

BEFORE THE FLORIDA HOUSING FINANCE CORPORATION

HARRIS COVE PARTNERS, LTD.,
2004-121S

Petitioner,

v.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Mason /DATE. 8/2/04

PETITION FOR INFORMAL ADMINISTRATIVE PROCEEDINGS

Pursuant to Sections 120.569 and 120.57(2), Fla. Stat., and Rules 28-106.301 and 67-48.005(2), Fla. Admin. Code, Petitioner Harris Cove Partners, Ltd. ("Harris Cove") hereby requests an informal administrative proceeding on Florida Housing Finance Corporation's proposed rejection of Harris Cove's application for a State Apartment Incentive Loan ("SAIL"), Application No. 2004-121S, in the Year 2004 Universal Application cycle. In support of this petition, Harris Cove states as follows:

Parties

1. The agency affected is the Florida Housing Finance Corporation ("FHFC"), 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. FHFC has assigned Application No. 2004-121S to this matter.

2. The Petitioner is Harris Cove Partners, Ltd., whose address is 1551 Sandspur Road, Maitland, Florida 32751. For purposes of this proceeding, Harris Cove's address is that of its undersigned attorney M. Christopher Bryant, Oertel, Fernandez, Cole & Bryant, P.A., 301 S.

Bronough Street, 5th Floor, Tallahassee, Florida 32301 (P. O. Box 1110, Tallahassee, Florida 32302-1110), Telephone: (850) 521-0700, Facsimile: (850) 521-0720.

Substantial Interests Affected

3. Harris Cove has proposed the construction of a 128-unit multi-family housing development in Leesburg, in Lake County, Florida. Harris Cove has proposed to set aside 100% of the units for low income residents earning at or below 60% of Area Median Income, for a period of 50 years. Harris Cove has estimated its total development costs to be approximately \$13.5 million. Harris Cove proposes to finance \$7.6 million of this amount from the proceeds of tax-exempt and taxable bonds to be issued by the Orange County Housing Finance Authority. Harris Cove applied in FHFC's 2004 Universal Application cycle for a low interest SAIL loan of \$1.5 million to assist in the construction financing and permanent financing of the development.

4. As a condition of receiving a SAIL loan, Harris Cove has made additional commitments for residential unit amenities and tenant programs that would not be required but for the SAIL loan. In addition, as noted, Harris Cove has committed to a 50 year "affordability period," and to setting aside 100% of its units for low income residents, neither of which would be required without the SAIL loan. If Harris Cove does not receive the requested SAIL loan, it will have to obtain more expensive, conventional financing to fill the \$1.5 million financing gap to construct the development. As explained more fully in this Petition, its substantial interests are therefore affected by FHFC's proposed rejection of its application. If not rejected, Harris Cove's application would have a score of 66 points, and 5.75 "tie breaker" points, and would be eligible to compete for and, potentially, receive the requested SAIL loan.

Background

5. FHFC allocates several forms of financing for affordable housing, including Housing Credits, State Apartment Incentive Loans (“SAIL”), and Multi-Family Mortgage Revenue Bonds (“MMRB”). Applicants compete for the award of these forms of financing, which provide more favorable financial terms than would be available through conventional financing sources. In exchange for the receipt of such financing from FHFC, applicants enter into long-term agreements to set aside all or a portion of the residential units within such developments to low income residents, and depending on the requirements of the particular program, may also be required to limit the rents charged to amounts affordable to low income residents.

6. All three of the above-named forms of financing (Housing Credits, SAIL loans, and MMRB) were combined into a single “Universal Application Cycle” for 2004. Financing for any of these programs is sought through the use of a joint Universal Application form. SAIL and Housing Credit applicants are subject to FHFC Rule Chapter 67-48, Fla. Admin. Code, while MMRB applicants are subject to FHFC Rule Chapter 67-21, Fla. Admin. Code. The Universal Application form is incorporated by reference into FHFC’s rules, as are exhibit forms to be used with the applications and a 102-page Universal Application Instruction document, designated “UA1016 (Revised 3/04).”

7. Applicants in the Universal Application Cycle are evaluated to determine if their applications meet “threshold” responsiveness requirements, such as site control, zoning, and infrastructure availability. The applications are also scored on the various components of their applications, such as development features and amenities, greater numbers of units set aside,

resident programs, and local government support. Generally, 66 points is the maximum score that can be assigned to a Universal Application; at this time in the scoring process over 110 of the approximately 130 Universal Applications submitted and still pending this year have a "perfect score" of 66. Due to the likelihood of tie scores, FHFC has designed its scoring and ranking system to include a series of "tie-breakers," for which an applicant can receive up to 7.5 points.

Nature of the Controversy

8. Harris Cove timely submitted its 2004 SAIL application to FHFC on March 31, 2004. FHFC preliminarily reviewed and scored the 2004 Universal Application Cycle applications, including Harris Cove's, and advised Harris Cove on or about April 28, 2004, that its application did not meet certain required "threshold" responsiveness requirements to participate in the SAIL program. FHFC also provided Harris Cove with a Universal Scoring Summary showing that if Harris Cove's application were to meet threshold, Harris Cove's score would be 61 points, and its tie-breaker points would be 5.75 out of a possible 7.5.

9. A copy of the Universal Scoring Summary as posted on the FHFC web site, and dated 4/28/2004, is attached hereto as Exhibit A. The Scoring Summary stated that the Application did not meet threshold requirements for several reasons no longer relevant to this petition. One of the threshold failures, however, designated Item 5T, indicated an alleged failure of Part III, Section C, Subsection 4 of the Application, "Zoning". The explanation for this threshold failure read, in its entirety:

Applicant failed to provide the required Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form.

10. Subsequent to the issuance of "preliminary" scores on April, 2004, all applicants were provided the opportunity to notify the FHFC of possible scoring errors in other applications by filing a Notice of Possible Scoring Error ("NOPSE"). No NOPSE's were filed against the Harris Cove application.

11. Following the submission of NOPSE's, FHFC issued a subsequent Universal Scoring Summary, on or about May 19, 2004. This Scoring Summary was also posted on FHFC's web site, and a copy of the posted Scoring Summary for Harris Cove, dated 5/19/2004, is attached hereto as Exhibit B. The May 19 Scoring Summary again showed that the application would have received a score of 61.0 but for threshold failure, and also reflected an award of 5.75 total tie-breaker points.

12. Pursuant to Rule 67-48.004(6), Fla. Admin. Code, Harris Cove took the opportunity to provide additional documentation to FHFC to address Harris Cove's failure to "meet threshold". This additional documentation is generally referred to as a "cure," and was submitted by Harris Cove on June 10, 2004. The documentation submitted by Harris Cove as a cure on the issue of zoning approval is attached hereto as Exhibit C.

13. On or about Friday, July 9, 2004, FHFC released "final" Universal Scoring Summaries for all applicants. (Although designated "final," the scoring summaries are accompanied by points of entry to request formal or informal administrative hearings.) FHFC's

final Universal Scoring Summary for Harris Cove, dated "07/08/2004," which was received by Harris Cove via overnight delivery on Monday, July 12, 2004, is attached hereto as Exhibit D.

14. FHFC's final scoring summary for Harris Cove reflects that the application does not meet FHFC's threshold requirements. The scoring summary rescinded Threshold Failure Item 5T, quoted in paragraph 9 above. But it contained a new Threshold Failure Item 6T, which, as with item 5T, reflects an alleged failure of Part III, Section 9, Subsection 4 of the application, described as "zoning." The explanation provided in the July 8, 2004, scoring summary read as follows"

The Applicant submitted a completed Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form as a cure for Item 5T, but the cure is deficient because the form was executed on May 28, 2004, indicating that the Development site was zoned C-3 CUP on or before March 30, 2004, but evidence provided in a NOAD indicates that the proposed Development site was not appropriately zoned for the intended use until the approval of a conditional use permit to allow multifamily residential apartments in a C-3 (Highway Commercial) district. Such approval was granted by the City of Leesburg Planning Commission at its May 20, 2004 meeting. Therefore, the Development site was not appropriately zoned for the intended use as of the Application Deadline.

15. The July 9 scoring summary also showed a final score for the Harris Cove application of 66 points, which, based on score alone, ties it with about 110 of the approximately 130 Universal Cycle applications submitted and still pending this year. The final scoring summary also reflects a tie-breaker score of 5.75 points.

Applicable FHFC Rule and Form Provisions

16. FHFC's Universal Application form, which is incorporated by reference into FHFC's Rules, states the following concerning the requirement of Evidence of Appropriate Zoning:

- a. New Construction Developments – Provide a properly completed and executed Local Government Verification That Development is Consistent with Zoning and Land Use Regulations form behind a tab labeled "Exhibit 32."

Page 20 of Universal Application form, Section III.C.4.a. of Application Form, copy attached hereto as Exhibit E.

17. FHFC has also incorporated by reference into agency rules a 102 page Universal Application Instructions document. In regards to completing the "Evidence of Appropriate Zoning" section of the application, the Instructions state, in pertinent part, as follows:

To demonstrate that the proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use or that the proposed Development site is legally non-conforming, the Applicant must provide the appropriate verification form behind a tab labeled "Exhibit 32." Evidence of appropriate zoning must be demonstrated for all property locations if the proposed Development has Scattered Sites. The verification must demonstrate that the zoning designation for the Development site was effective on or before the Application Deadline.

Pages 25-26 of the Universal Application Instructions, copy attached hereto as Exhibit F (emphasis added).

18. In addition to adopting the Universal Application Form into its rules, FHFC has also incorporated exhibit forms to be completed and returned as a part of an applicant's application. The prescribed form relating to zoning is entitled "LOCAL GOVERNMENT VERIFICATION

THAT DEVELOPMENT IS CONSISTENT WITH ZONING AND LAND USE REGULATIONS,” and a copy is attached hereto as Exhibit G. The form is designed to be signed by a specified local government official. In pertinent part, the form states:

On or before _____ (month/day/year), the zoning designation for the referenced Development site is _____.

The intended use is consistent with current land use regulations and the referenced zoning designation ... 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 therein ...

19. Of these three sources of instruction regarding zoning, the only reference to approval which must exist as of the FHFC Application Deadline is the “zoning designation” for the site, according to the Universal Application Instructions (Exhibit F hereto). There is no requirement that the Applicant demonstrate that it was in compliance with land use regulations other than zoning as of the Application Deadline.

20. The exhibit form quoted in paragraph 18 does not state that there can be no land use regulation hearings or approvals after the Application Deadline. The fact that an additional hearing was necessary to obtain approval of a conditional use permit (which, as explained below, is not a zoning or rezoning action) does not disqualify the Harris Cove application, as the evidence presented in Harris Cove’s cure demonstrates that the CUP was issued prior to the cure deadline. The application, as cured, demonstrated not only that the proper zoning classification, allowing multi-family housing, was in place as of the Application Deadline, but also that an

additional non-legislative, administrative/quasi-judicial approval was in fact obtained for this development.

21. In Harris Cove's case, the stated basis for rejecting the application is that the zoning designation applicable to the site requires a conditional use permit (CUP) for the Harris Cove's intended use as multi-family housing. Even assuming this is true, this does not mean that the property was not zoned for multi-family use as of the Application Deadline.

22. In the City of Leesburg, C-3 (Highway Commercial) allows a variety of uses. "Multi-family dwellings" is a listed conditional use in the C-3 District. The description of the C-3 District from the City of Leesburg website is attached hereto as Exhibit H; it clearly lists "multi-family dwellings" as item 8 under the category "Conditional Uses."

Conditional Use Permits vs. Zoning

23. Zoning decisions of local government are fundamentally different than many other types of land use approvals given by local governments, including conditional use permits. Zoning is a legislative act of local government. See Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469, 474 (Fla. 1993).

24. The issuance of conditional use permits and special exceptions are not legislative acts. They are, typically, either administrative or quasi-judicial acts. They are granted to applicants provided they demonstrate compliance with certain factors set out in the local government ordinances.

25. A “conditional use” has been described as a use that is “appropriate to the zoning classification, but depends upon factual findings prior to issuance of the permit.” Bay View Investments, Inc. v. Grigsby, 219 So.2d 760, at n.2 (Fla. 2nd DCA 1969).

26. A conditional use permit is, in essence, a “special exception” created by the zoning ordinance itself. See, 7 Fla. Jur. 2d Building, Zoning and Land Controls, Section 224. A special exception is a permitted use to which an applicant is entitled, unless the zoning authority determines, according to standards set forth in the zoning ordinance, that such use would adversely affect public interest. Rural New Town, Inc. v. Palm Beach County, 315 So. 2d 478 (Fla. 4th DCA 1975).

27. The fact that an applicant must obtain a conditional use permit or special exception for a particular use does not mean that the property is not properly “zoned” for that particular use. To the contrary, the listing of conditional uses and special exception uses within a zoning classification demonstrates that the legislative body of the local government has already determined that the listed uses are appropriate to the zoning district, and that the landowner must simply comply with the permitting process and provide evidence of complying with the conditional use permit standards set forth in the ordinances. If the desired use is not listed in the zoning classification, then it cannot be granted by conditioned use or special exception. See, Baker v. Metropolitan Dade County, 774 So. 2d 14 (Fla. 3rd DCA 2001) (county zoning appeals board could not, under “special exception or unusual use” provision, permit use of lot in residential zone for commercial parking, as the County Code listed only “non-commercial parking” as an allowable type of unusual use).

Current and Prior FHFC Practice

28. FHFC has been presented with other situations where an applicant proposed a multi-family development on a parcel for which a conditional use permit or special exception was required. In at least two cases - one in the 2003 application cycle and one in the 2004 application cycle - the issue was called to FHFC's attention through the NOPSE process, and FHFC took no action.

Aguaclara, 2003-087C

29. In 2003, Applicant No. 2003-087C, Aguaclara, applied for Housing Credits for a 185 unit high-rise development on a 2.1 acre site in Miami. The Applicant identified the applicable zoning as C-2. The City of Miami zoning code lists as a conditional principal use within the C-2 district "Multifamily residential structures of a density equal to R-3 or higher by Special Exception only," upon certain findings. The R-3 district permits low-rise apartment buildings with a maximum density of 65 units per net acre; again, the C-2 zoning classification does allow the R-3 density to be exceeded, but only by Special Exception. (The C-2 district also allowed as a "permitted principal use" the retail and service uses allowed in the C-1 district; C-1 only allows multi-family residential development of up to 65 units per acre.)

30. A NOPSE filed against the Aguaclara application stated, in pertinent part:

2. Part III C.4. Exhibit 32

The applicant lists the zoning designation as C-2 with a density of 150 units per acre at this exhibit. The City of Miami zoning regulations, a copy of which is attached and highlighted, allow multi-family residential structures of this density in C-2 districts by Special Exception only. There is no information

provided regarding whether that Special Exception was obtained; a Special Exception requires a public hearing in front of the City Commission. Thus, the Applicant has failed to demonstrate that it has met the requirement of evidencing zoning approval for the proposed subject development.

As stated in the NOPSE, the C-2 zoning district provisions were attached to the NOPSE. A copy of the NOPSE raising this issue is attached as Exhibit I.

31. FHFC took no action as a result of the NOPSE. The 07/18/2003 final scoring summary for Aguaclara, copy attached as Exhibit J, shows that FHFC never asserted threshold failure for this project on any grounds, including inadequate proof of zoning.

Falcon Pass, 2004-041CS

32. In the current, 2004 Universal Application Cycle, Falcon Pass, applicant number 2004-041CS, proposed construction of an 84 unit development in the City of Marathon. The zoning verification form included as Exhibit 32 to that application identified the applicable zoning as "UR," Urban Residential.

33. A NOPSE filed against the Falcon Pass application noted that, among other issues concerning the proof of zoning, a "minor conditional use" approval needed to be obtained for the Falcon Pass development. This statement was based on the local government's own summary of a Small Scale Development Comprehensive plan amendment which was approved March 30, 2004 expressly and specifically for the Falcon Pass development; the comp plan amendment package was attached to the NOPSE. An excerpt of the NOPSE raising this issue is attached as Exhibit K.

34. Despite the well documented NOPSE which shows that a conditional use approval was still required for Falcon Pass, FHFC took no action. FHFC's 7/6/2004 Final Scoring Summary for Falcon Pass, copy attached as Exhibit L, shows that FHFC did not raise as a threshold failure issue, or in any context, the conditional use issue. Because FHFC does not afford third party standing to raise issues concerning "final" scoring of competing applications, FHFC's failure to reject the Falcon Pass application is essentially final agency action at this point.

35. FHFC, then, in both the prior cycle and current cycle has established a practice of not rejecting applications for an alleged lack of proper zoning if the allegation is premised on the need for conditional use approval or a special exception. Harris Cove is entitled to similar, consistent treatment on this issue. A person affected by state agency action has the right to locate precedent and have it apply. Amos v. Department of HRS, 444 So. 2d 43, 47 (Fla. 1st DCA 1983).

36. FHFC should determine that the requirement of a conditional use permit for Harris Cove does not render the zoning of the site insufficient, inadequate, or incomplete, just as FHFC apparently concluded for Aguaclara in 2003 and for Falcon Pass in 2004.

Notice

37. Harris Cove received notice via Federal Express delivery on Monday, July 12, 2004, of FHFC's "final" threshold determinations for Harris Cove's SAIL application. This Petition is being accompanied by a completed Election of Rights form indicating its intention to file a Petition for Formal Administrative Proceedings within twenty-one days of its July 12 receipt of

notice of the scoring of its application. A copy of the Election of Rights form is attached hereto as Exhibit M. Pursuant to Rule 67-48.005(1), Fla. Admin. Code, this Petition is being filed within twenty-one days of receipt of the July 9, 2004 memorandum forwarding its score.

Disputed Issues

38. Harris Cove has initially identified the following disputed issues, which it reserves the right to supplement as any additional issues become known to it. Harris Cove does not at this time believe these to be disputed factual issues:

a. Whether the C-3 Highway Commercial zoning district in the City of Leesburg allows multi-family housing, and did so as of the 2004 FHFC Application Deadline. Harris Cove contends that it did.

b. Whether FHFC's rules require that conditional use permits, when required by the local government, must have been issued prior to the FHFC Application Deadline. Harris Cove contends that the rules do not.

c. Whether Harris Cove demonstrated in its application, as cured, the existence of appropriate zoning as of the Application Deadline and the issuance of the Conditional Use Permit as of the cure deadline. Harris Cove contends that it did.

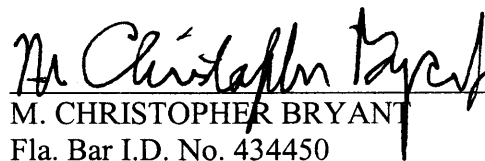
d. Whether FHFC's prior and current agency practice is to accept proof of zoning as of the Application Deadline even when a conditional use permit must be obtained. Harris Cove contends that it is.

application should be overturned. Harris Cove is entitled to this reversal of FHFC's position by Chapter 120, Fla. Stat., including but not limited to Sections 120.569 and 120.57(1); and Rule Chapters 28-106 and 67-48, Fla. Admin. Code.

Relief Sought

40. Harris Cove seeks entry of Recommended and Final Orders determining that its application satisfies all applicable threshold requirements. Harris Cove also seeks such other relief as is just and proper, including but not limited to the award of attorney's fees and costs pursuant to Section 57.111, Fla. Stat., in that FHFC's proposed rejection of Harris Cove's application has no reasonable basis in law and fact and is contrary to the clear and unambiguous instructions and definitions contained in FHFC's rules.

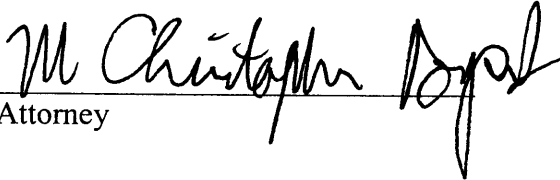
FILED and SERVED this 2nd day of August, 2004.


M. CHRISTOPHER BRYANT
Fla. Bar I.D. No. 434450

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Attorneys for Petitioner
Harris Cove Partners, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed by HAND-DELIVERY with the Clerk, Florida Housing Finance Corporation, c/o STEVEN AUGER, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, this 2nd day of August, 2004.



Attorney

**INDEX OF EXHIBITS TO PETITION OF
Harris Cove, 2004-121S**

- Exhibit A Universal Scoring Summary for Harris Cove, dated 4/28/2004
- Exhibit B Universal Scoring Summary for Harris Cove, dated 5/19/2004
- Exhibit C "Cure" submitted by Harris Cove on zoning issue on June 10, 2004
- Exhibit D "Final" Universal Scoring Summary for Harris Cove, dated 7/08/2004
- Exhibit E Page 20 of FHFC's Universal Application Form
- Exhibit F Pages 25-26 of FHFC's Universal Application Instructions
- Exhibit G FHFC's "Local Government Verification of Zoning" Form
- Exhibit H City of Leesburg Zoning Ordinance description of C-3 District
- Exhibit I NOPSE filed against Aguaclara application, No. 2003-087C
- Exhibit J Final Scoring Summary for Aguaclara application, dated 07/18/2003
- Exhibit K NOPSE filed against Falcon Pass application, No. 2004-041CS
- Exhibit L Final Scoring Summary for Falcon Pass application, dated 07/06/2004
- Exhibit M Harris Cove's Election of Rights Form

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As of: 04/28/2004

2004 MMRB, SAIL & HC Scoring Summary

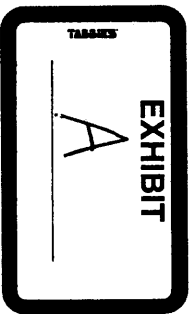
File # 2004-121S

Development Name: Harris Cove Apartments

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit	SAIL Request Amount as Percentage of Development Cost	Is SAIL Request Amount Equal to or Greater than 10% of Total Development Cost?
04 - 28 - 2004	61	N	5.75	\$71,093.75	14.29%	Y
Preliminary	61	N	5.75	\$71,093.75	14.29%	Y
NOPSE	0	N	0		0	
Final	0	N	0		0	
Final-Ranking	0	N	0		0	

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Optional Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	0	0	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	0	0	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	0	0	0
Set-Aside Commitments									
4S	III	E	1.b.	Total Set-Aside Percentage	3	3	0	0	0
6S	III	E	1.c.	Set-Aside Breakdown Chart	5	5	0	0	0
6S	III	E	3.	Affordability Period	5	5	0	0	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	0	0	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	0	0	0
Local Government Support									
9S	IV		a.	Contributions	5	0	0	0	0
10S	IV		b.	Incentives	4	4	0	0	0



2004 MMRB, SAIL & HC Scoring Summary

As of: 04/28/2004

File # 2004-121S

Development Name: Harris Cove Apartments

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded as Result
9S	The Applicant failed to provide evidence of a Local Government contribution and did not qualify for an automatic five points.	Preliminary	

Threshold(s) Failed:

#	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	V	D		Exhibit 55, Orange County HFA, Tax-Exempt Bond Financing in the amount of \$7,600,000	The Applicant did not provide the necessary documentation listed on pages 68 and 69 of the Universal Application Instructions for a Local Government Bond commitment to be scored firm. Therefore, the \$7,600,000 listed as a source of financing was not counted as such.	Preliminary	
2T	V	D		Construction Financing Shortfall	The Applicant has a construction financing shortfall of \$6,245,158.	Preliminary	
3T	V	D		Permanent Financing Shortfall	The Applicant has a permanent financing shortfall of \$5,816,991.	Preliminary	
4T	III	C	1.	Site Plan Approval	Applicant failed to provide the required Local Government Verification of Status of Site Plan Approval for Multifamily Developments form.	Preliminary	
5T	III	C	4.	Zoning	Applicant failed to provide the required Local Government Verifications that Development is Consistent with Zoning and Land Use Regulations form.	Preliminary	

Proximity Tie-Breaker Points:

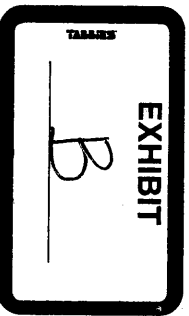
Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a)	Grocery Store	1.25	1	0	0	0
2P	III	A	10.a.(2)(b)	Public School	1.25	1.25	0	0	0
3P	III	A	10.a.(2)(c)	Medical Facility	1.25	0	0	0	0
4P	III	A	10.a.(2)(d)	Pharmacy	1.25	1.25	0	0	0
5P	III	A	10.a.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
6P	III	A	10.b.	Proximity to Developments on FHFC Development Proximity List	3.75	2.25	0	0	0

2004 MMRB, SAIL & HC Scoring Summary

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit	SAIL Request Amount as Percentage of Development Cost	Is SAIL Request Amount Equal to or Greater than 10% of Total Development Cost?
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Scores:

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1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	12	0	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	9	0	0
Set-Aside Commitments									
4S	III	E	1.b.	Total Set-Aside Percentage	3	3	3	0	0
5S	III	E	1.c.	Set-Aside Breakdown Chart	5	5	5	0	0
6S	III	E	3.	Affordability Period	5	5	5	0	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	6	0	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	8	0	0
Local Government Support									
9S	IV		a.	Contributions	5	0	0	0	0
10S	IV		b.	Incentives	4	4	4	0	0



2004 MMRB, SAIL & HC Scoring Summary

As of: 05/19/2004

File # 2004-121S

Development Name: Harris Cove Apartments

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
9S	The Applicant failed to provide evidence of a Local Government contribution and did not qualify for an automatic five points.	Preliminary	

Threshold(s) Failed:

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	V	D	Exhibit 55, Orange County HFA, Tax-Exempt Bond Financing in the amount of \$7,600,000	The Applicant did not provide the necessary documentation listed on pages 68 and 69 of the Universal Application Instructions for a Local Government Bond commitment to be scored firm. Therefore, the \$7,600,000 listed as a source of financing was not counted as such.	Preliminary	
2T	V	D	Construction Financing Shortfall	The Applicant has a construction financing shortfall of \$6,245,158.	Preliminary	
3T	V	D	Permanent Financing Shortfall	The Applicant has a permanent financing shortfall of \$5,816,991.	Preliminary	
4T	III	C	1. Site Plan Approval	Applicant failed to provide the required Local Government Verification of Status of Site Plan Approval for Multifamily Developments form.	Preliminary	
5T	III	C	4. Zoning	Applicant failed to provide the required Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form.	Preliminary	

Proximity Tie-Breaker Points:

Item #	Part Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a) Grocery Store	1.25	1	1	0	0
2P	III	A	10.a.(2)(b) Public School	1.25	1.25	1.25	0	0
3P	III	A	10.a.(2)(c) Medical Facility	1.25	0	0	0	0
4P	III	A	10.a.(2)(d) Pharmacy	1.25	1.25	1.25	0	0
5P	III	A	10.a.(2)(e) Public Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
6P	III	A	10.b. Proximity to Developments on FHFC Development Proximity List	3.75	2.25	2.25	0	0

2004 CURE FORM

(Submit a SEPARATE form for EACH reason relative to EACH Application Part, Section, Subsection and Exhibit)

This Cure Form is being submitted with regard to **Application No. 2004- 121S** and pertains to:

Part III Section C Subsection 4 Exhibit No 32 (if applicable)

The attached information is submitted in response to the 2004 Universal Scoring Summary Report because:

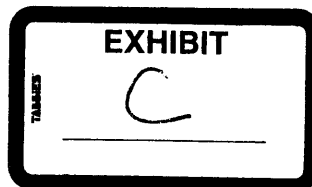
- I. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve threshold, and/or a failure to achieve maximum proximity points relative to the Part, Section, Subsection, and/or Exhibit stated above. Check applicable item(s) below:

	2004 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____ S	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason Failed Threshold	Item No. <u>5</u> T	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed (MMRB/SAIL/HC Applications Only)	Item No. ____ P	<input type="checkbox"/>	<input type="checkbox"/>

OR

- II. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a Cure to Part ____ Section ____ Subsection ____ Exhibit ____ (if applicable).



Brief Statement of Explanation regarding
Application 2004 – 121S

Provide a separate brief statement for each Cure or NOAD

In the 2004 MMRB, SAIL & HC Scoring Summary dated 05/19/2004 for this Application, Florida Housing indicated a Threshold Failure, designated item 5T, Part III, Section C., Subsection 4.a., Zoning. The reason stated by Florida Housing is as follows:

"Applicant failed to provide the required Local Government Verification that Development is Consistent with Zoning and Land use Regulations form."

As the submission for the Cure, attached is Exhibit 32, Local Government Verification that Development is Consistent with Zoning and Land use Regulations form.

Evidence of Zoning should then be acceptable and the Application should be deemed to have met threshold for this issue.

LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS CONSISTENT WITH ZONING AND LAND USE REGULATIONS

Name of Development: Harris Cove Apartments

Address of Development Site: West side of U.S. Highway 27, southwest of the intersection of U.S. Highway 27 and County Road 266, Leesburg, Florida 34748

Number of units (not buildings) permitted for this development site (if restricted): N/A
and/or

if a PUD, the number of units (not buildings) permitted per development site: N/A
or

if not a PUD and development site is subject to existing special use or similar permit, number of units permitted for this development site: 18/acre

On or before 03/30/04, the zoning designation for the referenced Development site is C-3 CUP
(month/day/year)

The intended use is consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is permitted 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 Leesburg has vested in me the
(Name of City/County)

authority to verify consistency with local land use regulations and the zoning designation specified above or, if the Development consists of rehabilitation, the intended use is permitted as a "legally non-conforming use" and I further certify that the information above is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapters 67-21 and 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.

Laura McElhanon, AKP 5/28/04 Laura McElhanon
Signature Date Print or Type Name

Community Development Director
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 signatures. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

2004 MMRB, SAIL & HC Scoring Summary

As of: 07/08/2004

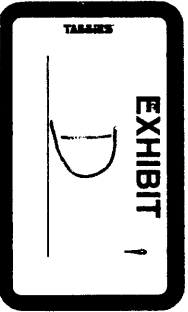
File # 2004-121S

Development Name: Harris Cove Apartments

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit	SAIL Request Amount as Percentage of Development Cost	Is SAIL Request Amount Equal to or Greater than 10% of Total Development Cost?
07 - 08 - 2004	66	N	5.75	\$71,093.75	14.29%	Y
Preliminary	61	N	5.75	\$71,093.75	14.29%	Y
NOPSE	61	N	5.75	\$71,093.75	14.29%	Y
Final	66	N	5.75	\$71,093.75	14.29%	Y
Final Ranking	0	N	0			

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Optional Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	9	9	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	12	12	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	9	9	0
Set-Aside Commitments									
4S	III	E	1.b.	Total Set-Aside Percentage	3	3	3	3	0
5S	III	E	1.c.	Set-Aside Breakdown Chart	5	5	5	5	0
6S	III	E	3.	Affordability Period	5	5	5	5	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	6	6	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	8	8	0
Local Government Support									
9S	IV		a.	Contributions	5	0	0	5	0
10S	IV		b.	Incentives	4	4	4	4	0



2004 MMRB, SAIL & HC Scoring Summary

As of: 07/08/2004

File # 2004-121S

Development Name: Harris Cove Apartments

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded as Result
9S	The Applicant failed to provide evidence of a Local Government contribution and did not qualify for an automatic five points.	Preliminary	Final

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	V	D		Exhibit 55, Orange County HFA, Tax-Exempt Bond Financing in the amount of \$7,600,000	The Applicant did not provide the necessary documentation listed on pages 68 and 69 of the Universal Application Instructions for a Local Government Bond commitment to be scored firm. Therefore, the \$7,600,000 listed as a source of financing was not counted as such.	Preliminary	Final
2T	V	D		Construction Financing Shortfall	The Applicant has a construction financing shortfall of \$6,245,158.	Preliminary	Final
3T	V	D		Permanent Financing Shortfall	The Applicant has a permanent financing shortfall of \$5,816,991.	Preliminary	Final
4T	III	C	1.	Site Plan Approval	Applicant failed to provide the required Local Government Verification of Status of Site Plan Approval for Multifamily Developments form.	Preliminary	Final
5T	III	C	4.	Zoning	Applicant failed to provide the required Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form.	Preliminary	Final
6T	III	C	4	Zoning	The Applicant submitted a completed Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form as a cure for Item 5T, but the cure is deficient because the form was executed on May 28, 2004, indicating that the Development site was zoned C-3-CUP on or before March 30, 2004, but evidence provided in a NOAD indicates that the proposed Development site was not appropriately zoned for the intended use until the approval of a conditional use permit to allow multifamily residential apartments in a C-3 (Highway Commercial) district. Such approval was granted by the City of Leesburg Planning Commission at its May 20, 2004 meeting. Therefore, the Development site was not appropriately zoned for the intended use as of the Application Deadline.	Final	Final

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a)	Grocery Store	1.25	1	1	1	0
2P	III	A	10.a.(2)(b)	Public School	1.25	1.25	1.25	1.25	0
3P	III	A	10.a.(2)(c)	Medical Facility	1.25	0	0	0	0

2004 MMRB, SAIL & HC Scoring Summary

As of: 07/08/2004

File # 2004-121S

Development Name: Harris Cove Apartments

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
4P	III	A	10.a.(2)(d)	Pharmacy	1.25	1.25	1.25	1.25	0
5P	III	A	10.a.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
6P	III	A	10.b.	Proximity to Developments on FHFC Development Proximity List	3.75	2.25	2.25	2.25	0

- a. Provide a fully executed qualified contract for purchase and sale for the subject property behind a tab labeled “**Exhibit 27**”.

OR

- b. Provide a recorded deed or recorded certificate of title behind a tab labeled “**Exhibit 27**”.

OR

- c. Provide a copy of the fully executed long-term lease behind a tab labeled “**Exhibit 27**”.

3. Evidence of Infrastructure Availability:

- a. Electricity – Provide a letter from the provider or the Verification of Availability of Infrastructure – Electricity Form behind a tab labeled “**Exhibit 28**”.
- b. Water – Provide a letter from the provider or the Verification of Availability of Infrastructure – Water Form behind a tab labeled “**Exhibit 29**”.
- c. Sewer, Package Treatment or Septic Tank – Provide a letter from the provider or the Verification of Availability of Infrastructure – Sewer Capacity, Package Treatment, or Septic Tank Form behind a tab labeled “**Exhibit 30**”.
- d. Roads – Provide a letter from the appropriate Local Government or the Verification of Availability of Infrastructure – Roads Form behind a tab labeled “**Exhibit 31**”.

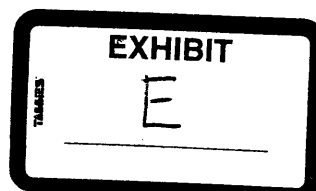
4. Evidence of Appropriate Zoning:

- a. New Construction Developments - Provide a properly completed and executed Local Government Verification That Development Is Consistent With Zoning And Land Use Regulations Form behind a tab labeled “**Exhibit 32**”.

OR

- b. Rehabilitation/Substantial Rehabilitation Developments – Provide a properly completed and executed Local Government Verification That Development Is Consistent With Zoning And Land Use Regulations Form or a properly completed and executed Local Government Verification That Permits Are Not Required For This Development Form behind a tab labeled “**Exhibit 32**”.

5. Environmental Site Assessment (ESA):



- b. Provide a Deed or Certificate of Title – The deed or certificate of title (in the event the property was acquired through foreclosure) must be recorded in the county in which the property is located and show the Applicant as the sole Grantee.

OR

- c. Provide a Lease - The lease must have an unexpired term of at least 50 years from the Application Deadline and the lessee must be the Applicant. The lease may be contingent only upon receipt of MMRB, SAIL, HOME and/or HC funding.

3. Evidence of Infrastructure Availability (Threshold)

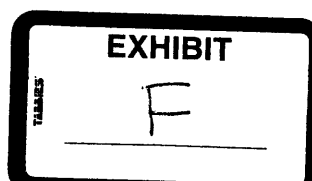
Verification of the availability of each type of infrastructure on or before the Application Deadline must be provided. Infrastructure is considered available if there are no impediments to obtaining service other than the conditions expressed in the Verification of Availability of Infrastructure forms as provided in this Application Package. Should any variance or local hearing be required, or if there is a moratorium pertaining to any of the utilities or roads for this Development, the infrastructure is not available.

Applicant may submit the properly completed and executed Verification of Availability of Infrastructure Forms included within the Application Package or submit a letter from the entity providing the service (electricity, water, and wastewater) or Local Government (roads) verifying availability of the infrastructure for the proposed Development. Each Verification of Availability of Infrastructure Form or letter confirming infrastructure availability must demonstrate availability on or before the Application Deadline. Letters must be Development-specific and dated within 12 months of the Application Deadline. The verifications may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant.

Evidence of availability of electricity must be provided behind a tab labeled “**Exhibit 28**”. Evidence of availability of water must be provided behind a tab labeled “**Exhibit 29**”. Evidence of availability of sewer, package treatment or septic tank must be provided behind a tab labeled “**Exhibit 30**”. Evidence of availability of roads must be provided behind a tab labeled “**Exhibit 31**”.

4. Evidence of Appropriate Zoning (Threshold)

To demonstrate that the proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use or that the proposed Development site is legally non-conforming, the Applicant must provide the appropriate verification form behind a tab labeled “**Exhibit 32**”. Evidence of appropriate zoning must be demonstrated for all property locations if



the proposed Development has Scattered Sites. The verification must demonstrate that the zoning designation for the Development site was effective on or before the Application Deadline.

If the proposed Development is in the Florida Keys Area, proper execution of the Local Government Verification That Development Is Consistent with Zoning and Land Use Regulations Form or the Local Government Verification That Permits Are Not Required For This Development Form will constitute the Local Government's certification that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.

5. Environmental Site Assessment (Threshold)

- a. Applicant must demonstrate that a Phase I Environmental Site Assessment (ESA) has been performed. The firm performing the ESA must certify that the review was performed in accordance with ASTM Practice #E1527-00. The properly completed and executed Verification of Environmental Safety – Phase I Site Assessment Form must be provided behind a tab labeled “**Exhibit 33**”.
- b. If the Phase I ESA disclosed potential problems on the proposed site and required or recommended a Phase II ESA, the firm that performed the Phase II ESA, even if it is the same firm that performed the Phase I ESA, must certify that the Phase II ESA has been performed in accordance with ASTM Practice #E1527-00. The properly completed and executed Verification of Environmental Safety – Phase II Site Assessment Form must be provided behind a tab labeled “**Exhibit 34**”.

Note: If the Phase I ESA and/or the Phase II ESA disclosed environmental problems requiring remediation, a plan, including time frame and cost, for the remediation is required. By answering the applicable questions and executing the Phase I and/or Phase II verification(s), the environmental provider is certifying that such plan has been prepared. In addition, by executing the Applicant Certification and Acknowledgement Form, the Applicant certifies that the plan has been prepared and the costs associated with such remediation have been included in the Development Cost Pro Forma submitted in this Application.

D. Demographic Commitment (Threshold)

Selection of the Elderly, Farmworker/Commercial Fishing Worker, or Homeless Demographic Commitment will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.

**LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS CONSISTENT
WITH ZONING AND LAND USE REGULATIONS**

Name of Development: _____

Address of Development Site: _____

Number of units (not buildings) permitted for this development site (if restricted): _____
and/or

if a PUD, the number of units (not buildings) permitted per development site: _____

or

if not a PUD and development site is subject to existing special use or similar permit, number of units permitted for this development site: _____

On or before _____, the zoning designation for the referenced Development site is _____.
(month/day/year)

The intended use is consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is permitted 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 _____ has vested in me the
(Name of City/County)

authority to verify consistency with local land use regulations and the zoning designation specified above or, if the Development consists of rehabilitation, the intended use is permitted as a "legally non-conforming use" and I further certify that the information above is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapters 67-21 and 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

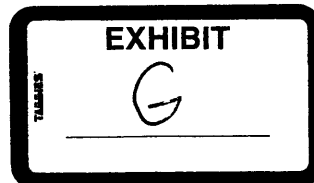
Date

Print or Type Name

Print or Type Title

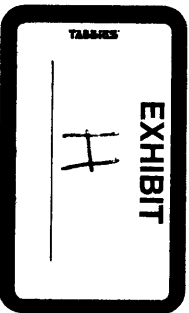
This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local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

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SCHEDULE ONE ZONING SCHEDULE OF USE CONTROLS

District	Purpose	Principal Permitted Uses	Accessory Permitted Uses	Conditional Uses	
C-3	Highway Commercial 0-18 Dwelling units per with a Conditional Use Permit	The purpose of this district is to delineate those areas suitable for commercial and light industrial uses adjacent to major highway facilities in accordance with the growth management plan and to encourage coordinated and attractive commercial development compatible with the adjacent highway	<ol style="list-style-type: none"> 1. Professional offices 2. Offices 3. Business and financial service uses 4. Retail and personal service uses 5. Restaurants 6. Consumer and household services and repair 7. Automobile service stations without repair 8. Building supply sales 9. Hotels, motels or motor lodges 10. Building trades and contractors 11. New and used car dealers and show-rooms 12. Automobile washing establishments 13. Mobile home sales 14. Boat and marine supply sales 15. Essential services 16. Circus or carnival, subject to permitting under other requirements of this Code 	<ol style="list-style-type: none"> 1. Business signs 2. Off-street parking and loading 3. Other accessory uses customarily incidental to permitted or approved conditional uses 	<ol style="list-style-type: none"> 1. Church and church related uses 2. Day care centers 3. Private school 4. Private, social, recreation, or fraternal clubs or organizations 5. Cemetery 6. Planned unit developments 7. Parks and recreation areas 8. Multifamily dwellings 9. Town houses 10. Congregate care facility 11. Nursing homes 12. Foster care and group home facilities 13. Duplex 14. Triplex 15. Watchman or caretaker quarters (see section 25-79 (n)) 16. Manufacturing, assembly or similar industrial or research operations conducted within a completely enclosed building 17. Automobile service stations with repair 18. Automobile repair 19. Open Air Vendors 20. Mini-warehouses 21. Morgues 22. Commercial recreational entertainment facilities 23. Professional, business and technical schools 24. Funeral homes 25. Crematory, only in conjunction with a funeral home 26. Warehouses for enclosed storage of goods and materials 27. Adult uses (See sections 25-4 and 25-79) 28. Bottle clubs



SCHEDULE TWO ZONING SCHEDULE OF LOT, YARD AND BULK REGULATIONS

District	Lot				Yard			Bulk	Coverage %
	Area Sq.Ft.	Width Ft.	Depth Ft.	Area/D.U. Sq.Ft.	Minimum	Side Both/One Ft.	Rear Ft.	Maximum	
C-3 ⁴	8,000	80	100	N/A	30/20' ¹	15/0' ⁹	20	3/40	80

1. See section 25-77 for special requirements regarding town houses.
2. Each unit shall have two thousand five hundred (2,500) square feet of lot area.
3. See section 25-75 for special requirements regarding multifamily residential uses.
4. See section 6.80 for special requirements regarding mobile home parks and subdivisions.
5. Each mobile home space within a mobile home park or subdivision shall have a minimum area of five thousand (5,000) square feet exclusive of driveways and common area.
6. A zero lot line setback will necessitate a common wall if it conforms to the fire code.
7. Guest/servant quarters not to exceed five hundred (500) square feet of living area excluding carports, garages, and screened areas, and permanently attached to the principal dwelling unit, are permitted where the principal dwelling is of conventional construction. In no case will the guest/servant quarters be constructed prior to the principal dwelling lot.
8. All residential development in commercial zoning districts will be required to meet criteria designed in R-3 zoning district.
9. Total for both setbacks must be at least the first figure. Total for one side must be at least the second figure.
10. Utility facility sites for lift stations, substations, etc., shall be considered on an individual basis and not be governed by minimum lot regulations.
11. Lots fronting on U.S. Highway 27, W.S. Highway 441, and State Road 44, in a C-3 or C-4 district shall maintain a thirty (30) foot setback from the highway right-of-way for any structure.

**UNIVERSAL APPLICATION
NOTICE OF POSSIBLE SCORING ERRORS
REQUEST FOR REVIEW FORM**

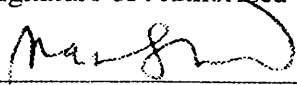
Notice of Possible Scoring Error(s) regarding Application No 2003- 087C
(one Application number per notice)

Part/Section/Subsection			Number of Issues For Review
III	A	11b	<u>1</u>
III	C	4	<u>1</u>
Total Number of Issues For Review			<u>2</u>

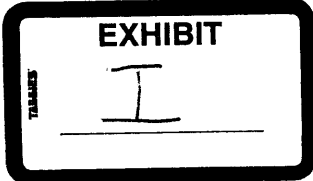
TRACKING NO:

71

Submitted by Authorized Representative for Application Number 2003- 039C

Signature of Authorized Representative for above-designated Application:

 Signature: _____ Print Name: Mara S. Mades

All notices must be submitted in accordance with Rule Chapters 67-48.004(4) and 67-21.003(4) and should contain enough information for staff to evaluate them. This will include, but may not be limited to, a detailed description of the issue being identified and the action requested, such as reduction of score or rejection of the Application. Attach additional pages if necessary. All notices should be submitted in typewritten form.



May 19, 2003

Ms. Kerey Carpenter
Florida Housing Finance Corporation
227 North Bronough Street
Suite 5000
Tallahassee, Florida 32301

TRACKING NO:

71

RE: NOPSE Aguaciara, #2003-087C

Dear Kerey:

On behalf of Application #2003-39C, enclosed is the NOPSE for the above noted application, with the following deficiencies:

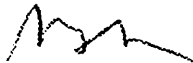
1. Part III A. 11.b. (1) Proximity to Services—Grocery

The applicant provided V & P Supermarket, located at 1630 NW 27 Avenue, Miami for grocery store services at this section of the application. Miami-Dade county property records indicate that the structure at this address has a square footage of 3,615. Thus, the application fails to meet the minimum square footage of 4,500 feet in order to receive tie-breaker proximity points for this service. No points should be awarded to the applicant for this service.

2. Part III C. 4. Exhibit 32

The applicant lists the zoning designation as C-2 with a density of 150 units per acre at this exhibit. The City of Miami zoning regulations, a copy of which is attached and highlighted, allow multifamily residential structures of this density in C-2 districts by Special Exception only. There is no information provided regarding whether that Special Exception was obtained; a Special Exception requires a public hearing in front of the City Commission. Thus, the Applicant has failed to demonstrate that it has met the requirement of evidencing zoning approval for the proposed subject development.

Sincerely,



Mara S. Mades
Vice President, Cornerstone Legacy Pointe, LLC
GP of Legacy Pointe Associates, Ltd.

C-2 Liberal Commercial.

Intent and Scale:

The liberal commercial category allows commercial activities which serve the needs of other businesses, require extensive loading facilities, and often benefit from proximity to industrial areas. The district is also intended to allow a mix of office with retail uses. Hotels, motels, rescue missions and residential facilities of a density equal to R-2 or higher are the only residential uses allowed in this district. The district permits four (4) types of uses which distinguish C-1 from C-2, including wholesaling, light assemblage, secondhand merchandise sales and other outdoor sales.

Intensity:

Minimum lot size: Ten thousand (10,000) square feet.

Setbacks: Front - no setback required; side - no setback required, or the same as the abutting district, whichever is greater; rear - ten (10) feet, or the same as the abutting district, whichever is greater.

Minimum lot width: One hundred (100) feet.

Height: One hundred twenty (120) feet or ten (10) stories, whichever is less, except for broadcasting towers which may be one hundred fifty (150) feet in height (see section 915.3).

Floor area ratio: Maximum of one and seventy-two-hundredths (1.72) times the gross lot area.

Building footprint: Maximum of six-tenths (0.60) times the gross lot area.

Green space: Minimum of one-tenth (0.10) times the gross lot area.

§ 401

MIAMI, FLORIDA

Permitted Principal Uses:

Retail and service uses in C-1 and in addition:

1. Commercial marinas, docks, or slips, including occupancy of private pleasure craft as living quarters for a) transients (maximum stay: thirty (30) days); b) passengers and crews aboard commercial, official or scientific vessels; c) watchmen, caretakers or employees whose work requires such quarters, only; or d) crews in vessels under repair.
2. Retailing of secondhand items and pawnshops.
3. New and used vehicle sales.
4. Parking lots and garages.
5. Wholesaling.
6. Warehousing.
7. Distribution and transport-related services.
8. Personal service establishments, including bail bondsmen, health spas or studios, massage parlors, turkish baths, and dance studios.
9. Repair service establishments, including appliance repair, and office equipment repair, repair garages, repair of heavy equipment and machinery but not paint and body shops.
10. Printing.
11. Astrologers, palmists, fortunetellers and phrenologists.
12. Ambulance service.
13. Animal kennels.
14. Swimming pool supplies and equipment.
15. Glazing or glass storing, cutting and setting, but not manufacture of glass.
16. Coin-operated laundry and dry cleaning facilities without limitation as to capacity.
17. Sewing shops.
18. Other activities whose scale of operation and land use impacts are similar to those uses described above; except that boats, vehicles, Christmas trees, flea markets and the like permitted in this district may be sold, displayed and stored (but not repaired) in the open air.
19. Cellular communications site provided that where a transmission tower is used the transmission tower shall not exceed one hundred and fifty (150) feet.

ZONING

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Permitted Accessory Uses:

Same as for C-1 district and in addition:

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including specifically:

1. Dwelling and lodging units used for watchmen, caretakers, and others requiring living quarters on the premises.
2. Any use permitted as a principal use, subject to requirements and limitations applying to the principal use.

Conditional Principal Uses:

As for C-1, and in addition:

1. Motels and hotels by Class II Special Permit only.
2. Rescue missions and other transient residential facilities by Special Exception only.
3. Major sports facilities by Major Use Special Permit only.
4. Automotive paint and repair services by Special Exception only.
5. Exhibition and entertainment facilities by Special Exception only.
6. Convention centers by Special Exception only.
7. Recreation and entertainment facilities, which are not already listed under C-1 Restricted Commercial—Conditional Principal Uses, by Special Exception only.
8. Public utilities and transportation facilities by Special Exception only.
9. Flea markets by Class II Special Permit only, subject to the limitations in section 938.1.
10. Heavy equipment sales, services and storage, and building material sales and storage, including contractor's equipment and road building equipment by Special Exception only; except where specifically excluded in the grant of special exception, open storage of equipment and material shall be behind or beside a shop, store, or other building in permitted use in the front or side portion of the same lot, and where not screened from view from public streets (other than alleys and from adjoining residential districts by buildings) shall be enclosed by a solid textured wall (with necessary openings) at least six (6) feet in height.
11. Stockpiling and distribution of rock, sand, gravel and the like, including concrete mixing plants limited to dry components, only by Class II Special Permit.
12. Multifamily residential structures of a density equal to R-3 or higher by Special Exception only, upon finding that:
 - a. The proposed site's proximity to other residentially zoned property makes it a logical extension or continuation of existing residential development; and

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- b. Adequate services and amenities exist in the adjacent area to accommodate the needs of potential residents.
13. Tattoo parlors by Special Exception only.
- ✓14. Hiring halls or labor pools by Class II Special Permit.
15. Government and institutional uses, including schools, by Class II Special Permit.

Conditional Accessory Uses:

Uses and structures which are customarily incidental and subordinate to conditional principal uses and structures, including specifically:

1. Temporary special events, involving outdoor gatherings at churches, schools and the like, or in connection with opening ceremonies or special promotions, to the extent not otherwise licensed, regulated and controlled under other regulations of the city, only by Class I Special Permit (see section 906.9).
2. Child daycare centers accessory to a church or school, subject to the restrictions and limitations in section 936, by Class II Special Permit only.
3. Christmas tree sales by Class I Special Permit only.
4. Sales of other goods pertaining to a national legal holiday by Class I Special Permit only.
5. Helistops only by Special Exception with city commission approval and subject to requirements and limitations in section 933.

Offstreet Parking Requirements:

Generally: As for C-1 uses.

Other uses not included in C-1 or specifically listed below: Minimum of one (1) space per one thousand (1,000) square feet of gross floor area.

Miniwarehouses: Minimum of one (1) space per one hundred (100) storage units and one (1) space for the facility manager.

Garages, paint and body shops: Three (3) spaces for each service bay or stall.

Flea markets: Minimum of one (1) parking space per stall and one (1) parking space for each five hundred fifty (550) square feet of gross sales area.

Offstreet Loading Requirements:

For buildings in excess of twenty-five thousand (25,000) square feet and up to five hundred thousand (500,000) square feet of gross building area:

Berth minimum dimension to be twelve (12) by thirty-five (35) feet;

First berth for gross building area up to fifty thousand (50,000) gross square feet;

Second berth for gross building area of fifty thousand (50,000) up to one hundred thousand (100,000) gross square feet;

ZONING

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Third berth for gross building area of one hundred thousand (100,000) up to two hundred fifty thousand (250,000) gross square feet;

Fourth berth for gross building area of two hundred fifty thousand (250,000) up to five hundred thousand (500,000) gross square feet;

For buildings with square footage in excess of five hundred thousand (500,000) square feet:

Berth minimum dimension to be twelve (12) by fifty-five (55) feet;

In addition to the requirements set forth above, there shall be one (1) berth for every five hundred thousand (500,000) gross square feet of building area.

By Class I Special Permit, one (1) larger (six hundred sixty (660) square feet) loading space may be replaced by two (2) of the smaller (four hundred twenty (420) square feet) loading spaces as dictated by needs of the individual project.

Sign Regulations:

Signs, illuminated or nonilluminated, flashing or nonflashing, or animated (except as otherwise provided) are permitted as accessory uses and, in the case of offsite signs (including those in connection with the outdoor advertising business), as principal uses, subject to the provisions of sections 925 and 926 and the following requirements and limitations. Onsite signs shall be limited as to subject matter as for C-1.

Signs shall be permitted as for C-1 except:

1. Wall signs, onsite, limited to three and one-half (3½) square feet of sign area for each lineal foot of wall fronting on a street if any portion of such sign is below fifteen (15) feet above grade. For each foot that the lowest portion of such sign exceeds twenty-five (25) feet, permitted sign area shall be increased one (1) percent up to a maximum height of fifty (50) feet above grade. Not to exceed three (3) such signs shall be permitted for each frontage on which area calculations are based, but one (1) of these may be mounted on a side wall.
2. Window signs, with same limitations as C-1, except they shall be onsite signs and shall be nonilluminated.
3. Projecting signs, with same limitations as C-1, except they shall be limited to onsite signs.
4. Marquee signs, with same limitations as C-1, except they shall be onsite signs.
5. Ground or freestanding signs, onsite, shall be limited to one (1) sign and forty (40) square feet of sign area (for each face) for each business, or for each fifty (50) feet of street frontage, whichever shall yield the largest area. Permitted sign area may be used in less than the maximum permitted number of such signs, but no sign shall exceed two hundred (200) square feet in area for each face. Maximum height limitation shall be twenty (20) feet including embellishments, measured from the crown of the nearest adjacent local or arterial street, not including limited access highways or

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expressways, provided, however, that the zoning administrator, at his discretion, may increase the measurement of the crown by up to five (5) feet to accommodate unusual or undulating site conditions.

6. Directional signs, with same limitations as C-1, except they shall not exceed ten (10) square feet in surface area.

And in addition:

1. Wall signs, offsite, limited in location to side walls of buildings, limited in area as for wall signs, onsite, above, and to be included as part of total permitted wall sign area rather than in addition to onsite wall signs, and limited to one (1) sign on any premises. No offsite wall sign shall be permitted on the same wall with an onsite wall sign. (See sections 926.10 through 926.15 also.)
2. Ground or freestanding signs, offsite, shall be limited to two (2) for any lot, whether or not occupied by a building. The area shall not exceed seven hundred fifty (750) square feet for each surface, including embellishments. The total height shall not exceed thirty (30) feet, except as set forth in section 926.15.2, including embellishments, measured from the crown of the nearest adjacent local or arterial street, not including limited access highways or expressways; provided, however, that the zoning administrator, at his discretion, may increase the measurement of the crown by up to five (5) feet to accommodate unusual or undulating site conditions. (See sections 926.3, 926.10 through 926.15 also.)
3. Signs, onsite, above a height of fifty (50) feet above grade, shall be subject to the requirements and limitations of section 926.16.

2003 MMRB, SAIL & HC Scoring Summary

As of: 07/18/2003

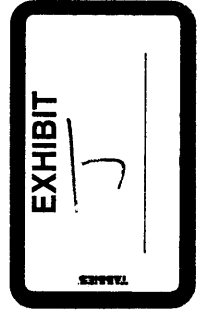
File # 2003-087C

Development Name: Aguclara

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit	SAIL Request Amount as Percentage of Development Cost	Is SAIL Request Amount Equal to or Greater than 10% of Total Development Cost?
07 - 18 - 2003	66	Y	6.25	\$46,173.83	%	N
Preliminary	66	Y	7.5	\$46,173.83	%	N
NOPSE	66	Y	6.25	\$46,173.83	%	N
Final	66	Y	6.25	\$46,173.83	%	N
Post-Appeal	0	Y	0		0	

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
Optional Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	9	9	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	12	12	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	9	9	0
Set-Aside Commitments									
4S	III	E	1.b.	Commitment to Serve Lower AMI	5	5	5	5	0
5S	III	E	1.c.	Total Set-Aside Commitment	3	3	3	3	0
6S	III	E	3.	Affordability Period	5	5	5	5	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	6	6	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	8	8	0
Local Government Support									
9S	IV		a.	Contributions	5	5	5	5	0
10S	IV		b.	Incentives	4	4	4	4	0



2003 MMRB, SAIL & HC Scoring Summary

As of: 07/18/2003

File # 2003-087C Development Name: Aguacilara

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Post-Appeal
1P	III	A	11.b.(1)	Grocery Store	1.25	1.25	0	0	0
2P	III	A	11.b.(2)	Public School	1.25	1.25	1.25	1.25	0
3P	III	A	11.b.(3)	Medical Facility	1.25	0	0	0	0
4P	III	A	11.b.(4)	Pharmacy	1.25	0	0	0	0
5P	III	A	11.b.(5)	Public Bus Stop or Metro-Rail Stop	1.25	1.25	1.25	1.25	0
6P	III	A	11.c.	Proximity to Developments on FHFC Development Proximity List	3.75	3.75	3.75	3.75	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1P	Retail establishment does not meet the definition of Grocery Store as it consists of less than 4,500 square feet of air conditioned space.	NOPSE	

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1C	III	A	11.b.1.	Grocery Store	Applicant attempted to cure Item 1P by submitting a new Grocery Store, but the cure was deficient because the retail establishment submitted in the cure does not meet the definition of Grocery Store as it consists of less than 4,500 square feet of air conditioned space.	Final	

UNIVERSAL APPLICATION PACKAGE
NOTICE OF POSSIBLE SCORING ERRORS
REQUEST FOR REVIEW FORM

Notice of Possible Scoring Error(s) regarding Application No. 2004- 041CS
(one Application number per notice)

Part/Section/Subsection			Number of Issues For Review
<u>III</u>	<u>C</u>	<u>4</u>	<u>1</u>
Total Number of Issues For Review			<u>1</u>

TRACKING NO:
79

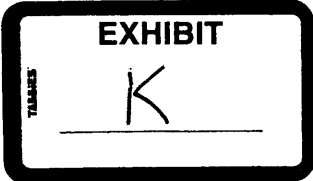
Submitted by Authorized Representative for Application Number 2004- 050C

Signature of Authorized Representative for above-designated Application.

Signature: *Gary J. Cohen*

Print Name: Gary J. Cohen

All notices must be submitted in accordance with Rule Chapters 67-48.004(4) and 67-21.003(4) and should contain enough information for staff to evaluate them. This will include, but may not be limited to, a detailed description of the issue being identified and action requested by submitting Applicant, such as reduction of score or rejection of the Application. Attach additional pages if necessary. All notices should be submitted in typewritten form.



**SHUTTS
&
BOWEN**

LLP

ATTORNEYS AND COUNSELLORS AT LAW

May 7, 2004

Stephen P. Auger
Deputy Development Officer
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Re: Falcon Pass ("Applicant"); Application No. 2004-041CS; Notice of Potential Scoring Error ("NOPSE")

Dear Mr. Auger:

In the memorandum dated April 29, 2004 from you, such memorandum indicated that if an applicant wishes to notify the Corporation of possible scoring errors relative to another applicant's application, a written request for a review of the other applicant's score must be filed by May 7, 2004. I am writing on behalf of Crystal Lakes, Application No. 2004-050C. We believe that the following errors occurred in the scoring of the Applicant's application.

1. Part III.C.4.a Zoning. Evidence of zoning is submitted by Applicant on Exhibit 32. The evidence of zoning is deficient for the reasons set forth below.

Pages 25 - 26 of the Application Instructions require the evidence of appropriate zoning must be supplied, and that the verification "must demonstrate that the zoning designation for the development site was effective on or before the application deadline". The application deadline was March 31.

Applicant was required to obtain the approval both of the City of Marathon and the Florida Department of Community Affairs in order to rezone the subject property. The City of Marathon passed a small scale comprehensive plan amendment in order to rezone the property. Florida Department of Community Affairs ("DCA") entered a Final Order on March 30, 2004 approving the amendment (see page 5 of DCA Final Order).

As provided on the bottom of page 3 of the Final Order and as required under applicable Florida law, final orders of DCA do not become effective until 21 days after publication in the

Stephen P. Auger
Deputy Development Officer
Florida Housing Finance Corporation
May 7, 2004
Page 2

Florida Administrative Weekly. Assuming (in the best case scenario) that the order was published immediately in Florida Administrative Weekly, it still would not become effective until April 20, 2004. As such, the final order approving the rezoning of the property was not effective on or before March 31, 2004 (the application deadline). For this reason, Applicant's zoning was not effective on or before the application deadline and should be disregarded. As such, the application should be disqualified for failure to meet the zoning threshold requirement.

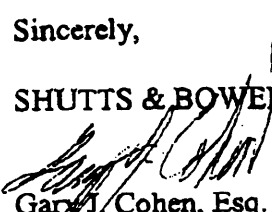
The summary submitted by the City of Marathon as part of the small scale comprehensive plan amendment submitted to DCA stated that "a minor conditional use would need to be obtained prior to development" (see circled language in attachment). It is clear that, due to the fact that a minor conditional use needs to be obtained prior to development, that an additional hearing or approval will be necessary in order to obtain the density envisioned by Applicant's project. Form 32 clearly indicates that, in order for zoning to be in place as of the application deadline, no additional land use regulation hearings or approvals may be required to obtain the density; otherwise, the zoning threshold is failed.

For the reasons stated above paragraph (that is, the necessity of an additional hearing or approval in order to obtain the necessary density), the zoning threshold is failed and the application should be rejected without an opportunity to cure.

Thank you for consideration of this NOPSE. We reserve our rights to cross-appeal this application in any Department of Administrative Hearing or any other appropriate legal forum.

Sincerely,

SHUTTS & BOWEN LLP



Gary J. Cohen, Esq.
Counsel for Crystal Lakes,
2004-050C

2004 MMRB, SAIL & HC Scoring Summary

As of: 07/06/2004

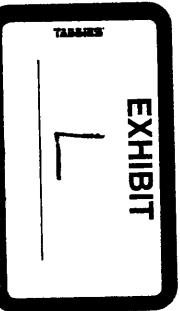
File # 2004-041CS

Development Name: Falcon Pass

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit	SAIL Request Amount as Percentage of Development Cost	Is SAIL Request Amount Equal to or Greater than 10% of Total Development Cost?
07 - 06 - 2004	66	Y	7.25	\$81,499.52	18.07%	Y
Preliminary	66	N	7.25	\$81,499.52	18.07%	Y
NOPSE	66	N	7.25	\$81,499.52	18.07%	Y
Final	66	Y	7.25	\$81,499.52	18.07%	Y
Final-Ranking	0	Y	0			

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Optional Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	9	9	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	12	12	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	9	9	0
Set-Aside Commitments									
4S	III	E	1.b.	Total Set-Aside Percentage	3	3	3	3	0
5S	III	E	1.c.	Set-Aside Breakdown Chart	5	5	5	5	0
6S	III	E	3.	Affordability Period	5	5	5	5	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	6	6	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	8	8	0
Local Government Support									
9S	IV		a.	Contributions	5	5	5	5	0
10S	IV		b.	Incentives	4	4	4	4	0



2004 MMRB, SAIL & HC Scoring Summary

As of: 07/06/2004

File # 2004-041CS

Development Name: Falcon Pass

Threshold(s) Failed:

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of	
1T	III	C	2	Site Control	The documentation submitted to demonstrate site control is incomplete because Exhibit B, Extension to Option to Purchase, is illegible.	Preliminary	Final

Proximity Tie-Breaker Points:

Item #	Part Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking	
1P	III	A	10.a.(2)(a)	Grocery Store	1.25	1.25	1.25	1.25	0
2P	III	A	10.a.(2)(b)	Public School	1.25	1	1	1	0
3P	III	A	10.a.(2)(c)	Medical Facility	1.25	0	0	0	0
4P	III	A	10.a.(2)(d)	Pharmacy	1.25	1.25	1.25	1.25	0
5P	III	A	10.a.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
6P	III	A	10.b.	Proximity to Developments on FHFC Development Proximity List	3.75	3.75	3.75	3.75	0

ELECTION OF RIGHTS

Application Number: 2004- 121S Development Name: Harris Cove

- 1. I do not desire a proceeding.
- 2. I elect an informal proceeding to be conducted in accordance with Sections 120.569 and 120.57(2), Florida Statutes. In this regard I desire to (Choose one):

- submit a written statement and documentary evidence; or
- attend an informal hearing to be held in Tallahassee.

Note: Rule 28-106.301, Florida Administrative Code, requires Applicant to submit a petition in a prescribed format. (attached)

- 3. I elect a formal proceeding at the Division of Administrative Hearings. This option is available only if there are disputed issues of material fact.

Note: Applicant must submit an appropriate petition in accordance with Rule 28-106.201, Florida Administrative Code. (attached)

Following are my top eight preferences, in order from 1-8 (with 1 being my first choice, etc.) for scheduling my informal hearing. All formal hearings will be scheduled by the Division of Administrative Hearings.

Hearing Dates:	A.M.	P.M.
August 18, 2004	1	
August 20, 2004	4	n/a
August 23, 2004	n/a	n/a
August 24, 2004	n/a	n/a

Hearing Dates:	A.M.	P.M.
August 25, 2004	n/a	n/a
August 26, 2004	n/a	n/a
August 27, 2004	n/a	n/a
August 31, 2004	3	2

*Matters heard after these dates will likely not be funded in the current Application Cycle.

n/a-Not Available

Please fax a Hearing Schedule to me at this number: (850) 521-0720
(include Area Code)

DATE: 2 August 2004

M. Christopher Bryant
Signature of Petitioner

Name: M. Christopher Bryant
of Oertel, Fernandez, Cole & Bryant, P.A.

Address: P.O. Box 1110
Tallahassee, FL 32302-1110

Phone: (850) 521-0700
(include Area Code)

TO PRESERVE YOUR RIGHT TO A PROCEEDING, YOU MUST RETURN THIS FORM WITHIN TWENTY-ONE (21) DAYS OF RECEIPT OF THIS NOTICE TO THE FLORIDA HOUSING FINANCE CORPORATION AT THE ADDRESS INDICATED IN THE NOTICE OF RIGHTS. TO FACILITATE ADMINISTRATIVE HEARINGS, THIS FORM MAY BE SUBMITTED PRIOR TO FILING A PETITION.

