Housing to have some degree of confidence that the development can move forward because the local government has reviewed certain elements of

the Development that the Applicant has presented to Florida Housing. In turn, the Applicant is required to certify to Florida Housing that the representations it makes to third parties, such as local governments, are consistent with information provided to Florida Housing in the Application. The Applicant Certification and Acknowledgement Form, which must be signed by each Applicant, provides:

14. In eliciting information from third parties required by and/or included in this Application, the Applicant has provided such parties information that accurately describes the Development as proposed in this Application. The Applicant has reviewed the third party information included in this Application and/or provided during the credit underwriting process and the information provided by any such party is based upon, and accurate with respect to, the Development as proposed in this Application.

RFA, Attachment 1, p. 3. Sierra Bay submitted an executed Applicant Certification and Acknowledgment Form with its Application.

23. Sierra Bay identified its proposed development in its Application as a 140-unit complex consisting of Garden Apartments. *See* Sierra Bay Application, pp. 4, 7. However, the site plan submitted to Miami-Dade County's Department of Regulatory and Economic Resources for purposes of obtaining signatures on the Ability to Proceed Forms details a project consisting of 170 total units in four-story and six-story mid-rise buildings. Copies of Sierra Bay's Local Government Verification of Status of Site Plan Approval for Multifamily Developments and its Local Government Verification that Development is Consistent with Zoning and Land Use Regulations, which were submitted as part of Sierra Bay's Application to Florida Housing, are attached as **Composite Exhibit I**. A copy of Sierra Bay's Site Plan that was submitted to Miami-Dade County's Department of Regulatory and Economic Resources shows that the proposed development consists of 170 units in four-story and six-story buildings. *See* **Composite Exhibit**

J. The final page of this composite exhibit is an enlargement of the Site Data Chart found on the final page of the site plan.⁷

24. Florida Housing requires Applicants to submit Ability to Proceed forms so it can be assured by the local government that the Applicant has the likely ability to build the proposed project, as described in the Application, on the designated site. If the information provided to the local government as to building types and number of units is inconsistent with information about the development provided to Florida Housing, there is no such assurance.

25. Notably, the “Development Type” identified by an Applicant to Florida Housing (i.e., Garden Apartments; Townhouses; Mid-Rise, 4 stories; Mid-Rise, 5 to 6-stories; or High Rise) cannot be changed once the Application is submitted. *See* R. 67-48.004(3)(g), Fla. Admin. Code. Sierra Bay designated its development as Garden Apartments in its Application. Garden Apartments, which are considered more “horizontal” in nature at three stories or less, have more site area devoted to the building footprints than taller, mid-rise developments, which are more “vertical” because they stack their units 4 to 6 stories high. This increased site area devoted to the building footprints has implications on the space remaining on site for drainage, parking, open space, etc. Because the site plan submitted by Sierra Bay to Miami-Dade County identifies the project as consisting of mid-rise buildings, Florida Housing does not have even preliminary assurance from the local government that the proposed development – as described in the Application to Florida Housing – can be built on the designated site.

26. Either Sierra Bay failed to conform the site plan documents it submitted to Miami-Dade County to its Application to Florida Housing, or it failed to conform its Application to Florida

⁷ The documents in this composite exhibit were obtained by Petitioner through a public records request to Miami-Dade County.

Housing to the site plan it submitted to Miami-Dade County. In either case, Sierra Bay submitted an incorrect and inaccurate Applicant Certification and Acknowledgement Form to Florida Housing, and should therefore be found ineligible for funding from RFA 2017-108.

V. Disputed Issues of Material Fact and Law

27. Disputed issues of material fact and law include, but may not be limited to:
- a. Whether Sierra Bay is eligible for six transit proximity points for a Public Bus Transfer Stop;
 - b. Whether Sierra Bay is eligible for any transit proximity points, given its incorrect designation of its bus stop as a Public Bus Transfer Stop;
 - c. Whether Sierra Bay achieved the minimum number of total proximity points to be eligible for funding;
 - d. Whether Sierra Bay achieved the minimum number of transit service points to be eligible for funding;
 - e. Whether Sierra Bay achieved the minimum number of total proximity points to receive the Proximity Funding Preference;
 - f. Whether Sierra Bay should be found ineligible for funding because it provided inconsistent information about its proposed development to Florida Housing and to the local government that executed Sierra Bay's Ability to Proceed forms.

VI. Statement of Ultimate Facts

28. Ultimate facts are that Sierra Bay should be determined to be ineligible for funding and that Petitioner's Application for Northside Transit Village II should be selected for funding.

VII. Right to Amend

29. Petitioner specifically reserves the right to amend this Petition as additional information is developed through discovery or through the review of public records.

VIII. Statutes and Rules that Entitle Petitioner to Relief

30. Statutes and rules entitling Petitioner to Relief are Part V of chapter 420, Florida Statutes; sections 120.569 and 120.57, Florida Statutes; and Chapters 67-21, 67-48, 67-60, 67-53, 28-106, and 28-110, Florida Administrative Code.

IX. Demand for Relief

31. Petitioner respectfully requests that:

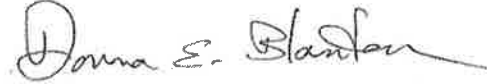
a. Florida Housing schedule a meeting with Petitioner to discuss resolution of this protest within seven days, as required by section 120.57(3)(d)1., Florida Statutes;

b. Florida Housing refer this petition to the Division of Administrative Hearings for assignment of an Administrative Law Judge (“ALJ”);

c. The ALJ enter a Recommended Order determining that Florida Housing should find Sierra Bay ineligible for an award of funding pursuant to RFA 2017-108 and that Northside Transit Village II be awarded funding and invited into the credit underwriting process;

d. That Florida Housing adopt the Recommended Order of the ALJ as a Final Order.

Respectfully submitted this 26th day of December, 2017.



Donna E. Blanton
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Tallahassee, Florida 32301
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(850) 425-6694 (facsimile)
dblanton@radeylaw.com

CERTIFICATE OF SERVICE

I CERTIFY that the original of this Formal Written Protest and Petition for Administrative Hearing was filed by hand-delivery with Ana McGlamory, Agency Clerk, and that a copy was provided by hand-delivery to Hugh Brown, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, on this 26th day of December, 2017.



Donna E. Blanton

RFA 2017-108 – Recommendations

SAIL Funding Balance Available 3,888,830.00

NHIF Funding will be 100% allocated in accordance with Exhibit H

Application Number	Name of Development	County	County Size	Name of Contact	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	County Award Tally	Total Points	Proximity Funding Preference	Leveraging Level	Florida Job Creation Preference	Lottery Number	
Two Elderly Large County New Construction Applications																	
2018-0238S	Sierra Bay	Miami-Dade	L	Mara S. Madas	Cornerstone Group Partners, LLC	NC	E, Non-ALF	4,400,000.00	600,000.00	5,000,000.00	1	15	Y	1	Y	37	
2018-0308S	Brisas del Rio Apartments	Miami-Dade	L	Alberto Millo, Jr.	Brisas del Rio Apartments Developer, LLC	NC	E, Non-ALF	4,346,770.00	600,000.00	4,946,770.00	3	15	Y	2	Y	1	
Three Family Large County New Construction Applications																	
2018-0488S	Harbour Springs	Miami-Dade	L	Lewis Swezy	Lewis Swezy; RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	1	15	Y	1	Y	7	
2018-0395S	The Waves	Duval	L	Fred McKinnies	Jax Urban Initiatives Development, LLC; TVC Development, Inc.	NC	F	7,000,000.00	600,000.00	7,600,000.00	1	15	Y	2	Y	16	
2018-0245S	Palmetto Pointe	Pinellas	L	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	5,400,000.00	463,900.00	5,863,900.00	1	10	Y	4	Y	29	
One Elderly Medium County New Construction Application																	
2018-0328S	Providence Reserve Seniors	Polk	M	Scott Zimmerman	Judd Roth Real Estate Development, Inc.; BDG Providence Reserve Seniors Developer, LLC	NC	E, Non-ALF	6,000,000.00	429,800.00	6,429,800.00	1	15	Y	2	Y	27	
Two Family Medium County New Construction Applications																	
2018-0418S	Parrish Oaks	Manatee	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	6,000,000.00	600,000.00	6,600,000.00	1	15	Y	2	Y	11	
2018-0428S	Luna Lake	Pasco	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	E, Non-ALF	5,800,000.00	465,000.00	6,265,000.00	1	15	Y	3	Y	13	



RFA 2017-108 – Recommendations

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	County Award Tally	Total Points	Proximity Funding Preference	Leveraging Level	Florida Job Creation Preference	Lottery Number
Small County Application(s)																
2018-0296S	Springhill Apartments (currently known as Madison Heights Apartments)	Madison	S	James J. Kerr, Jr	AMICS Development, LLC; SCG Development Partners, LLC	A/R	F	3,064,400.00	251,600.00	3,316,000.00	1	15	Y	5	Y	14
Medium County Application(s)																
2018-0358S	Hibiscus Apartments	Lee	M	Scott Zimmerman	Judd Roth Real Estate Development, Inc.; BDC Hibiscus Apartments Developer, LLC	NC	F	5,125,000.00	510,800.00	5,635,800.00	1	15	Y	4	Y	17
2018-0296S	Lofts on Lemon	Sarasota	M	Joseph J Chambers	Gardner Capital Development Florida, LLC; SHA Affordable Development, LLC; DB Development Florida, LLC	NC	F	2,700,000.00	423,400.00	3,123,400.00	1	15	Y	4	Y	23
2018-0196S	Choctaw Village	Okaloosa	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	F	2,500,000.00	396,300.00	2,896,300.00	1	15	Y	5	Y	22
2018-017S	Venetian Walk II	Sarasota	M	Richard Higgins	Norstar Development USA, LP; Venetian Walk Developers, LLC	NC	F	2,290,000.00	464,200.00	2,754,200.00	2	15	Y	4	Y	33
Large County Application(s)																
2018-0448S	Woodland Grove	Miami-Dade	L	Lewis Swezy	Lewis Swezy; RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	4	15	Y	1	Y	31
2018-0258S	Water's Edge Apartments	Miami-Dade	L	Mara S Mades	Cornerstone Group Partners, LLC	NC	F	3,000,000.00	600,000.00	3,600,000.00	5	15	Y	1	Y	36
2018-0398S*	Chadelle Village	Miami-Dade	L	Samuel F. Diller	Little Haiti Housing Association, Inc.; Stone Soup Development, Inc.	NC	F	3,600,000.00	600,000.00	4,200,000.00	6	15	Y	4	Y	3

*TDC was reduced during scoring which affected the Leveraging Percentage.

On December 8, 2017, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion and staff recommendation to select the above Applications for funding and invite the Applicants to enter credit underwriting.

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.



PHONE (850) 425-6654 FAX (850) 425-6694 WEB WWW.RADEYLAW.COM
MAIL POST OFFICE BOX 10967 | TALLAHASSEE, FL 32302 OFFICE 301 SOUTH BRONOUGH ST. | STE. 200 | TALLAHASSEE, FL 32301

December 13, 2017

Corporation Clerk
Florida Housing Finance Corporation
227 North Bronough Street
Suite 5000
Tallahassee, Florida 32301

RECEIVED
17 DEC 13 AM 9:09

Re: Notice of Intent to Protest, RFA 2017-108 Proposed Funding Selections

Dear Corporation Clerk:

Pursuant to section 120.57(3), Florida Statutes, rule chapter 28-110, and rule 67-60.009, Florida Administrative Code, Applicant 2018-047BS, Northside Property II, Ltd., files this Notice of Intent to Protest the proposed funding selections adopted by the Florida Housing Finance Corporation ("FHFC") Board of Directors on December 8, 2017, concerning Request for Applications ("RFA") 2017-108. A copy of the Board's proposed selections, as posted on the FHFC website, is attached to this notice as Exhibit A. A copy of the list of all applications, also posted on the FHFC website, is attached as Exhibit B. A formal written protest petition will be filed within 10 days of this notice, as required by law.

Sincerely,

Donna E. Blanton



RFA 2017-108 – Recommendations

SAIL Funding Balance Available 3,888,530.00

NHTF Funding will be 100% allocated in accordance with Exhibit H

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	EI Request	Total SAIL Request (SAIL + EI)	County Award Tally	Total Points	Proximity Funding Preference	Leveraging Level	Florida Job Creation Preference	Lottery Number
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Two Elderly Large County New Construction Applications

2018-0238S	Sierra Bay	Miami-Dade	L	Maira S. Madas	Cornerstone Group Partners, LLC	NC	E, Non-ALF	4,400,000.00	600,000.00	5,000,000.00	1	15	Y	1	Y	37
2018-0306S	Brisas del Rio Apartments	Miami-Dade	L	Alberto Millo, Jr.	Brisas del Rio Apartments Developer, LLC	NC	E, Non-ALF	4,346,770.00	600,000.00	4,946,770.00	3	15	Y	2	Y	1

Three Family Large County New Construction Applications

2018-0488S	Harbour Springs	Miami-Dade	L	Lewis Swazy	Lewis Swazy, RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	1	15	Y	1	Y	7
2018-0395S	The Waves	Duval	L	Fred McKinnies	Jax Urban Initiatives Development, LLC TWC Development, Inc.	NC	F	7,000,000.00	600,000.00	7,600,000.00	1	15	Y	2	Y	16
2018-0245S	Palmetto Pointe	Pinellas	L	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	5,400,000.00	463,900.00	5,863,900.00	1	10	Y	4	Y	29

One Elderly Medium County New Construction Application

2018-0328S	Providence Reserve Seniors	Polk	M	Scott Zimmerman	Judd Roth Real Estate Development, Inc.; BDG Providence Reserve Seniors Developer, LLC	NC	E, Non-ALF	6,000,000.00	429,800.00	6,429,800.00	1	15	Y	2	Y	27
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Two Family Medium County New Construction Applications

2018-0418S	Parrish Oaks	Manatee	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	6,000,000.00	600,000.00	6,600,000.00	1	15	Y	2	Y	11
2018-0428S	Luna Lake	Pasco	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	E, Non-ALF	5,800,000.00	465,000.00	6,265,000.00	1	15	Y	3	Y	13



RFA 2017-108 – Recommendations

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	County Award Tally	Total Points	Proximly Funding Preference	Leveraging Level	Florida Job Creation Preference	Lottery Number
Small County Application(s)																
2018-0285	Springhill Apartments (currently known as Madison Heights Apartments)	Madison	S	James I. Kerr, Jr	AMCS Development, LLC; SCG Development Partners, LLC	A/R	F	3,064,400.00	251,600.00	3,316,000.00	1	15	Y	5	Y	14
Medium County Application(s)																
2018-0358S	Hibiscus Apartments	Lee	M	Scott Zimmerman	Judd Roth Real Estate Development, Inc.; BDG Hibiscus Apartments Developer, LLC	NC	F	5,125,000.00	510,800.00	5,635,800.00	1	15	Y	4	Y	17
2018-0298S	Lofts on Lemon	Sarasota	M	Joseph J Chambers	Gardner Capital Development Florida, LLC; SHA Affordable Development, LLC; PB Development Florida, LLC	NC	F	2,700,000.00	423,400.00	3,123,400.00	1	15	Y	4	Y	23
2018-0198S	Choctaw Village	Okaloosa	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	F	2,500,000.00	396,300.00	2,896,300.00	1	15	Y	5	Y	22
2018-017S	Venetian Walk II	Sarasota	M	Richard Higgins	Naxstar Development USA, LP; Venetian Walk Developers, LLC	NC	F	2,290,000.00	454,200.00	2,754,200.00	2	15	Y	4	Y	33
Large County Application(s)																
2018-0448S	Woodland Grove	Miami-Dade	L	Lewis Swezy	Lewis Swezy, RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	4	15	Y	1	Y	31
2018-0258S	Water's Edge Apartments	Miami-Dade	L	Mara S Mades	Cornerstone Group Partners, LLC	NC	F	3,000,000.00	600,000.00	3,600,000.00	5	15	Y	1	Y	36
2018-0338S*	Chanelle Village	Miami-Dade	L	Samuel F. Diller	Little Halo Housing Association, Inc.; Stone Soup Development, Inc.	NC	F	3,600,000.00	600,000.00	4,200,000.00	6	15	Y	4	Y	3

*TDC was reduced during scoring which affected the Leveraging Percentage.

On December 8, 2017, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion and staff recommendation to select the above Applications for funding and invite the Applicants to enter credit underwriting.

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

RFA 2017-108 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SALE Request	EUI Request	Total SALE Request (SALE + EUI)	Eligible For Funding?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number
2018-01685	Liberty Square Phase Two	Miami-Dade	L	Alberto Millo, Jr.	Liberty Square Phase Two Developer, LLC	Redev	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	23.87%	1	Y	38
2018-0175	Venetian Walk II	Sarasota	M	Richard Higgins	Nonstar Development USA, LP, Venetian Walk Developers, LLC	NC	F	2,290,000.00	464,200.00	2,754,200.00	Y	15	Y	Y	87.16%	4	Y	33
2018-01985	Choclaw Village	Okaloosa	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	F	2,500,000.00	396,300.00	2,896,300.00	Y	15	Y	Y	169.16%	5	Y	22
2018-0215	Avery Commons	Escambia	M	Shawn Wilson	Blue Sky Communities III, LLC; TB Southport Development Services, Inc.	NC	E, Non-ALF	5,000,000.00	600,000.00	5,600,000.00	Y	15	Y	Y	81.13%	4	Y	5
2018-02385	Sierra Bay	Miami-Dade	L	Mara S. Nades	Affordable Housing, Inc	NC	E, Non-ALF	4,400,000.00	600,000.00	5,000,000.00	Y	15	Y	Y	31.50%	1	Y	37
2018-0245	Palmetto Pointe	Pinellas	L	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	5,400,000.00	463,900.00	5,863,900.00	Y	10	Y	Y	84.97%	4	Y	29
2018-02585	Water's Edge Apartments	Miami-Dade	L	Mara S Nades	Comerstone Group Partners, LLC	NC	F	3,000,000.00	600,000.00	3,600,000.00	Y	15	Y	Y	28.03%	1	Y	36
2018-0265	Springhill Apartments (currently known as Madison Heights Apartments)	Madison	S	James J. Kerr, Jr	AMACS Development, LLC, SCG Development Partners, LLC	A/R	F	3,064,400.00	251,600.00	3,316,000.00	Y	15	Y	Y	114.88%	5	Y	14
2018-0275	Grove Manor Phase I	Polk	M	Darren Smith	Partheon Development Group, LLC; LWHA Development, LLC	NC	F	6,000,000.00	314,600.00	6,314,600.00	Y	15	Y	Y	71.50%	3	Y	8
2018-02885	Hogan Creek	Duval	L	Joseph J Chambers	Jacksonville Redevelopment Partners, LLC; Jax Urban Initiatives Development, LLC	A/R	E, Non-ALF	4,778,736.00	600,000.00	5,378,736.00	Y	15	Y	Y	26.58%	1	Y	34
2018-02985	Lofts on Lemon	Sarasota	M	Joseph J Chambers	Gardner Capital Development Florida, LLC; SHA Affordable Development, LLC; DB Development Florida, LLC	NC	F	2,700,000.00	423,400.00	3,123,400.00	Y	15	Y	Y	83.70%	4	Y	23
2018-03085	Brisas del Rio Apartments	Miami-Dade	L	Alberto Millo, Jr.	Brisas del Rio Apartments Developer, LLC	NC	E, Non-ALF	4,346,770.00	600,000.00	4,946,770.00	Y	15	Y	Y	34.50%	2	Y	1
2018-03285	Providence Reserve Seniors	Polk	M	Scott Zimmerman	808 Providence Reserve Seniors Developer, LLC	NC	E, Non-ALF	6,000,000.00	429,800.00	6,429,800.00	Y	15	Y	Y	52.46%	2	Y	27
2018-03385**	Ciradelle Village	Miami-Dade	L	Samuel F. Diller	Little Habit Housing Association, Inc.; Stone Soup Development, Inc.	NC	F	3,600,000.00	600,000.00	4,200,000.00	Y	15	Y	Y	78.77%	4	Y	3
2018-03585	Hibiscus Apartments	Lee	M	Scott Zimmerman	Judd Roth Real Estate Development, Inc.; 808 Hibiscus Apartments Developer, LLC	NC	F	5,125,000.00	510,800.00	5,635,800.00	Y	15	Y	Y	75.83%	4	Y	17
2018-03685	Lake Gibson Commons	Polk	M	Shawn Wilson	Blue Sky Communities III, LLC; TB Affordable Housing, Inc	NC	E, Non-ALF	3,400,000.00	245,600.00	3,645,600.00	Y	15	Y	Y	111.41%	5	Y	12



REFA 2017-108 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	EI Request	Total SAIL Request (SAIL + EI)	Eligible For Funding?	Total Points	Proximity Funding Preference	Construction Funding Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number
2018-0388S	Royal Arms Garden Apartments	Bay	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	F	4,600,000.00	433,200.00	5,033,200.00	Y	15	Y	Y	96.46%	5	Y	25
2018-039S	The Waves	Duval	L	Fred McKinnies	Jax Urban Initiatives Development, LLC; TVC Development, Inc.	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	38.67%	2	Y	16
2018-0408S	Pembroke Tower Apartments	Broward	L	Scott C Seckinger	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	E, Non-ALF	3,200,000.00	600,000.00	3,800,000.00	Y	15	Y	Y	53.51%	3	Y	32
2018-0418S	Parrish Oaks	Manatee	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	6,000,000.00	600,000.00	6,600,000.00	Y	15	Y	Y	48.83%	2	Y	11
2018-0428S	Luna Lake	Pasco	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	E, Non-ALF	5,800,000.00	465,000.00	6,265,000.00	Y	15	Y	Y	58.73%	3	Y	13
2018-0438S	The Villages Apartments, Phase II	Miami-Dade	L	Talmadge W Fair	New Urban Development, LLC; Cornerstone Group Partners, LLC	NC	E, Non-ALF	5,000,000.00	600,000.00	5,600,000.00	Y	15	Y	Y	59.30%	3	Y	18
2018-0448S	Woodland Grove	Miami-Dade	L	Lewis Swezy	Lewis Swezy, RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	22.79%	1	Y	31
2018-0466S*	Manatee Commons	Manatee	M	Shawn Wilson	Blue Sky Communities III, LLC; TB Affordable Housing, Inc.	NC	E, Non-ALF	4,200,000.00	541,000.00	4,741,000.00	Y	15	Y	Y	95.71%	5	Y	15
2018-0478S	Northside Transit Village II	Miami-Dade	L	Kenneth Naylor	APC Northside Property II Development, LLC	NC	E, Non-ALF	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	46.62%	2	Y	19
2018-0488S	Harbour Springs	Miami-Dade	L	Lewis Swezy	Lewis Swezy, RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	22.79%	1	Y	7
2018-0508S	Osceola Pointe	Pasco	M	Matthew A Rieger	HTG Osceola Pointe Developer, LLC	NC	F	6,000,000.00	556,900.00	6,556,900.00	Y	15	Y	Y	57.88%	3	Y	24
2018-0518S	Northside Transit Village III	Miami-Dade	L	Kenneth Naylor	APC Northside Property III Development, LLC	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	46.32%	2	Y	30

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	EI Request	Total SAIL Request (SAIL + EI)	Eligible For Funding?	Total Points	Proximity Funding Preference	Construction Funding Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number
2018-0158S	WRDG 14 Oasis at Renaissance Preserve	Hillsborough	L	Jerama Ryans	WRDG 14 Developer, LLC	NC	F	6,197,332.00	600,000.00	6,797,332.00	N	15	Y	Y	34.50%		Y	20
2018-018S	Waldon Street MF	Lee	M	Egbert L Perry	Integral Development, LLC; Housing for Urban Communities, LLC	NC	ALF	6,000,000.00	546,700.00	6,546,700.00	N	15	Y	Y	41.28%		Y	35
2018-020S	Cathedral Townhouse	Bradford	S	Louie A Lange III	Commonwealth Development Corporation	NC	F	3,933,333.00	479,500.00	4,412,833.00	N	15	Y	Y	76.34%		Y	4
2018-0228S	Brick del Este Apartments	Duval	L	Shawn Wilson	Cathedral Townhouse Redevelopment Associates, LLC	A/R	E, Non-ALF	5,000,000.00	600,000.00	5,600,000.00	N	15	Y	Y	36.11%		Y	21
2018-0318S	Courtside Apartments, Phase II	Miami-Dade	L	Alberto Viljo, Jr.	Brick del Este Apartments Developer, LLC	NC	F	4,639,425.00	600,000.00	5,239,425.00	N	15	Y	Y	34.50%		Y	9
2018-0348S	Mary Bethune Highrise	Miami-Dade	L	Matthew A. Rieger	A/MC HTG 2 Developer, LLC	NC	E, Non-ALF	3,700,000.00	600,000.00	4,300,000.00	N	15	Y	Y	43.67%		Y	2
2018-0378S		Hillsborough	L	Jerome Ryans	WRDG Mary Bethune Developer, LLC	A/R	E, Non-ALF	750,000.00	600,000.00	1,350,000.00	N	15	Y	Y	5.83%		Y	6

Ineligible Applications

RFA 2017-108 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SALE Request	EI1 Request	Total SALE Request (SALE + EI1)	Eligible For Funding?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number
2018-04585	Anderson Terrace Apartments	Orange	L	Matthew A. Rieger	HTG Anderson Terrace Developer, LLC	NC	F	6,800,000.00	600,000.00	7,400,000.00	N	15	Y	Y	39.87%		Y	10
2018-04685	Rosemary Cove	Miami-Dade	L	Aaron M. Gornstein	Presentation of Affordable Housing LLC	NC	E, Non-ALF	3,500,000.00	600,000.00	4,100,000.00	N	15	Y	Y	73.13%		Y	28
2018-0525	Pine Grove Apartments	Duval	L	Kristin M. Miller	The Richman Group of Florida, Inc.	NC	F	7,000,000.00	600,000.00	7,600,000.00	N	15	Y	Y	35.05%		Y	26

*EI1 Amount was reduced during scoring.
 *TDC was reduced during scoring which affected the Leveraging Percentage.

On December 8, 2017, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion to adopt the scoring results above.

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

RFA 2017-108 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	EII Request	Total SAIL Request (SAIL + EII)	Eligible For Funding?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number	
Eligible Applications																			
2018-01685	Liberty Square Phase Two	Miami-Dade	L	Alberto Milio, Jr.	Liberty Square Phase Two Developer, LLC	ReDev	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	23.87%	1	Y	38	
2018-01775	Venetian Walk II	Sarasota	M	Richard Higgins	Norstar Development USA, LP; Venetian Walk Developers, LLC	NC	F	2,290,000.00	464,200.00	2,754,200.00	Y	15	Y	Y	87.16%	4	Y	33	
2018-01995	Choctaw Village	Okaloosa	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	F	2,500,000.00	396,300.00	2,896,300.00	Y	15	Y	Y	169.16%	5	Y	22	
2018-02115	Avery Commons	Escambia	M	Shawn Wilson	Blue Sky Communities III, LLC; TB Affordable Housing, Inc	NC	E, Non-ALF	5,000,000.00	600,000.00	5,600,000.00	Y	15	Y	Y	81.13%	4	Y	5	
2018-02385	Sierra Bay	Miami-Dade	L	Mara S. Mades	Cornerstone Group Partners, LLC	NC	E, Non-ALF	4,400,000.00	600,000.00	5,000,000.00	Y	15	Y	Y	31.50%	1	Y	37	
2018-02495	Palmetto Pointe	Pinellas	L	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	5,400,000.00	463,900.00	5,863,900.00	Y	10	Y	Y	84.97%	4	Y	29	
2018-02585	Water's Edge Apartments	Miami-Dade	L	Mara S Mades	Cornerstone Group Partners, LLC	NC	F	3,000,000.00	600,000.00	3,600,000.00	Y	15	Y	Y	28.03%	1	Y	36	
2018-02655	Springhill Apartments (currently known as Madison Heights Apartments)	Madison	S	James J. Kerr, Jr	AMCS Development, LLC; SCG Development Partners, LLC	A/R	F	3,064,400.00	251,600.00	3,316,000.00	Y	15	Y	Y	114.88%	5	Y	14	
2018-02775	Grove Manor Phase I	Polk	M	Darren Smith	Pantheon Development Group, LLC; LWHA Development, LLC	NC	F	6,000,000.00	314,600.00	6,314,600.00	Y	15	Y	Y	71.50%	3	Y	8	
2018-02885	Hogan Creek	Duval	L	Joseph J Chambers	Jacksonville Redevelopment Partners, LLC; Jax Urban Initiatives Development, LLC	A/R	E, Non-ALF	4,778,736.00	600,000.00	5,378,736.00	Y	15	Y	Y	26.58%	1	Y	34	
2018-02985	Lofts on Lemon	Sarasota	M	Joseph J Chambers	Gardner Capital Development Florida, LLC; SHA Affordable Development, LLC; DB Development Florida, LLC	NC	F	2,700,000.00	423,400.00	3,123,400.00	Y	15	Y	Y	83.70%	4	Y	23	
2018-03085	Brisas del Rio Apartments	Miami-Dade	L	Alberto Milio, Jr.	Brisas del Rio Apartments Developer, LLC	NC	E, Non-ALF	4,346,770.00	600,000.00	4,946,770.00	Y	15	Y	Y	34.50%	2	Y	1	
2018-03285	Providence Reserve Seniors	Polk	M	Scott Zimmerman	Judd Roth Real Estate Development, Inc.; BOG Providence Reserve Seniors Developer, LLC	NC	E, Non-ALF	6,000,000.00	429,800.00	6,429,800.00	Y	15	Y	Y	52.46%	2	Y	27	
2018-03385**	Citadelle Village	Miami-Dade	L	Samuel F. Diller	Little Hart Housing Association, Inc.; Stone Seas Development, Inc.	NC	F	3,600,000.00	600,000.00	4,200,000.00	Y	15	Y	Y	78.77%	4	Y	3	
2018-03585	Hibiscus Apartments	Lee	M	Scott Zimmerman	Judd Roth Real Estate Development, Inc.; BOG Hibiscus Apartments Developer, LLC	NC	F	5,125,000.00	510,800.00	5,635,800.00	Y	15	Y	Y	75.83%	4	Y	17	
2018-03685	Lake Gibson Commons	Polk	M	Shawn Wilson	Blue Sky Communities III, LLC; TB Affordable Housing, Inc	NC	E, Non-ALF	3,400,000.00	245,600.00	3,645,600.00	Y	15	Y	Y	111.41%	5	Y	12	



RFA 2017-108 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SALE Request	EII Request	Total SALE Request (SALE + EII)	Eligible For Funding?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number
2018-03685	Royal Arms Garden Apartments	Bay	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	F	4,600,000.00	433,200.00	5,033,200.00	Y	15	Y	Y	96.46%	5	Y	25
2018-03695	The Waves	Duval	L	Fred McKinnies	Jax Urban Initiatives Development, LLC; TVC Development, Inc.	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	38.67%	2	Y	16
2018-04085	Pembroke Tower Apartments	Broward	L	Scott C Seckinger	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	E, Non-ALF	3,200,000.00	600,000.00	3,800,000.00	Y	15	Y	Y	53.51%	3	Y	32
2018-04185	Parrish Oaks	Manatee	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	6,000,000.00	600,000.00	6,600,000.00	Y	15	Y	Y	48.63%	2	Y	11
2018-04285	Luna Lake	Pasco	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	E, Non-ALF	5,800,000.00	465,000.00	6,265,000.00	Y	15	Y	Y	58.73%	3	Y	13
2018-04385	The Villages Apartments, Phase II	Miami-Dade	L	Taimadge W Fair	New Urban Development, LLC; Cornerstone Group Partners, LLC	NC	E, Non-ALF	5,000,000.00	600,000.00	5,600,000.00	Y	15	Y	Y	59.30%	3	Y	18
2018-04485	Woodland Grove	Miami-Dade	L	Lewis Swezy	Lewis Swezy; RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	22.79%	1	Y	31
2018-04685*	Manatee Commons	Manatee	M	Shawn Wilson	Blue Sky Communities III, LLC; TB Affordable Housing, Inc	NC	E, Non-ALF	4,200,000.00	541,000.00	4,741,000.00	Y	15	Y	Y	95.71%	5	Y	15
2018-04785	Northside Transit Village II	Miami-Dade	L	Kenneth Naylor	APC Northside Property II Development, LLC	NC	E, Non-ALF	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	46.62%	2	Y	19
2018-04885	Harbour Springs	Miami-Dade	L	Lewis Swezy	Lewis Swezy; RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	22.79%	1	Y	7
2018-05085	Osprey Pointe	Pasco	M	Matthew A Rieger	HTG Osprey Pointe Developer, LLC	NC	F	6,000,000.00	556,900.00	6,556,900.00	Y	15	Y	Y	57.88%	3	Y	24
2018-05185	Northside Transit Village III	Miami-Dade	L	Kenneth Naylor	APC Northside Property III Development, LLC	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	46.32%	2	Y	30

Ineligible Applications:

2018-01585	WRDG T4 Oasis at Renaissance Preserve	Hillsborough	L	Jerome Ryans	WRDG T4 Developer, LLC	NC	F	6,197,332.00	600,000.00	6,797,332.00	N	15	Y	Y	34.50%		Y	20
2018-0185	Weldon Street MF	Lee	M	Egbert L.J. Perry	Integral Development, LLC; Housing for Urban Communities, LLC	NC	ALF	6,000,000.00	546,700.00	6,546,700.00	N	15	Y	Y	41.28%		Y	35
2018-0205	Cathedral Townhouse	Bradford	S	Louie A Lange III	Commonwealth Development Corporation	NC	F	3,933,333.00	479,500.00	4,412,833.00	N	15	Y	Y	76.34%		Y	4
2018-02285	Brisas del Este Apartments	Duval	L	Shawn Wilson	Cathedral Townhouse Redevelopment Associates, LLC	A/R	E, Non-ALF	5,000,000.00	600,000.00	5,600,000.00	N	15	Y	Y	36.11%		Y	21
2018-03185	Courtside Apartments, Phase II	Miami-Dade	L	Alberto Milib, Jr.	Brisas del Este Apartments Developer, LLC	NC	F	4,639,425.00	600,000.00	5,239,425.00	N	15	Y	Y	34.50%		Y	9
2018-03485	Mary Bethune Highrise	Miami-Dade	L	Matthew A. Rieger	AMC-HTG 2 Developer, LLC	NC	E, Non-ALF	3,700,000.00	600,000.00	4,300,000.00	N	15	Y	Y	43.67%		Y	2
2018-03785		Hillsborough	L	Jerome Ryans	WRDG Mary Bethune Developer, LLC	A/R	E, Non-ALF	750,000.00	600,000.00	1,350,000.00	N	15	Y	Y	5.83%		Y	6

RFA 2017-108 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	Eligible For Funding?	Total Points	Proximity Funding Preference	Construction Funding Per Unit Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number
2018-04585	Anderson Terrace Apartments	Orange	L	Matthew A Rieger	HTG Anderson Terrace Developer, LLC	NC	F	6,800,000.00	600,000.00	7,400,000.00	N	15	Y	Y	39.87%		Y	10
2018-04685	Rosemary Cove	Miami-Dade	L	Aaron M. Gornstein	Preservation of Affordable Housing LLC	NC	E, Non-ALF	3,500,000.00	600,000.00	4,100,000.00	N	15	Y	Y	73.13%		Y	28
2018-0525	Pine Grove Apartments	Duval	L	Kristin M Miller	The Richman Group of Florida, Inc.	NC	F	7,000,000.00	600,000.00	7,600,000.00	N	15	Y	Y	35.05%		Y	26

* ELI Amount was reduced during scoring.

**TDC was reduced during scoring which affected the Leveraging Percentage.


SURVEYOR'S AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared Kenneth C. Jackson (the "Affiant") who upon being duly sworn, deposes and states as follows:

1. Affiant is a Professional Land Surveyor duly licensed and registered in the State of Florida under Registration No. 4549.
2. Affiant is familiar with the location of the transit service identified as a fixed coordinate with latitude of 25.565771 and longitude of -80.382293.
3. Affiant has determined that the only Miami-Dade Metrobus stop within a few feet of these coordinates is stop #2964, also identified as "Us 1 & SW 216 St", located on the southbound or west side of US-1, approximately 240 feet southwest of the centerline of the intersection of US-1 and SW 216 Street.
4. The method used to determine the latitude and longitude coordinates conforms to Rule SJ-17, F.A.C., Professional Surveyors and Mappers. Calculations are based on "WGS 84" and the horizontal positions have been collected to meet sub-meter accuracy (no autonomous hand-held GPS units were used).
5. Affiant makes this affidavit with full knowledge that it may be relied upon by Florida Housing Finance Corporation.


Kenneth C. Jackson
Florida Registration No. 4549

The foregoing instrument was sworn to, subscribed and acknowledged before me this 20th day of December, 2017, by Kenneth C. Jackson, who is personally known to me or who presented a Florida driver's license as identification.



Notary Public, State of Florida

Marlene Casar Sanchez

Print name

My Commission Expires: 10/19/19





TRANSIT
Overtown Transit Village
701 N.W. 1st Court • 12th Floor
Miami, Florida 33136
Tel: 786-469-5675 Fax: 786-469-5521

Attachment
Liz Wong
Atlantic Pacific Communities
2940 SW 27th Avenue
Suite 200
Miami, Florida 33133

Re: US 1 @ SW 216 St Bus Stop

Dear Ms. Wong:

With respect to the above-referenced bus stop, please refer to the below map and be advised as follows:

1. There are two separate and distinct bus stops known as US 1 @ SW 216 St located on US 1, just south of the intersection of the US 1 and SW 216 Street.
 - a. The bus stop on the west side of US 1 is only served by southbound buses of Route 35.
 - b. The bus stop on the east side of US 1 is only served by northbound buses of Route 35.
2. There are two separate and distinct bus stops located on the South Miami-Dade Busway approximately 150 feet west of the southbound US 1 @ SW 216 St stop. These are known as Busway @ SW 216 St and are located just south of the intersection of the Busway and SW 216 Street.
 - a. The bus stop on the west side of the Busway is served by southbound buses of Routes 34 and 38 only.
 - b. The bus stop on the east side of the Busway is served by northbound buses of Routes 34 and 38 only.
3. Routes 34 and 38 do not stop at neither the south or northbound US 1 @ SW 216 St stops.
4. Route 35 does not stop at neither the south or northbound Busway @ SW 216 St stops.
5. The information above was true and correct on October 12th, 2017.





Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Bryan'.

Gerald Bryan
Chief, Service Planning and Scheduling
Miami-Dade County
Department of Transportation and Public Works
701 NW 1st Court, Suite 1200
Miami, FL 33136
786-469-5163



35 HOMESTEAD
FLORIDA CITY

MIAMI-DADE
M
TRANSIT

Bus Stop Number:
Número de Parada:
02964

tabbles

EXHIBIT
F

METROBUS ROUTE 35



PLEASE HAVE EXACT CASH, EXACT TICKET OR EXACT FARE READY
CASH PASSENGERS PAY FULL FARE AT EACH BOARDING.

METROBUS FARES	REGULAR	IMPAIRMENT
METROBUS - Regular Fare	\$2.25	\$1.75
EXPRESS BUS	\$2.95	\$1.90
SHUTTLE BUS	25¢	10¢

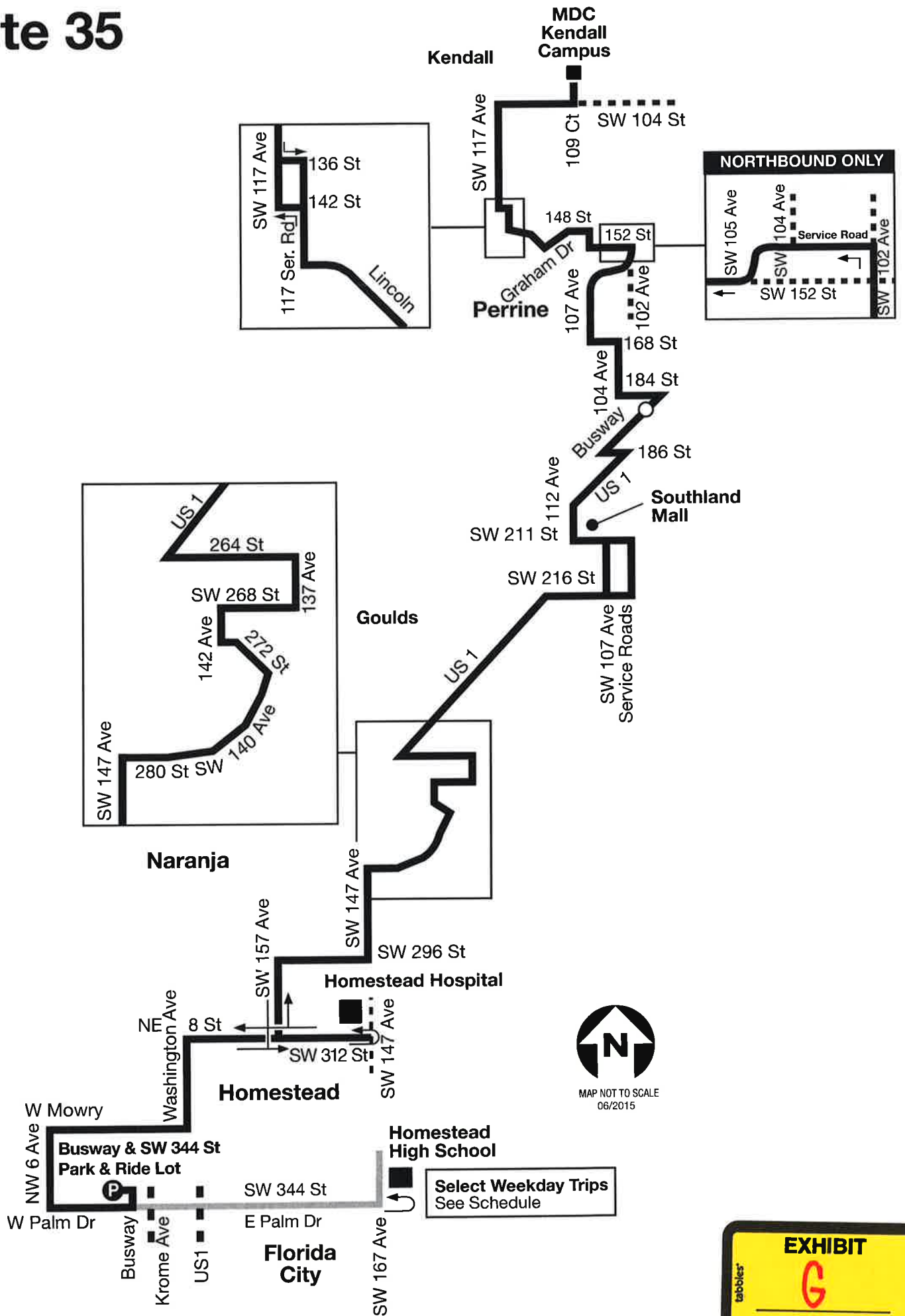
TRANSFERS	REGULAR	IMPAIRMENT
Bus to Bus	FREE	FREE
Bus to Rail / Express Bus	50¢	40¢
Bus to Rail / Bus to Bus	50¢	30¢
Shuttle to Bus	\$2	\$1
Shuttle to Bus to Express Bus	\$2.40	\$1.70
Bus to Bus	50¢	30¢
Bus to Rail / Express Bus	50¢	40¢

PLEASE HAVE EXACT CASH, EXACT TICKET OR EXACT FARE READY
CASH PASSENGERS PAY FULL FARE AT EACH BOARDING.

METROBUS FARES	REGULAR	IMPAIRMENT
METROBUS - Regular Fare	\$2.25	\$1.75
EXPRESS BUS	\$2.95	\$1.90
SHUTTLE BUS	25¢	10¢

TRANSFERS	REGULAR	IMPAIRMENT
Bus to Bus	FREE	FREE
Bus to Rail / Express Bus	50¢	40¢
Bus to Rail / Bus to Bus	50¢	30¢
Shuttle to Bus	\$2	\$1
Shuttle to Bus to Express Bus	\$2.40	\$1.70
Bus to Bus	50¢	30¢
Bus to Rail / Express Bus	50¢	40¢

Route 35





Schedule



35

- Weekday (Southbound)

US 1 & SW 216 ST



5:37 AM

Dest: Florida City



6:22 AM

Dest: Fla. City via Hmsted H.S.



7:01 AM

Dest: Florida City



7:43 AM

Dest: Florida City



8:29 AM

Dest: Florida City



9:11 AM

Dest: Florida City



9:45 AM

Dest: Florida City



10:25 AM

Dest: Florida City



11:05 AM

Dest: Florida City



11:45 AM

Dest: Florida City



12:25 PM

Dest: Florida City



1:05 PM

Dest: Florida City



1:45 PM

Dest: Florida City



2:25 PM

Dest: Florida City



3:07 PM

Dest: Florida City



3:54 PM (45 min)

Dest: Florida City



4:34 PM

Dest: Florida City



5:14 PM

Dest: Florida City



5:54 PM

Dest: Florida City



6:34 PM

Dest: Florida City



7:14 PM

Dest: Florida City



7:53 PM

Dest: Florida City



Back	Schedule	
9:53 PM	Dest: Florida City	>
10:45 PM	Dest: Florida City	>
11:45 PM	Dest: Florida City	>



[view full web site](#)

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34A FLORIDA CITY - DADELAND SOUTH

NORTHBOUND • RUMBO NORTE • DIREKSYON NO

EVERY/ CADA/ CHAK
10 min

WEEKDAYS
 DIAS LABORABLES / LASEMÈN

Ⓟ **344 ST**
 FROM DESDE/DE 4:55 a.m. 5:33 a.m.
 PARK & RIDE TO HASTA/A 5:25 a.m. 7:53 a.m.

Ⓟ **296 ST STATION**
 FROM DESDE/DE 5:11 a.m. 5:49 a.m.
 TO HASTA/A 5:41 a.m. 8:09 a.m.

Ⓟ **244 ST STATION**
 FROM DESDE/DE 5:22 a.m.
 TO HASTA/A 8:22 a.m.

Ⓟ **DADELAND SOUTH**
 FROM DESDE/DE 6:00 a.m.
 TO HASTA/A 9:00 a.m.

SOUTHBOUND • RUMBO SUR • DIREKSYON SID

EVERY/ CADA/ CHAK
10 min*

WEEKDAYS
 DIAS LABORABLES / LASEMÈN

Ⓟ **DADELAND SOUTH**
 FROM DESDE/DE 3:45 p.m.
 TO HASTA/A 7:10 p.m.

Ⓟ **244 ST STATION**
 FROM DESDE/DE 4:20 p.m.
 TO HASTA/A 7:45 p.m.

Ⓟ **296 ST STATION**
 FROM DESDE/DE 4:32 p.m.
 TO HASTA/A 7:57 p.m.

Ⓟ **344 ST PARK & RIDE**
 FROM DESDE/DE 4:45 p.m.
 TO HASTA/A 8:10 p.m.

*LAST SOUTHBOUND TRIP DEPARTS AFTER 15 MINUTES/ULTIMO VIAJE RUMBO SUR SALE DESPUES DE 15 MINUTOS/DENYE VWAYAJ DIREKSYON SID PART APRE 15 MINIT

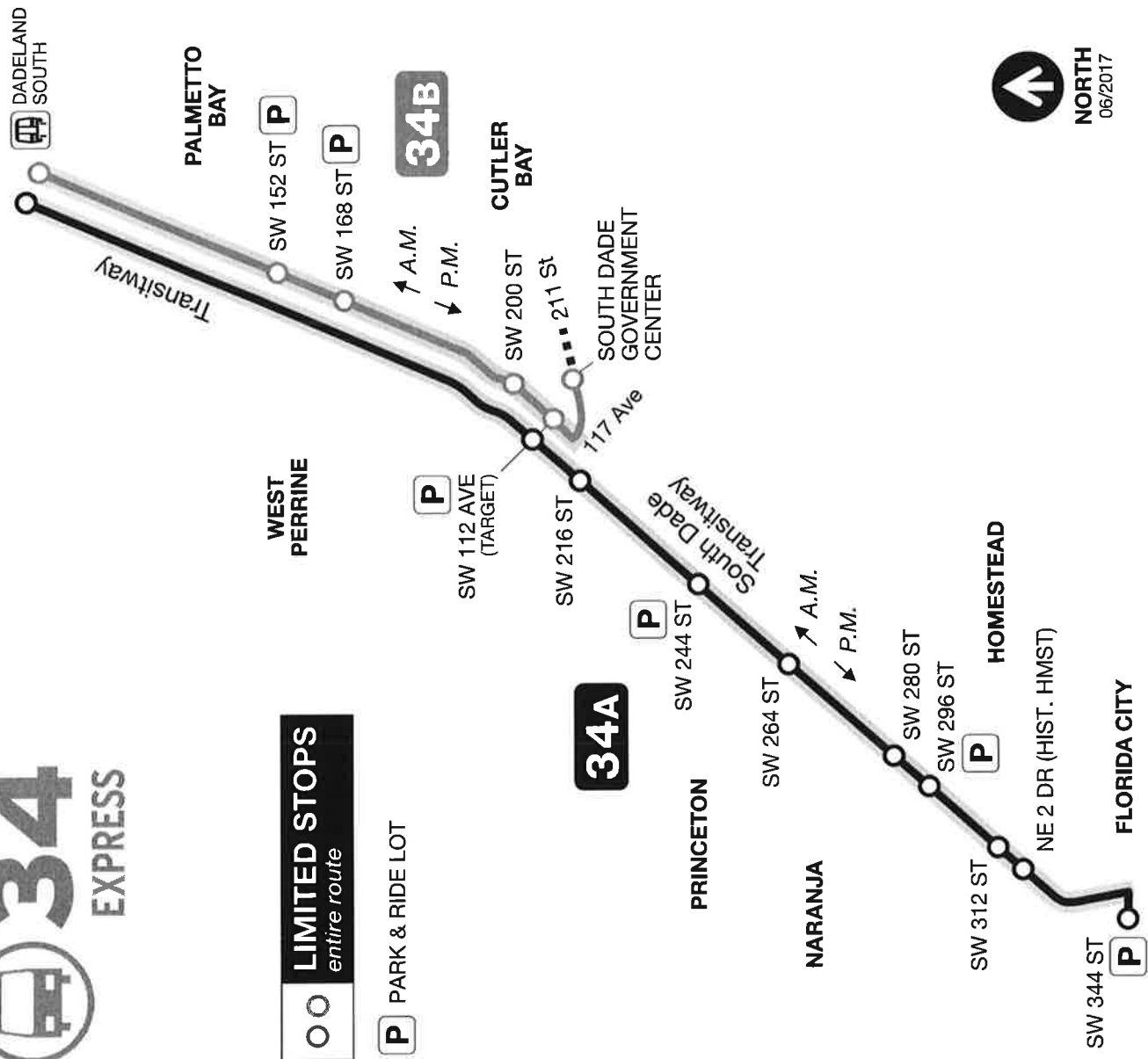
NO WEEKEND SERVICE
 NO HAY SERVICIO LOS FINES DE SEMANA • PA GEN SEVIS LE WIKENN

Frecuencias are approximate and may vary depending on traffic and road conditions/
 Frecuencias son aproximadas, pues dependen del tráfico y otras condiciones de las
 vías/Asosye yo apwoksimatif epi yo ka varye selon kondisyon sikilasyon sou wout yo



LIMITED STOPS
 entire route

P PARK & RIDE LOT



34B S DADE GOVT CTR - DADELAND SOUTH

NORTHBOUND • RUMBO NORTE • DIREKSYON NO	
WEEKDAYS	EVERY CADU/CHAK
DIAS LABORABLES / LASEMÈN	15 min
SOUTH DADE	FROM DESDE/DE 5:38 a.m.
GOVERNMENT CENTER	TO HASTA/A 8:23 a.m.
200 ST STATION	FROM DESDE/DE 5:43 a.m.
	TO HASTA/A 8:28 a.m.
DADELAND SOUTH	FROM DESDE/DE 6:07 a.m.
	TO HASTA/A 8:52 a.m.
SOUTHBOUND • RUMBO SUR • DIREKSYON SID	
WEEKDAYS	EVERY CADU/CHAK
DIAS LABORABLES / LASEMÈN	15 min
DADELAND SOUTH	FROM DESDE/DE 3:57 p.m.
	TO HASTA/A 6:42 p.m.
200 ST STATION	FROM DESDE/DE 4:21 p.m.
	TO HASTA/A 7:06 p.m.
SOUTH DADE	FROM DESDE/DE 4:27 p.m.
GOVERNMENT CENTER	TO HASTA/A 7:12 p.m.

Language Assistance: Miami-Dade Transit (MDT) is committed to providing information about its transit services to passengers with limited English as part of its non-discrimination program. MDT publishes route information in Spanish and Haitian Creole and offers assistance in both languages at our Call Center at 3-1-1 or 305-468-5900. For more information, call MDT's Office of Civil Rights & Labor Relations at 786-469-5486.

Miami-Dade County provides equal access and equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. Auxiliary aids and services for communication are available with five days' advance notice. For material in alternate format (audiotape, Braille or computer disk), a signlanguage interpreter or other accommodations, please contact: Miami-Dade Transit, Office of Civil Rights and Labor Relations, 701 NW 1st Court, Suite 1700, Miami, FL 33136. Attention: Marcos Ortega. Telephone: 786-469-5225, Fax: 786-469-5589, E-mail: mo7225@miamidade.gov.

Español: El Departamento de Transporte Público de Miami-Dade (MDT, su sigla en inglés) está dedicado a proveer información sobre sus servicios a los pasajeros que no hablan inglés. MDT publica información sobre sus rutas de autobuses en español y creole haitiano y ofrece asistencia en ambos idiomas en nuestro Centro de Llamadas en el 3-1-1 o 305-468-5900. Para más información, llame la Ofi cina de Derechos Humanos y Relaciones Laborales de MDT al 786-469-5486.

El Condado de Miami-Dade ofrece igualdad de acceso y de oportunidades en el empleo y no practica la discriminación por discapacidad, en sus programas o servicios. Los dispositivos y servicios de ayuda auditiva para la comunicación están disponibles previa solicitud, con cinco días de anticipación. Para obtener materiales en formato alternativo (cinta de audio, Braille o disco de computadora), para solicitar un intérprete del lenguaje de las señas u otros servicios similares sírvase llamar a: Transporte de Miami-Dade, Ofi cina de Derechos Civiles y Relaciones Laborales, 701 NW 1st Court, Suite 1700, Miami, FL 33136. Atención: Marcos Ortega. Teléfono: 786-469-5225, Fax: 786-469-5589. Correo electrónico: mo7225@miamidade.gov.

Kreyòl Ayisyen: Miami-Dade Transit (MDT) anjeje li a bay pasaje ak konesans limite an Anglè yo tout enfòmasyon sou sevis transpò piblik nan lang pa yo. MDT pibliye enfòmasyon sou trajè otobis yo an Espanyòl ak an Kreyòl Ayisyen epi li bay asistans nan toude lang yo nan Sant Repons nou an 3-1-1 oswa 305-468-5900. Pou plis enfòmasyon, rele Biwo Dwa Sivik ak Relasyon Travay MDT la nan 786-469-5486.

Konte Miami-Dade bay aksè ak opòtinite egal ego nan anplwa epi li pa fè diskriminasyon baze sou enfi mite nan pwogram li yo ak sevis li yo. Aparèy ak sevis kominikasyon pou moun ki pa tande/wè byen yo disponib ak yon preyavi senk jou. Pou jwenn dokiman nan lòt fòm (tep odyo, Bray oswa disk konpit), sevis yon entèprèt ki pale lang sly oswa lòt akomodasyon, tanpri kontakte: Miami-Dade Transit, Biwo Dwa Civil ak Relasyon Travay, 701 NW 1st Court, Suite 1700, Miami, FL 33136. Atansyon: Marcos Ortega. Telefon: 786-469-5225, Faks: 786-469-5589. Imel: mo7225@miamidade.gov

www.miamidade.gov/transit

INFORMACION : INFORMACION : ENFOMASYON
311 OR 305.468.5900 (TTY: 305.468.5402)



@GOMIAMIDADE MDT TRACKER • EASY PAY MIAMI

34 EXPRESS

NOVEMBER 2017

- P** SERVES ALL SOUTH DADE TRANSITWAY PARK & RIDE LOTS
- 34A EXPRESS** — FLORIDA CITY TO DADELAND SOUTH METRORAIL STATION
- 10-MINUTE EXPRESS** — WEEKDAY RUSH-HOUR SERVICE
- 34B EXPRESS** — S. DADE GOVT CTR TO DADELAND SOUTH METRORAIL STATION
- 15-MINUTE EXPRESS** — WEEKDAY RUSH-HOUR SERVICE

DRIVE LESS. LIVE MORE.



DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS



38

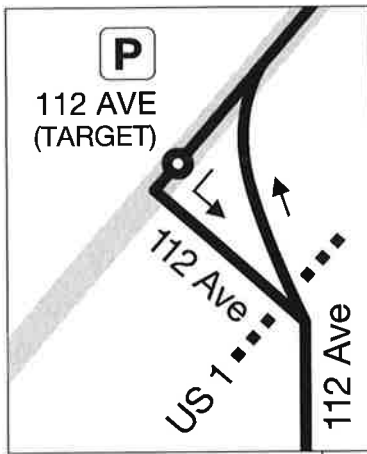
BUSWAY MAX

Stations

- SERVES AT ALL TIMES
- SERVES AT ALL TIMES EXCEPT PEAK DIRECTION RUSH HOURS: A.M. NORTH & P.M. SOUTH (see schedule)

P PARK & RIDE LOT

DADELAND SOUTH



Transitway

- SW 104 ST
- SW 112 ST
- SW 120 ST
- SW 124 ST
- SW 128 ST
- SW 136 ST
- SW 144 ST
- SW 152 ST
- SW 160 ST
- SW 168 ST
- SW 173 ST
- INDIGO ST
- SW 184 ST

THE FALLS

P

P

MARLIN RD

SW 200 ST / CARIBBEAN BLVD

SOUTHLAND MALL

- SW 216 ST
- SW 220 ST
- 216 St

P

- 232 ST
- SW 244 ST

112 Ave

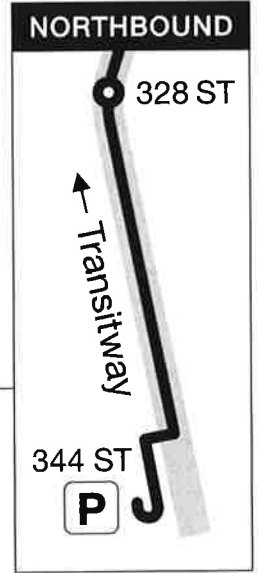
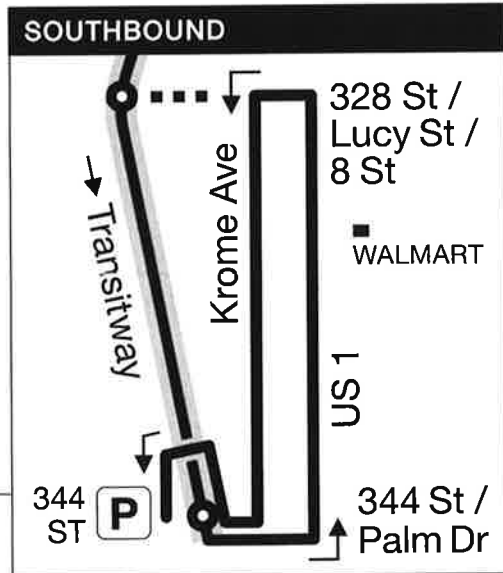
NORTH
11/2016

- SW 264 ST
 - SW 272 ST
 - WALDIN DR / SW 280 ST
 - SW 296 ST
 - SW 312 ST
 - SW 324 ST
- South Dade Transitway

P

- NE 2 DR (HIST. HMSD)
- SW 324 ST

FLORIDA CITY



**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

PINNACLE HEIGHTS, LLC,

Petitioner,
v.

DOAH Case No.: 15-3304BID
FHFC Case No.: 2015-025BP

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,
and

RIO AT FLAGLER, LP,

Intervenor.

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on September 18, 2015. The matter for consideration before this Board is a Recommended Order pursuant to §120.57(1) and (3), Fla. Stat. (2014). After a review of the record and being otherwise fully advised in these proceedings, this Board finds:

1. Petitioner and Intervenor submitted applications to Florida Housing seeking allocations for low-income tax credits pursuant to RFA 2014-116. The Board announced its intention to fund certain projects on May 8, 2015.
2. Petitioner Pinnacle Heights, LLC, (“Pinnacle Heights”), timely filed a challenge to proposed funding awards pursuant to §120.57(3), Fla. Stat. (2014). Rio



FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Kate [Signature] / DATE: 9-21-15

at Flagler, LP (“Rio”), entered the case as an Intervenor in accordance with Fla. Admin. Code R. 28-106.205(3). A formal hearing was conducted pursuant to §§120.569 and 120.57(3), Fla. Stat. (2014), before D. R. Alexander, Administrative Law Judge, at the Division of Administrative Hearings in Tallahassee, Florida, on August 6, 2015.

3. The issue for determination was whether Respondent's intended decision to award low-income housing tax credits to Rio, was contrary to governing statutes, Florida Housing's rules, or the solicitation specifications. Following the hearing, Pinnacle Heights, Florida Housing, and Rio timely filed Proposed Recommended Orders.

4. After a review of the record and the Proposed Recommended Orders, the Administrative Law Judge issued a Recommended Order on August 31, 2015, which found that Florida Housing's proposed scoring of Rio's application was clearly erroneous, contrary to competition, arbitrary or capricious, and recommended that Florida Housing enter a Final Order finding Rio's application ineligible and selecting Pinnacle Heights' application for funding. A true and correct copy of the Recommended Order is attached hereto as “Exhibit A.”

5. On September 8, 2015, Rio filed “Rio at Flagler LP's Exceptions to Recommended Order,” challenging four Findings of Fact and Conclusions of Law of the Recommended Order. Respondent Florida Housing filed its Response to Rio

at Flagler, LP's Exceptions to Recommended Order on September 11, 2015. Petitioner Pinnacle Heights did not file a separate response. By agreement of the parties, both filings were deemed timely.

RULING ON EXCEPTIONS

6. Based on a review of the record and the arguments presented by the Parties, the Board grants Rio's Exception 1 to Finding of Fact 12 regarding Rio's representation of which qualifying routes were served by the selected bus stop.

7. Based on a review of the record and the arguments presented by the Parties, the Board specifically rejects Rio's enumerated Exceptions 2-4 for the reasons set forth in the Recommended Order and the Response filed by Florida Housing.

RULING ON THE RECOMMENDED ORDER

8. The Findings of Fact set out in the Recommended Order are supported by competent substantial evidence.

9. Finding of Fact 12 contains a scrivener's error and is accordingly amended below.

10. The Conclusions of Law of the Recommended Order are accepted without changes.

ORDER

In accordance with the foregoing, it is hereby **ORDERED**:

11. The Findings of Fact 1-11 and 13-16 of the Recommended Order are adopted as Florida Housing's Findings of Fact and incorporated by reference as though fully set forth in this Order.

12. In Finding of Fact 12, the language "Route 6 (Coconut Grove)" should be replaced with "Route 11 (Mall of Americas)".

13. As amended above, Finding of Fact 12 is adopted as Florida Housing's Finding of Fact and incorporated by reference as though fully set forth in this Order.

14. The Conclusions of Law of the Recommended Order are adopted as Florida Housing's Conclusions of Law and incorporated by reference as though fully set forth in this Order.

15. The Recommendation of the Recommended Order is adopted.

IT IS HEREBY ORDERED that Rio's application is ineligible for funding and that Pinnacle Height's application is selected for funding under RFA 2014-116.

DONE and ORDERED this 18th day of September, 2015.



FLORIDA HOUSING FINANCE CORPORATION

By: _____

Chair

Copies to:

Hugh R. Brown
General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, FL 32301

Ken Reecy, Director of Multifamily Housing Programs
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, FL 32301

Michael P. Donaldson, Esquire
Carlton Fields Jordan Burt, PA
215 South Monroe Street, Suite 500
Tallahassee, FL 32301

J. Stephen Menton, Esquire
Rutledge Ecenia, P.A.
119 South Monroe Street, Suite 202
Tallahassee, FL 32301

Gary J. Cohen, Esquire
Shutts and Bowen, LLP
201 South Biscayne Boulevard
1500 Miami Center
Miami, FL 33131

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329, AND A SECOND COPY, ACCOMPANIED BY THE FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 300 MARTIN LUTHER KING, JR., BLVD., TALLAHASSEE, FLORIDA 32399-1850, OR IN THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PINNACLE HEIGHTS, LLC,

Petitioner,

vs.

Case No. 15-3304BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

RIO AT FLAGLER, LP,

Intervenor.

RECOMMENDED ORDER

D. R. Alexander, Administrative Law Judge of the Division of Administrative Hearings (DOAH), conducted the final hearing on August 6, 2015, in Tallahassee, Florida.

APPEARANCES

For Petitioner: J. Stephen Menton, Esquire
Rutledge Ecenia, P.A.
119 South Monroe Street, Suite 202
Tallahassee, Florida 32301-1591

Gary J. Cohen, Esquire
Shutts and Bowen, LLP
1500 Miami Center
201 South Biscayne Boulevard
Miami, Florida 33131-4329

For Respondent: Betty C. Zachem, Esquire
Florida Housing and Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1367

For Intervenor: Michael P. Donaldson, Esquire
Carlton Fields Jordan Burt, P.A.
Post Office Box 190
Tallahassee, Florida 32302-0190

STATEMENT OF THE ISSUE

The issue is whether Florida Housing and Finance Corporation's intended decision to award low income housing tax credits for an affordable housing development in Miami-Dade County to Rio at Flagler, LP (Rio), was contrary to solicitation specifications, and if so, whether that determination was clearly erroneous or contrary to competition.

PRELIMINARY STATEMENT

On November 21, 2014, Florida Housing Finance Corporation (Florida Housing or agency) issued Request for Applications 2014-116 (RFA), which solicited applications to compete for federal low-income housing tax credit funding (tax credits) for affordable housing developments in Miami-Dade County. Applications were submitted in response to the RFA by a number of developers, including Rio and Pinnacle Heights, LLC (Pinnacle). On May 8, 2015, Florida Housing posted a notice of its intended decision to award funding for family and elderly affordable housing to Rio and two other applicants not relevant here, whose applications were deemed to be eligible. Although

Pinnacle's application was also determined to be eligible, Rio had a lower tiebreaking lottery number than Pinnacle, and Rio was awarded the tax credits.

Pursuant to section 120.57(3), Florida Statutes (2015), Pinnacle timely filed a notice of intent to protest, followed by a formal written protest. In its formal written protest, Pinnacle alleged that but for Florida Housing erroneously scoring Rio's application, it would have received the requested funding. The matter was referred to DOAH to resolve the dispute. Prior to the hearing, Florida Housing changed its position and now contends that Rio's application was incorrectly scored and that Pinnacle, rather than Rio, should receive the funding.

At the final hearing, Petitioner presented the testimony of one witness. Petitioner's Exhibit 5 was accepted in evidence. Rio presented the testimony of one witness. Rio's Exhibits 2 through 4, 6, and 7 were accepted in evidence. Joint Exhibits 1 through 8 were also accepted in evidence.

A one-volume Transcript of the hearing was prepared. All parties filed proposed recommended orders, which have been considered in the preparation of this Recommended Order.

FINDINGS OF FACT

1. Florida Housing is a public corporation created pursuant to section 420.504. One of its responsibilities is to

award low-income housing tax credits, which developers use to finance the construction of affordable housing. Tax credits are made available to states annually by the United States Treasury Department and are then awarded pursuant to a competitive cycle that starts with Florida Housing's issuance of a RFA.

2. In this case, the RFA was issued on November 21, 2014, modified slightly on January 30, 2015, and required the filing of applications by February 10, 2015. According to the RFA, Florida Housing is expected to award up to an estimated \$4,367,107 of housing credits for the following demographic set-aside: housing projects targeted for either the family or elderly population in Miami-Dade County. The credits will be awarded to the applicants with the highest total scores.

3. Pinnacle submitted Application No. 2015-211C seeking \$2,560,000.00 in annual allocation of housing credits to finance the construction of a 104-unit residential rental development to be known as Pinnacle Heights. Rio submitted Application No. 2015-217C seeking \$1,940,000.00 in annual allocation of housing credits to finance the construction of a 76-unit residential development to be known as Rio at Flagler.

4. The agency's Executive Director appointed a review committee comprised of Florida Housing staff to evaluate the applications for eligibility and scoring. Fifty-three applications were received, processed, deemed eligible or

ineligible, scored, and ranked pursuant to the terms of the RFA, administrative rules, and applicable federal regulations. Applications are considered for funding only if they are deemed "eligible," based on whether the application complies with various content requirements. Of the 53 applications filed in response to the RFA, 43 were found to be eligible, and ten were found ineligible. Both Pinnacle and Rio were found eligible for the family/elderly demographic.

5. The RFA specifies a sorting order for funding eligible applicants. All eligible applicants in the family/elderly demographic, including Pinnacle and Rio, achieved the maximum score of 23 based on criteria in the RFA. Recognizing that there would be more applications than available credits, Florida Housing established an order for funding for applicants with tied scores using a sequence of six tiebreakers, with the last being a lottery number assigned by the luck of the draw. Applications with lower lottery numbers (closer to zero) are selected before those with higher lottery numbers.

6. Both Pinnacle and Rio received the maximum 23 points and met all tiebreaker criteria. In other words, both had so-called "perfect" applications. The ultimate deciding factor for perfect applications is a randomly generated lottery number that is assigned at the time each application is filed. Rio's number is four, while Pinnacle's number is six. Because Rio had a

lower lottery number than Pinnacle, Florida Housing issued its notice of intent to award tax credits to Rio and another applicant (with a lower lottery number) not relevant here.

7. Pinnacle timely filed a formal written protest. As amended, Pinnacle's protest is narrowed to a single issue -- whether the bus stop identified in Rio's application is a Public Bus Transfer Stop, as defined in the RFA. A failure to comply with this provision would lower Rio's total proximity score and make it ineligible to receive tax credit funding.

8. The RFA specifies two Point Items in the family/elderly demographic category. The first Point Item is "Local Government Contributions," for which a maximum of five points could be awarded. The second is "Proximity to Transit and Community Services," for which points are awarded based on the distance between the proposed development and the selected transit and community service. A maximum of six proximity points are allowed for Transit Services, while a maximum of 12 proximity points are allowed for Community Services for a total maximum of 18 proximity points. Under the terms of the RFA, if an applicant achieves a minimum of 12.25 proximity points for Community Services and Transit Services, a "point boost" up to the maximum total score of 18 proximity points is added to the applicant's score. Rio's transit score of six points is the focus of this dispute.

9. The RFA lists five types of Transit Services that an applicant can self-select to obtain proximity points, including Public Bus Stop (maximum two points) and Public Bus Transfer Stop (maximum six points). Applicants may select only one type of transit services on which to base their transit score. Depending on the type of transit service selected, an applicant may receive up to a maximum of six points for Transit Services. To verify the information in the application, an applicant must submit a Surveyor Certification Form, which is completed and signed by a licensed surveyor. In making its preliminary decision to award tax credits, Florida Housing relies on the information provided in the form and does not second-guess the surveyor. Issues regarding the accuracy of the information in the form are presented through challenges by other applicants.

10. Because Rio had only ten points for proximity to Community Services, it needed at least 2.25 transit points in order to obtain the minimum 12.25 proximity points necessary to achieve a point boost up to 18 points and be in the running for funding. Accordingly, Rio's application sought six points for the project site's proximity to a Public Bus Transfer Stop. A Public Bus Transfer Stop is defined on page 19 of the RFA as follows:

This service may be selected by Family and Elderly Demographic Applicants. For purposes of proximity points, a Public Bus

Transfer Stop means a fixed location at which passengers may access at least three routes of public transportation via buses. Each qualifying route must have a scheduled stop at the Public Bus Transfer Stop at least hourly during the times of 7 a.m. to 9 a.m. and also during the times of 4 p.m. to 6 p.m. Monday through Friday, excluding holidays, on a year-round basis. This would include both bus stations (i.e. hubs) and bus stops with multiple routes. Bus routes must be established or approved by a Local Government department that manages public transportation. Buses that travel between states will not be considered.

11. In sum, a Public Bus Transfer Stop is a fixed location at which passengers may access "at least three routes of public transportation via buses," with each route having a scheduled stop at that location at least hourly during morning and afternoon rush hours, Monday through Friday, on a year-round basis.

12. To comply with this requirement, and based upon oral information provided by customer service at Miami-Dade Transit Authority (Authority), Rio selected a bus stop located at West Flagler Street and Northwest 8th Avenue. Rio represented that this location was served by three qualifying routes: Route 6 (Coconut Grove), Route 11 (Florida International University-University Park Campus), and Route 208 (Little Havana Circulator).

13. The RFA requires that a bus route be established or approved by the "local government department" that manages

public transportation, in this case the Authority. Florida Housing defers to the local government in determining whether a selected bus route is a qualifying bus route within the meaning of the RFA.

14. The head of the local government department that manages public transportation is Gerald Bryan, the chief of service planning and scheduling. By deposition, Mr. Bryan testified that the location selected by Rio has only two qualifying routes: 11 and 208. Route 6, the third route relied upon by Rio, does not run hourly during the requisite rush hour times as required by the RFA and therefore is not a qualifying route. With only two qualifying routes, the transit service selected by Rio is a Public Bus Stop for which only two points, rather than six, can be awarded. Had this information been available to Florida Housing when it reviewed Rio's application, Rio's proximity score would have been less than 12.25, making it ineligible to receive a point boost and achieve the maximum total score of 18 proximity points.

15. Because Rio is ineligible for funding, the next applicant in line is Pinnacle, as it has the next lowest lottery number among the eligible applications that received 23 points.

16. Rio does not dispute that Route 6 fails to make the requisite stops during rush hours to be considered a qualifying route. However, it contends that Route 11 functionally serves

as two distinct routes because it has two separate destinations: the Mall of the Americas and Florida International University Park Campus. But whether Route 11 is a single route or two routes is a determination that must be made by the local government, and not the applicant. Mr. Bryan testified that the Authority established Route 11 as a single route with two separate termination points. He further explained that it is a standard practice for a single route, such as Route 11, to have more than one terminus in order to provide a higher level of customer service. Because Florida Housing does not second guess the determination of the local government, the undersigned has rejected Rio's assertion that the bus stop is a Public Bus Transfer Stop. Without the inclusion of the six proximity points for this type of transit service, Rio's application is not eligible for funding in this cycle.

CONCLUSIONS OF LAW

17. Pinnacle's protest to Florida Housing's proposed contract award is governed by section 120.57(3)(f), as follows:

In a competitive-procurement protest, other than a rejection of all bids, proposals, or replies, the administrative law judge shall conduct a de novo proceeding to determine whether the agency's proposed action is contrary to the agency's governing statutes, the agency's rules or policies, or the solicitation specifications. The standard of proof for such proceedings shall be whether the proposed agency action was

clearly erroneous, contrary to competition, arbitrary, or capricious.

18. Pinnacle has the burden of proof to establish that Florida Housing's proposed action is: (1) contrary to its governing statutes, (2) contrary to its rules or policies, or (3) contrary to the RFA specifications. Pinnacle's formal protest alleges that the scoring of Rio's application is contrary to the RFA specifications.

19. To prevail, Pinnacle must prove, by a preponderance of the evidence, that Florida Housing's proposed action is: (1) clearly erroneous; (2) contrary to competition; or (3) arbitrary or capricious, that is, an abuse of discretion. See, e.g., R.N. Expertise, Inc. v. Miami-Dade Cnty. Sch. Bd., Case No. 01-2663BID (Fla. DOAH Feb. 4, 2002; Sch. Bd. Miami-Dade Mar. 20, 2002). The formal protest asserts that the proposed action is clearly erroneous and contrary to competition.

20. Agency action will be found to be clearly erroneous if it is without rational support and, consequently, the Administrative Law Judge has a "definite and firm conviction that a mistake has been committed." U.S. v. U.S. Gypsum Co., 333 U.S. 364, 395 (1948).

21. An act is contrary to competition if it (1) creates the appearance of opportunity for favoritism; (2) erodes public confidence that contracts are awarded equitably and

economically; (3) causes the procurement process to be genuinely unfair or unreasonably exclusive; or (4) is unethical, dishonest, illegal, or fraudulent. Syslogic Tech. Servs., Inc. v. S. Fla. Water Mgmt. Dist., Case No 01-4385BID (Fla. DOAH Jan. 18, 2002), modified in part, Case No. 2002-051 (SFWMD Mar. 6, 2002).

22. For the reasons previously found, the proximity scoring for Rio upon which the preliminary allocation was based is clearly erroneous and contrary to the RFA specifications. The deviation from specifications is not a minor irregularity. To allow the initial scoring for Rio to stand would not only be contrary to the RFA, it would be contrary to competition and give Rio a competitive advantage. The agency itself agrees that the preliminary scoring of Rio's application was incorrect. Pinnacle has satisfied its burden of proof.

23. With the correction of scoring, Rio is ineligible for funding, and Pinnacle should be moved into the funding range.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is

RECOMMENDED that the Florida Housing Finance Corporation enter a final order finding that Rio's application is ineligible for funding and that Pinnacle's application should be selected for funding under RFA 2014-116.

DONE AND ENTERED this 31st day of August, 2015, in
Tallahassee, Leon County, Florida.

D. R. Alexander

D. R. ALEXANDER
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
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Filed with the Clerk of the
Division of Administrative Hearings
this 31st day of August, 2015.

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 10 days of the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will render a final order in this matter.

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

GM SILVER CREEK, LTD.,

Petitioner,

v.

FHFC Case No.: 2017-010BP
DOAH Case No. 17-1545BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

AMBAR KEY, LTD.,

Intervenor.

CONSENT AGREEMENT

Petitioner, GM Silver Creek, Ltd. (“Silver Creek”), Respondent, Florida Housing Finance Corporation (“Florida Housing”), and Intervenor, Ambar Key, Ltd. (“Ambar Key”), by and through undersigned counsel, hereby present the following Consent Agreement in accordance with Section 120.57(4), Florida Statutes:

PRELIMINARY STATEMENT

On or before December 15, 2016, Petitioner Silver Creek submitted Application No. 2017-156C and Intervenor Ambar Key submitted Application No. 2017-147C to Florida Housing in response to Florida Housing’s Request for Applications 2016-114, Housing Credit Financing for Affordable Housing Developments Located in Miami-Dade County (the “RFA”). Florida Housing’s Review Committee for the RFA met on January 25, 2017, and reviewed all responsive applications to the RFA. The Review Committee determined that both the Silver Creek and

Ambar Key Applications were eligible for funding. Through the ranking and selection process outlined in the RFA, Ambar Key was recommended for funding. The Review Committee developed a chart listing its funding recommendations for the RFA that recommended Ambar Key, among other Applicants, for funding. Silver Creek's application, while eligible for funding, was not recommended for funding by the Review Committee.

The Florida Housing Board of Directors ("Board") adopted the Review Committee's RFA funding recommendations on February 3, 2017. Florida Housing posted its Notice of Intended Decision on February 3, 2017, and provided Applicants with a Notice of Rights pursuant to Sections 120.569 and 120.57, Florida Statutes.

Silver Creek timely filed a Notice of Intent to Protest followed by a Petition for Formal Administrative Hearing ("Petition") challenging the Board's finding that Ambar Key's Application was eligible for funding. On March 3, 2017, Florida Housing sent a Notice to All Bidders on RFA 2016-114 ("Notice"), including those bidders who had been preliminarily selected for funding. The Notice informed all bidders that their substantial interests might be affected by the disposition of Petitioner's Petition and advised the bidders of their opportunity to intervene. Ambar Key timely intervened.

The matter was initially referred to the Division of Administrative Hearings ("DOAH") for a formal hearing and assigned DOAH Case No. 17-001545BID. The case was then consolidated with petitions filed by Joe Moretti Phase Three, LLC and Stirrup Plaza Phase Three, LLC, DOAH Case Nos. 17-1543BID and 17-1544BID, respectively. Hearing for the consolidated case was set for April 12, 2017. On April 11, 2017, representatives of Silver Creek, Ambar Key, and Florida Housing entered into a Settlement Agreement in order to resolve the

disputes and avoid the inconvenience, expense, and uncertainty of litigation. Silver Creek and Ambar Key have agreed to be bound by the terms of the April 11, 2017 Settlement Agreement.

Upon issuance of a Final Order adopting the terms of this Consent Agreement, Silver Creek agrees to dismiss its Petition with prejudice. Upon issuance of a Final Order adopting the terms of this Consent Agreement, the parties waive all right to appeal this Consent Agreement or the Final Order and each party shall bear its own costs and attorney's fees. This Consent Agreement is subject to the approval of the Florida Housing Board of Directors (the "Board"). If the Board does not approve this Consent Agreement, no Final Order will be issued and this Consent Agreement shall be null and void as if it were never executed.

STIPULATED FINDINGS OF FACT

1. Silver Creek is a Florida limited partnership in the business of providing affordable housing. Silver Creek is an Applicant for tax credit financing in Florida Housing's RFA 2016-114 to construct an 80-unit development for low-income families. Its Application, assigned number 2017-156C, was deemed "eligible" but was not selected for funding by the Board.

2. Florida Housing is a public corporation that is organized to provide and promote the public welfare by administering the governmental function of financing and refinancing housing and related facilities in the State of Florida. § 420.504, Fla. Stat.; Chapter 67-60, Fla. Admin. Code.

3. Ambar Key is a Florida limited partnership in the business of providing affordable housing. Ambar Key is an Applicant for tax credit financing in Florida Housing's RFA 2016-114 to construct a 120-unit development for low-income families. Its Application, assigned

number 2017-147C, was deemed “eligible” and was selected for funding subject to credit underwriting.

4. Pursuant to section 420.5099, Florida Statutes, Florida Housing is designated as the housing credit agency for Florida within the meaning of section 42(h)(7)(A) of the Internal Revenue Code and has the responsibility and authority to establish procedures for allocating and distributing low-income housing tax credits.

5. Florida Housing issued RFA 2016-114 seeking applications for development of affordable housing for low income individuals in Miami-Dade County.

6. On or about December 15, 2016, Silver Creek, Ambar Key, and others submitted applications for financing for RFA 2016-114.

7. Florida Housing’s Review Committee for the RFA met on January 25, 2017, and reviewed all responsive applications to the RFA. The Review Committee determined that both the Silver Creek and Ambar Key Applications were eligible for funding. Through the ranking and selection process outlined in the RFA, Ambar Key was recommended for funding.

8. The Review Committee developed a chart listing its funding recommendations for the RFA that recommended Ambar Key, among other Applicants, for funding. The Florida Housing Board of Directors (“Board”) adopted the Review Committee’s RFA funding recommendations on February 3, 2017. Florida Housing posted its notice of intended decision on February 3, 2017, and provided Applicants with a Notice of Rights pursuant to Sections 120.569 and 120.57, Florida Statutes.

9. Silver Creek timely filed a Notice of Intent to Protest followed by a Petition for Formal Administrative Hearing (“Petition”) on February 16, 2017, challenging the Board’s finding that Ambar Key’s Application was eligible for funding.

10. On March 3, 2017, Florida Housing sent a Notice to All Bidders on RFA 2016-114 ("Notice"), including those bidders who had been preliminarily selected for funding. The Notice informed all bidders that their substantial interests might be affected by the disposition of Petitioner's Petition and advised the bidders of their opportunity to intervene. Ambar Key timely intervened.

11. Upon review of the Petition, as well as the Application, RFA documents, and information revealed during discovery, Florida Housing has determined that Ambar Key's Application should be ineligible for funding because it did not meet the minimum required score for Transit Services as outlined in the RFA.

12. Section 6.c.1 of the RFA set forth that Applications will receive points for proximity to certain services ("Proximity Points"). The Proximity Points at issue here involve Transit Services. To receive points for Transit Services, Applicants may select among 1) a Public Bus Stop (maximum of two points), 2) a Public Bus Transfer Stop (maximum of six points), 3) a Public Bus Rapid Transit Stop (maximum of six points), and 4) a Public Rail Station (maximum of six points).

13. In its Application, Ambar Key selected Public Bus Transfer Stop and received 5.5 points.

14. The RFA defines a Public Bus Transfer Stop as:

[A] fixed location at which passengers may access at least three routes of public transportation via buses. Each qualifying route must have a scheduled stop at the Public Bus Transfer Stop at least hourly during the times of 7am to 9am and also during the times of 4pm to 6pm Monday through Friday, excluding holidays, on a year-round basis.

15. The parties stipulate that the transit service stop identified by Ambar Key in its Application does not qualify as a Public Bus Transfer Stop, as defined in RFA 2016-114.

Specifically, the stop identified by Ambar Key is served by only one line that constitutes a “qualifying route,” as that term is used in the RFA to mean a route stopping at least hourly between the hours of 7 a.m. and 9 a.m., and again between 4 p.m. and 6 p.m., Monday through Friday. The other two routes relied upon by Ambar Key to qualify this stop as a Public Bus Transfer Stop do not in fact constitute “qualifying routes”.

16. Ambar Key submits that its reliance on information to the contrary was reasonable and that there was no intent on Ambar Key’s part to mislead Florida Housing or misrepresent the status of the transit service stop with the information provided in its application. Florida Housing and Silver Creek do not contest Ambar Key’s contentions in this regard.

17. The loss of Public Bus Transfer Stop points for the Ambar Key Application results in the Ambar Key Application not receiving points for Transit Services, and thus being deemed an ineligible Application under the terms of RFA 2016-114.

18. Florida Housing and Silver Creek agree that this Consent Agreement will not be considered a withdrawal of the Ambar Key Application, or any form of false statement or misrepresentation, and will not impact the ability of Ambar Key, its developers or co-developers, or any principal of the applicant or developer entities involved in the Ambar Key Application to participate in future Florida Housing funding programs.

19. Silver Creek withdraws the other issues raised in its Petition regarding the Ambar Key site, and both Silver Creek and Florida Housing agree as follows:

a. As of December 15, 2016, the Ambar Key site is appropriately zoned for multifamily residential use, and no further hearings or approvals are required to obtain the zoning classification or density necessary to construct the Ambar Key proposed development on its site;

b. The Ambar Key Application's use of "Intersection of NE 2nd Street and NE 3rd Avenue, Florida City, Florida" as its development location is sufficient to comply with Florida Housing's RFA requirements for site address or location;

c. The Ambar Key site does not constitute a Scattered Site; and

d. The Ambar Key Application did not identify an incorrect development type by designating "Garden Apartments" in its application to Florida Housing.

20. The Parties agree that Silver Creek's Application meets all requirements and is eligible for funding under RFA 2016-114. In the event Silver Creek's Application is recommended for a tax credit allocation under RFA 2016-114 to Florida Housing's Board of Directors, Ambar Key and/or its affiliates will in no way seek to overturn, negatively impact, modify, or otherwise challenge any such recommended award of funding to Silver Creek under RFA 2016-114.

STIPULATED CONCLUSIONS OF LAW

21. Pursuant to Sections 120.569 and 120.57(3), Florida Statutes, and Chapter 67-60, Florida Administrative Code, the Florida Housing Board of Directors has jurisdiction over the parties to this proceeding.

22. Florida Housing is statutorily authorized to institute a competitive application process for adopted Chapter 67-60, Florida Administrative Code, to govern the competitive solicitation process for several different programs, including the program for tax credits.

23. Florida Administrative Code, Section 67-60.001 provides that Florida Housing allocate its tax credits, which were made available to Florida Housing on an annual basis by the U.S. Treasury, through the bid protest provisions of Section 120.57(3), Florida Statutes.


24. Petitioner's Application is eligible for funding subject to the ranking and selection process outlined in the RFA.

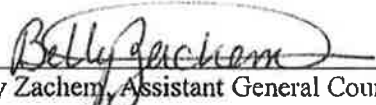
25. Ambar Key's Application is ineligible for funding under the terms of RFA 2016-114.

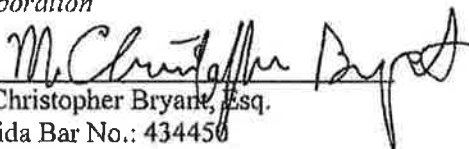
STIPULATED DISPOSITION

Ambar Key is ineligible for funding under the terms of RFA 2016-114. Funding under RFA 2016-114 will be distributed through the ranking and selection process conducted pursuant to the RFA and the outcome of pending litigation under the same RFA.

Respectfully signed this 1st ^{June} ~~May~~ day of ^(BZ) 2017.

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**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION OF STATUS
OF SITE PLAN APPROVAL FOR MULTIFAMILY DEVELOPMENTS**

RFA 2017-108

FHFC Application Reference: _____

Indicate the name of the application process under which the proposed Development is applying/has applied for funding from the Corporation such as the Request for Proposal/Application number and/or the name of the Request for Proposal/Application.

Name of Development: Sierra Bay

South side of SW 214 ST, SW of the intersection of SW 214 St and SW 117 CT, Miami-Dade

Development Location: County

At a minimum, provide the address number, street name and city and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county).

Mark the applicable statement:

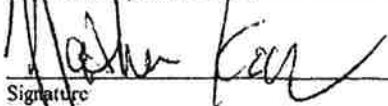
1. The above-referenced Development is (a) new construction, or (b) rehabilitation with new construction, or (c) rehabilitation, without new construction, that requires additional site plan approval or similar process. The final site plan, in the applicable zoning designation, was approved on or before the submission deadline for the above referenced FHFC Request for Proposal/Application by action of the appropriate City/County legally authorized body; e.g. council, commission, board, department, division, etc., responsible for such approval process.
2. The above-referenced Development is (a) new construction, or (b) rehabilitation with new construction, or (c) rehabilitation, without new construction, that requires additional site plan approval or similar process, and (i) this jurisdiction provides either preliminary site plan approval or conceptual site plan approval which has been issued, or (ii) site plan approval is required for the new construction work and/or the rehabilitation work; however, this jurisdiction provides neither preliminary site plan approval nor conceptual site plan approval, nor is any other similar process provided prior to issuing final site plan approval. Although there is no preliminary or conceptual site plan approval process and the final site plan approval has not yet been issued, the site plan, in the applicable zoning designation, has been reviewed.

The necessary approval and/or review was performed on or before the submission deadline for the above referenced FHFC Request for Proposal/Application by the appropriate City/County legally authorized body; e.g. council, commission, board, department, division, etc., responsible for such approval process.
3. The above-referenced Development, in the applicable zoning designation, is rehabilitation without any new construction and does not require additional site plan approval or similar process.

CERTIFICATION

I certify that the City/County of Miami-Dade County has vested in me the authority to verify status of site plan
(Name of City or County)

Approval as specified above and I further certify that the information stated above is true and correct.



Signature

Nathan Kogon

Print or Type Name

Asst. Dir., Dept. of Econ & Regulatory Resources

Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to site plan approval, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If this certification is applicable to this Development and it is inappropriately signed, the certification will not be accepted.



**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS CONSISTENT WITH ZONING
AND LAND USE REGULATIONS**

RFA 2017-108

FHFC Application Reference: _____

Indicate the name of the application process under which the proposed Development is applying/has applied for funding from the Corporation such as the Request for Proposal/Application number and/or the name of the Request for Proposal/Application.

Name of Development: Sierra Bay

South side of SW 214 ST, SW of the intersection of SW 214 St and SW 117 CT, Miami-Dade

Development Location: County

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county).)

The undersigned service provider confirms that on or before the submission deadline for the above referenced FHFC Request for Proposal/Application:

1. The zoning designation for the above referenced Development location is GCUC; and
2. The proposed number of units and intended use are consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use. To the best of my knowledge, there are no additional land use regulation hearings or approvals required to obtain the zoning classification or density described herein. Assuming compliance with the applicable land use regulations, there are no known conditions which would preclude construction or rehabilitation (as the case may be) of the referenced Development on the proposed site.

CERTIFICATION

I certify that the City/County of Miami-Dade County has vested in me the authority to verify
(Name of City/County)

consistency with local land use regulations and the zoning designation specified above or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapter 67.48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.

Signature _____

Nathan Kogon

Print or Type Name

Asst. Dir., Dept. of Econ & Regulatory Resources

Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If the certification is applicable to this Development and it is inappropriately signed, the certification will not be accepted.

SIERRA BAY

FOR:
THE CORNESTONE GROUP

LOCATED AT:
11825 SW 216 ST
MIAMI, FL 33170
11770 SW 214 ST
MIAMI, FL 33177

ARCHITECT
BURGOS LANZA & ASSOCIATES
2720 SW 3RD AVENUE
MIAMI, FLORIDA 33135
(786) 524-9003



INDEX OF DRAWINGS

ARCHITECTURAL	MEPS
SHEET NO.	SHEET NO.
DESCRIPTION	DESCRIPTION
AC103	
MEPS	
SHEET # 1002	
SHEET # 1003	
SHEET # 1004	



SHEET NUMBER
COVER
SHEET NUMBER
A0.00



SITE DATA

1) ZONING
 2) APPLICABLE MAPS (1) CORNERSTONE URBAN CENTER DISTRICT
 3) UNITS PER ACRE
 4) MULTI-FAMILY DEVELOPMENT
 5) TOTAL GARAGE SPACES
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 99) TOTAL STORIES
 100) TOTAL SQUARE FEET

UNIT MIX CHART

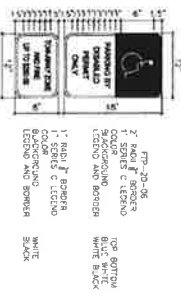
UNIT TYPE	NO. OF UNITS	TOTAL SQ. FT.	TOTAL GARAGE SPACES	TOTAL CARPORTS	TOTAL STORIES	TOTAL SQUARE FEET
1	100	100,000	100	0	10	1,000,000
2	200	200,000	200	0	20	2,000,000
3	300	300,000	300	0	30	3,000,000
4	400	400,000	400	0	40	4,000,000
5	500	500,000	500	0	50	5,000,000
6	600	600,000	600	0	60	6,000,000
7	700	700,000	700	0	70	7,000,000
8	800	800,000	800	0	80	8,000,000
9	900	900,000	900	0	90	9,000,000
10	1,000	1,000,000	1,000	0	100	10,000,000

LEGAL DESCRIPTION

1) ALL RIGHTS SHALL BE HELD WITH PROPERTY
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UNITS AREAS

MODEL	SQ. FT.	BALCONY	TOTAL	NO. OF APARTMENTS
A	1,000	100	1,100	1
B	2,000	200	2,200	2
C	3,000	300	3,300	3
D	4,000	400	4,400	4
E	5,000	500	5,500	5
F	6,000	600	6,600	6
G	7,000	700	7,700	7
H	8,000	800	8,800	8
I	9,000	900	9,900	9
J	10,000	1,000	11,000	10



HANDICAP SIGN DETAIL

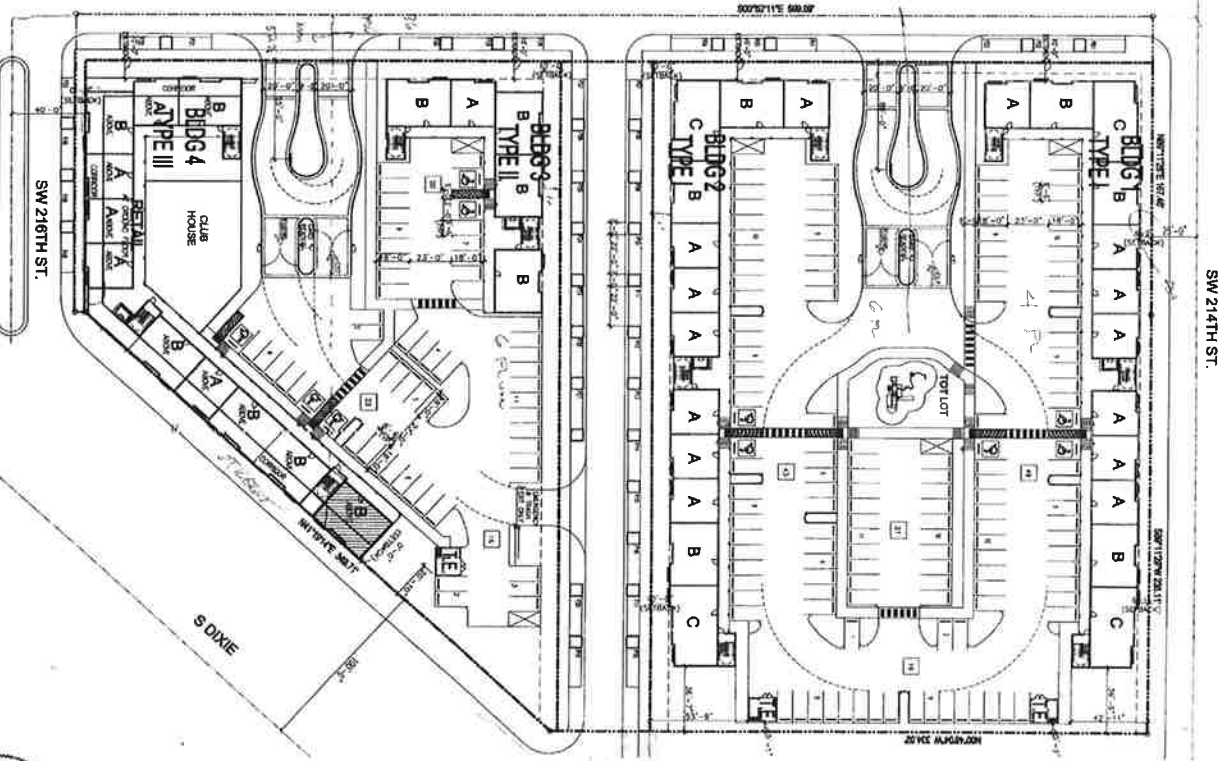
HANDICAP PARKING & TYPED PARKING



LEGEND

- 1) 1/2\"/>
- 2) 1/4\"/>
- 3) 1/8\"/>
- 4) 1/16\"/>
- 5) 1/32\"/>
- 6) 1/64\"/>
- 7) 1/128\"/>
- 8) 1/256\"/>
- 9) 1/512\"/>
- 10) 1/1024\"/>
- 11) 1/2048\"/>
- 12) 1/4096\"/>
- 13) 1/8192\"/>
- 14) 1/16384\"/>
- 15) 1/32768\"/>
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- 100) 1/12676506630428161010507136\"/>

N SITE PLAN



SCALE: 1/32" = 1'-0"



BURGOS LANZA ARCHITECTS & PLANNERS
 2750 SW 3RD AVENUE
 MIAMI, FLORIDA 33135
 (786) 554-0035
 (786) 554-0036
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 (786) 554-0097
 (786) 554-0098
 (786) 554-0099
 (786) 554-0100

SIERRA BAY FOR CORNERSTONE GROUP
 LOCATED AT:
 11825 SW 216TH STREET
 11770 SW 214TH STREET
 MIAMI, FLORIDA

AO.03 SITE PLAN

DATE: 07/27/2011
 PROJECT: SIERRA BAY
 DRAWING: AO.03
 SHEET: 1 OF 1
 SCALE: 1/32" = 1'-0"

SITE DATA

- 1) ZONING:
ARTICLE XXXIII (L) GOULDS COMMUNITY URBAN CENTER DISTRICT
- 2) LAND AREA:
NET LAND AREA +/- 208,916 S.F. 4.79 ACRES 100 %
- 3) DENSITY PROPOSED = 170 UNITS
MM = MAX. 52 UNITS/AC
MO = MAX. 36 UNITS/AC
- 4) MULTIFAMILY DEVELOPMENT
- 5) (FAR) 237,472 S.F. X 0.60 = 142,484 S.F. ALLOWED
(GROSS LOT + R.O.W.)
- | | | |
|---------------------------------|--------------|--------------------|
| BUILDING TYPE I (BLDG No: 1) | 38,500 S.F. | |
| BUILDING TYPE I (BLDG No: 2) | 38,500 S.F. | |
| BUILDING TYPE II (BLDG No: 3) | 17,400 S.F. | |
| BUILDING TYPE III (BLDG No: 4) | 43,075 S.F. | |
| TOTAL | 137,475 S.F. | PROVIDED (57.88 %) |
- 6) TOTAL GROSS SF. PER BUILDING
- | | | |
|---------------------------------|--------------|-------------------|
| BUILDING TYPE I (BLDG No: 1) | 50,108 S.F. | |
| BUILDING TYPE I (BLDG No: 2) | 50,108 S.F. | |
| BUILDING TYPE II (BLDG No: 3) | 23,752 S.F. | |
| BUILDING TYPE III (BLDG No: 4) | 77,850 S.F. | |
| TOTAL | 201,818 S.F. | PROVIDED (96.60%) |
- 7) LOT COVERAGE
- | | | |
|---------------------------------|--------------|---|
| TOTAL SITE | 208,916 S.F. | 100 % |
| BUILDING TYPE I (BLDG No: 1) | 12,527 S.F. | |
| BUILDING TYPE I (BLDG No: 2) | 12,527 S.F. | |
| BUILDING TYPE II (BLDG No: 3) | 5,938 S.F. | |
| BUILDING TYPE III (BLDG No: 4) | 17,874 S.F. | |
| TOTAL | 48,866 S.F. | 23.39 % PROVIDED (25 % MAX. ALLOWED= 52,229 S.F.) |
- 8) PAVED AREAS 80,063 S.F. - %
- 9) OPEN SPACE
- | | |
|-------------|-------------|
| REQUIRED | PROVIDED |
| 52,229 S.F. | 79,987 S.F. |
| 25% MIN. | 38.00 % |
- 10) PARKING: REFER TO SEC 33-284.86 (F) (2)
- | | | |
|--------------------|-----------------|---------------------|
| 85 UNITS A X 1 | 85 SPACES | |
| 69 UNITS B X 1.5 | 104 SPACES | |
| 16 UNITS C X 1.75 | 32 SPACES | |
| RETAIL / CLUBHOUSE | 6 SPACES | |
| TOTAL | 227 SPACES REQ. | 227 SPACES PROVIDED |
- 11) SETBACKS
- | | | |
|-------------|------|-------|
| | REQD | PROP. |
| FRONT | -' | 0.0' |
| REAR | -' | 6.0' |
| SIDE (WEST) | -' | 10.0' |
| SIDE (EAST) | -' | 0.0' |
- 12) TOTAL NUMBER OF BUILDINGS: 4
- 13) TOTAL HEIGHT OF EACH BUILDING: MM = 6 FLOORS
MO = 4 FLOORS