

BEFORE THE STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

PINNACLE HEIGHTS, LLC, as applicant
for Pinnacle Heights-Application No. 2015-
211C

Petitioner,

vs.

FHFC Case No.: 2015-025BP

DOAH Case No.: _____

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

_____ /

PETITION FOR FORMAL ADMINISTRATIVE HEARING

Pursuant to Section 120.57(3), Florida Statutes (“Florida Statutes”), Rule Chapter 28-110, Florida Administrative Code (“FAC”) and Rule 67-60.009, FAC, Petitioner, PINNACLE HEIGHTS, LLC (“Petitioner”) by and through undersigning counsel files this Petition for Formal Administrative Hearing (“Petition”) challenging the Notice of Intended Decision issued by Respondent, FLORIDA HOUSING FINANCE CORPORATION (“FHFC”) regarding Request for Application 2014-116 For Affordable Housing Developments Located in Miami-Dade County (the “RFA”). In support of its Petition, Petitioner states as follows:

AGENCY AFFECTED

1. The name and address of the agency affected is Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The agency’s file or identification number with respect to Petitioner is 2015-211C.

PETITIONER

2. The Petitioner is Pinnacle Heights, LLC, a Florida limited liability limited company. The address of the Petitioner is c/o Pinnacle Housing Group, LLC, 9400 South Dadeland Boulevard, Suite 100, Miami, Florida 33156, telephone number (305) 854-7100. Petitioner's representative is Gary J. Cohen, Esq., whose address is c/o Shutts & Bowen LLP, 201 S. Biscayne Boulevard, Suite 1500, Miami, Florida 33131, telephone number (305) 347-7308, e-mail address gcohen@shutts.com.

3. Petitioner is engaged in the development of affordable housing in this state. Petitioner possesses the requisite skill, experience and credit-worthiness to successfully produce affordable housing. Through its principals and affiliated entities, Petitioner regularly submits applications for public financing of affordable housing developments. Petitioner's principals and their affiliated entities have successfully completed the construction and rehabilitation of numerous affordable housing developments in Florida using funding from programs administered by Respondent FHFC.

4. The affected agency in this proceeding is Florida Housing Finance Corporation ("FHFC" or "Respondent"). FHFC's address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

5. FHFC is a public corporation created by Section 420.504, Florida Statutes, to administer the governmental function of financing or refinancing affordable housing and related facilities in Florida. FHFC's statutory authority and mandates appear in Part V of Chapter 420, Florida Statutes. See, Sections 420.501-420.55, Florida Statutes.

6. As discussed in more detail below, on or about February 10, 2015, Petitioner timely submitted Application No. 2015-211C pursuant to the RFA. The Application sought an allocation of low income housing tax credits ("Tax Credits" or "LIHTC") to provide equity

capital for a 104 unit apartment complex (Pinnacle Heights, referred to as the “Complex”) in Miami, Florida. This Petition challenges the final scoring and ranking given to the applicants Rio at Flagler (Application No. 2015-217C) and Coral Bay Cove (Application No. 2015-214C) by FHFC. Unless the final scoring and ranking of the applications submitted by these applicants is modified, Petitioner will not obtain an allocation of Tax Credits necessary to develop the Complex. Thus, Petitioner’s substantial interests are subject to determination in this proceeding.

7. Petitioner is unaware of any other individuals and/or entities having an interest in the outcome of these proceedings.

Background

FHFC’s Programs

8. FHFC administers several programs aimed at assisting developers to build or rehabilitate affordable housing in an attempt to protect financially marginalized citizens in the state from excessive housing costs. The programs through which FHFC allocates resources to fund affordable housing in this state include the federal low income housing tax credit program (the “Tax Credit Program”) established in Florida under the authority of Section 420.5099, Florida Statutes. These Tax Credits are allocated by FHFC to finance the construction or substantial rehabilitation of affordable housing.

Tax Credits

9. The Tax Credit Program was created in 1986 by the federal government. Every year since 1986, Florida has received an allocation of federal Tax Credits to be used to fund the construction or rehabilitation of affordable housing. Tax Credits are a dollar for dollar offset to federal income tax liability.

10. Developers who receive an allocation of Tax Credits get the awarded amount every year for ten years. The developer will often sell the future stream of tax credits to a

syndicator, who, in turn, sells them to investors seeking to shelter income from federal income taxes.

11. FHFC is the designated agency in Florida to allocate Tax Credits to developers of affordable housing in the state.

The RFA Process

12. FHFC has historically allocated funding for the Tax Credit Program through a single annual application process. Since 2002, FHFC has administered these programs through a combined competitive process known as the “Universal Cycle.” The Universal Cycle operates like an annual competitive bidding process in which applicants compete against other applicants to be selected for funding. However, since 2013, FHFC has determined to conduct a series of competitions (requests for applications) allocating the Tax Credits through various geographic and demographic pools. The geographic pool in which Petitioner is contending is for applications for affordable housing developments located only in Miami-Dade County pursuant to the RFA.

13. FHFC has adopted rules which incorporate by reference the application forms and instructions for the RFA.

14. The RFA process is intended to equitably and reasonably distribute affordable housing among competing applicants in Miami-Dade County.

15. FAC Chapter 67-60 (Multi-Family Competitive Solicitation Funding Process) governs the RFA. The provisions of the RFA itself (issued November 21, 2014 and modified on January 30, 2015) set forth the process for submitting an application, and for awarding funding allocations thereunder. Rule 67-60.009(2) FAC (“Applicant Administrative Appeal Procedures”) provides that an applicant not selected for funding under the RFA may protest the

results of the RFA pursuant to the procedures set forth in Section 120.57(3), Florida Statutes and Chapter 28-110, FAC. Petitioner is protesting the results pursuant to Rule 67-60.009(2).

PETITIONER'S SUBSTANTIAL INTERESTS

16. Petitioner's substantial interests will be affected by the determination of FHFC as follows:

(a) Petitioner has applied for an allocation of competitive 9% Tax Credits under the RFA. The application was submitted in an attempt to assist in the financing of the Complex in Miami, Florida.

(b) The application was scored by FHFC in accordance with the provisions of Rule 67-60, FAC. By electronic posting on May 8, 2015, FHFC posted a Notice of Intended Decision with respect to the received applications, indicating (i) which applications were eligible and which applications were ineligible, and (ii) recommendations for funding. Petitioner's application was listed as eligible and received lottery number 6. Pursuant to the ranking procedure set forth on pages 47 - 49 of the RFA, after first selecting an application providing housing for the homeless demographic, the selection of two additional family or elderly demographic applications in Miami-Dade County to receive Tax Credits was (after application of certain tie-breaker rankings not at issue here) effectively determined by virtue of the lottery number assigned to eligible applicants, with the two Miami-Dade County applications receiving the lowest lottery numbers (as among competing Miami-Dade County applicants) being funded. Among applications found to be eligible by FHFC (after first funding a homeless application), Petitioner had the fourth best lottery number. Three other applications found to be eligible by FHFC with better lottery numbers than Petitioner were Seventh Avenue Transit Village II, 2015-171C, lottery number 1; Rio at Flagler, 2015-217C, lottery number 4; and Coral Bay Cove, 2015-214C, lottery number 5, all of which were ranked ahead of Petitioner.

(c) Petitioner would have received its requested funding if not for FHFC's erroneous scoring of the Rio at Flagler and Coral Bay Cove applications.

NOTICE OF AGENCY DECISION

17. Petitioner received notice of FHFC's award of Tax Credits on or about May 8, 2015 and filed its notice of protest on May 13, 2015. Attached as Exhibit "A" is a copy of the Notice of Intended Decision setting forth the awards, which gives rise to this Petition, and Petitioner's notice of protest.

18. Respondent's actions in terms of scoring are clearly erroneous, contrary to competition, arbitrary and/or capricious, and in violation of the terms of the RFA.

ULTIMATE FACTS ALLEGED

Rio at Flagler (Application No. 2015-217C)

19. 745 Rio at Flagler, LP ("Rio") is the applicant proposing the Rio at Flagler development in Miami-Dade County.

I. Incorrect Number of Units

20. The RFA provides (on page 47) that one of the requirements which must be met in order for an applicant to be eligible for funding is the "Total Development Cost Per Unit Limitation". As set forth on Page 100 of the RFA, the total development cost per unit limitation for a high-rise development (such as that proposed by Rio) in Miami-Dade County is \$280,100.

21. Page 4 of the modification to the RFA issued on January 30, 2015 provides a list of the "mandatory" items. Failure to correctly provide a mandatory item results in ineligibility for funding (see chart on page 47 of the RFA). Among the items listed as "mandatory" are "Total Number of Units" and "Appropriate Zoning".

22. Rio's application proposes a 76 unit high rise development. For the reasons set forth below, it is clear that Rio is only permitted, under the City of Miami zoning code, to

construct 75 units. As such, Rio has provided an incorrect number of units in its application (76, instead of 75), which results in failure to provide a “mandatory item” (Total Number of Units). In addition, the total development cost per unit of the proposed development, utilizing the maximum 75 units permitted rather than the 76 proposed by such applicant, results in a total development cost per unit of \$283,396, which is in excess of the maximum total development cost per unit of \$280,100 permitted by the RFA, and results in failure of this mandatory item. Finally, the “Local Government Verification That Development is Consistent with Zoning and Land Use Regulations” form (provided as Attachment 8 to the Rio application) is incorrect. The statement contained in subsection 2 thereof (“The proposed number of units and intended use are consistent with current land use regulations and the referenced zoning designation...”) is incorrect, because the number of units proposed by Rio (76) is in excess of the maximum number of units which can be built under the applicable zoning code (75).

23. Attached as Exhibit “B” is a letter from Ms. Irene S. Hegedus, who is the City of Miami Zoning Administrator who signed the aforementioned zoning form for the Rio application (also attached as part of the Exhibit “B”). Ms. Hegedus’ letter (dated April 30, 2015) confirms that the size/square footage of Rio’s development site only permits a maximum of 75 units to be built. Note that the addresses of the site contained in Ms. Hegedus’ letter conform to the addresses contained in the Rio application, and that the folio numbers referenced in Ms. Hegedus’ letter conform to the folio numbers of the three parcels set forth in Rio’s preliminary site plan submitted to the City of Miami and information as to those parcels from the Miami-Dade County Property Appraiser’s website (see attached Exhibit “C”).

24. As demonstrated by Ms. Hegedus’ letter, the City of Miami does not “round up” to the next unit when computing the number of units permitted under their zoning code. In order

for 76 units to be built, the development site would have needed to consist of at least 22,071 square feet (22,071 divided by 43,560 (one acre), x 150 units permitted per acre, equals 76.002066 units). Any amount of square footage less than 22,071 square feet (for example, 22,070 square feet) results in a permitted density of less than 76 units.

25. Attached as Exhibit “C” is a copy of the preliminary site plan submitted to the City of Miami by Rio’s architects. Note that the information contained on the preliminary site plan indicates that the total square footage of the development site is 22,015 square feet. Also attached as part of Exhibit “C” are printouts from the Miami-Dade County Property Appraiser’s website for the three parcels comprising the development site, which parcels in the aggregate contain 22,000 square feet. Note that the legal description contained as an exhibit to Rio’s site control documentation (in its application) conforms to the legal description contained on the Rio preliminary site plan, and the folio numbers for the three parcels in Ms. Hegedus’ letter and the property appraiser’s website conform to the folio numbers contained in the preliminary site plan submitted to the City of Miami by Rio’s architects.

26. Even allowing for total square footage of 22,015 square feet (as is indicated by Rio’s architects in the preliminary site plan) instead of the 22,000 square feet indicated in Ms. Hegedus’ letter and in the information from property appraiser’s website, such square footage (22,015) results in a permitted density calculation of 75.809 units, with the same result as indicated in Ms. Hegedus’ letter; that is, any amount of units less than 76 cannot be “rounded up” to 76 and only 75 units are permitted to be constructed.

27. It is clear that Rio has provided an incorrect total number of units in its application, resulting in failure of this mandatory item. It is also clear that the zoning form provided by Rio, indicating that “the proposed number of units...are consistent with current land

use regulations and the referenced zoning designation...” is also incorrect, since only 75 units are permitted to be constructed under current land use regulations under the site’s zoning designation, not the 76 units proposed in such application.

28. Finally, utilizing the maximum number of units permitted to be constructed (75), the total development cost per unit is \$283,396, which exceeds the permitted maximum of \$280,100. Each of the foregoing failures result in ineligibility for funding as per the RFA.

II. Public Bus Transfer Stop

29. Rio indicated, on the Surveyor Certification Form included as Attachment 13 to its application, that a “Public Bus Transfer Stop” was located .09 miles away from the development location point on Rio’s development site. The coordinates provided by Rio on its Surveyor Certification form correspond to a bus stop located at West Flagler Street and NW 8th Avenue in Miami, Florida (see affidavit from surveyor Michael M. Mossey, attached as Exhibit “D”). For the reasons set forth below, this bus stop does not meet the definition of a “Public Bus Transfer Stop” as set forth on page 19 of the RFA (“... a fixed location at which passengers may access at least three routes of public transportation via buses. Each qualifying route (emphasis added) 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”). As a result, Rio should not receive 6 points for proximity to a “Public Bus Transfer Stop”, but instead should only receive 2 points for proximity to a “Public Bus Stop” (also as defined on page 19 of the RFA; the only substantive difference between the two defined terms is that the Public Bus Transfer Stop must have at least three routes each of which have the required hourly stops, while the Public Bus Stop only needs one such qualifying route). As a result of this loss of 4 proximity points, Rio is only entitled to a total of 12

proximity points, as per the information contained in its Surveyor Certification Form (2 points for Public Bus Stop, 3 points for grocery store, 3 points for medical center, and 4 points for public school). As is set forth on page 18 of the RFA, in order to be eligible to receive the maximum 18 points for proximity, an applicant's total proximity score must be at least 12.25. Since Rio's total proximity score is 12, it is not entitled to be awarded the maximum amount of 18 points for proximity.

30. Attached as Exhibit "E" is a letter from Mr. Gerald E. Bryan, Chief of Service Planning and Scheduling for Miami-Dade County Transit. Mr. Bryan's letter makes clear that the bus stop in question is served by three bus routes (Routes 6, 11 and 208). However, Route 6 fails to meet the definitional requirement for "Public Bus Transfer Stop" contained on page 19 of the RFA (that all three bus routes make stops at least hourly between 7 am-9am and 4pm-6pm), in that Route 6 does not have scheduled stops at least hourly during the times 7:00 a.m. to 9:00 a.m. The first stop by Route 6 at the subject bus stop is at 8:30 a.m., and the next stop is at 9:30 a.m.; as such, Route 6 fails to meet definitional the requirement for "Public Bus Transfer Stop" of having a scheduled stop at least hourly during the times of 7:00 a.m. to 9:00 a.m., as there is only one stop during the 7:00 a.m. to 9:00 a.m. time period. As a result, the subject bus stop only has two routes (11 and 208) meeting the requirement of an hourly stop; in order to qualify as a "Public Bus Transfer Stop," all three routes must meet this requirement. As a result of only two of the routes meeting the hourly requirement, the subject bus stop only meets the definition of "Public Bus Stop" (see page 19 of the RFA).

31. For the reasons set forth above, Rio should be found to not be entitled to 18 points for proximity.

Coral Bay Cove
(Application No. 2015-214C)

32. Coral Bay Cove, LLC (“Coral Bay”) is the applicant proposing Coral Bay Cove in southern Miami-Dade County.

I. Public Bus Rapid Transit Stop

33. Coral Bay indicated, on the Surveyor Certification Form included as Attachment 13 to its application, that a “Public Bus Rapid Transit Stop” was located .25 miles away from the development location point on Coral Bay’s development site. “Public Bus Rapid Transit Stop” is defined, on pages 19 – 20 of the RFA, as “... a fixed location at which passengers may access public transportation via bus... the Public Bus Rapid Transit Stop must service at least one route that has scheduled stops at the Public Bus Rapid Transit Stop at least every 20 minutes during the times of 7:00 a.m. to 9:00 a.m. and also during the times of 4:00 p.m. to 6:00 p.m. Monday through Friday...”. For the reasons set forth below, the bus stop identified by Coral Bay on its Surveyor Certification form does not meet the foregoing definition but rather only meets the definition of “Public Bus Stop” (see definition on page 19 of the RFA discussed earlier herein). As a result, Coral Bay should not receive 6 proximity points for proximity to a “Public Bus Rapid Transit Stop,” but instead should only receive 1.5 points for proximity to a “Public Bus Stop” located .25 miles from its development location point (see page 22 of the RFA, requiring a “Public Bus Stop” to be located within .2 miles from the development location point in order to receive 2 points). As such, the application fails to achieve the required minimum transit service score of 2 points in order to be eligible for funding (see page 18 of the RFA). The total proximity points which should be awarded to Coral Bay total 8.5 (1.5 for Public Bus Stop, 2.5 for grocery store, 4 for medical facility and .5 for pharmacy, as per the Surveyor Certification form and pages 22-24 of the RFA). This is less than the 10.25 minimum total proximity score which must be achieved in order to be eligible for funding, and is also less than the minimum

total proximity score of 12.25 points required in order to be eligible to receive the maximum 18 proximity points.

34. The coordinates provided by Coral Bay in its Surveyor Certification form correspond to a bus stop located north of the intersection of the Busway and SW 264 Street in the Naranja section of South Miami-Dade County (the “North Bus Stop”) (see affidavit from surveyor Michael M. Mossey, attached as Exhibit “F”). Mr. Mossey’s affidavit also points out that there is another separate and distinct bus stop located south of the above-referenced intersection (the “South Bus Stop”), approximately 266 feet from the North Bus Stop identified by Coral Bay in its Surveyor Certification. The “South Bus Stop” is located diagonally across a very significant intersection and is served by different bus routes (as explained below), and cannot be considered the same bus stop as the North Bus Stop for purposes of determining whether the North Bus Stop meets the definition of a “Public Bus Rapid Transfer Stop”.

35. Attached as Exhibit “G” is a letter from Mr. Gerald E. Bryan, Chief of Service Planning and Scheduling for Miami-Dade County Transit. Mr. Bryan’s letter indicates that the bus stop identified by Coral Bay in its application (the “North Bus Stop”) is only served by two southbound bus routes (southbound Route 34 Busway Flyer and southbound Route 38 Busway MAX), and not by any northbound routes. Mr. Bryan’s letter makes clear that the North Bus Stop is only served by one bus route (southbound Route 38 Busway MAX) in the morning hours, and the schedule for southbound route 38 Busway MAX servicing the “North Bus Stop” provides for stops at 7:01 a.m. and then at 7:36 a.m. in the morning hours. This schedule does not meet the requirement (on page 20 of the RFA) that the route have scheduled stops at least every 20 minutes during the times of 7:00 a.m. to 9:00 a.m.; there is a 35 minute gap between the 7:01 a.m. stop and the 7:36 a.m. stop of southbound Route 38 Busway MAX, and that is the only

route serving the North Bus Stop in the morning hours. As noted above, southbound Route 34 Busway Flyer does not stop at the North Bus Stop in the morning.

36. The definition of “Public Bus Rapid Transit Stop” on pages 19 – 20 of the RFA requires “a fixed location at which passengers may access public transportation via bus”. Page 22 of the RFA provides that, for bus and rail transit services, the coordinates to be provided on the Surveyor Certification form “...must represent the location where passengers may embark and disembark the bus or train”. There is no provision in the RFA allowing combination or aggregation of two separate and distinct bus stops for purposes of satisfying the definition of “Public Bus Rapid Transit Stop”. This is particularly true where (i) two separate and distinct bus stops (the “North Bus Stop” and the “South Bus Stop”) are located approximately 266 feet from each other, diagonally across a busy intersection (see attached aerial photograph provided as part of Exhibit “G”), and (ii) the routes servicing the two separate and distinct bus stops are not the same (the North Bus Stop is only served by southbound buses, and the South Bus Stop is only served by northbound buses, and the times and schedules of such bus routes are different).

For the foregoing reasons, the bus stop identified by Coral Bay in its Surveyor Certification Form does not meet the definition of “Public Bus Rapid Transit Stop”. As a result, the proximity points should be reduced as set forth above and the Coral Bay application should be found to be ineligible for funding.

Disputed Issues of Material Fact and Law

The disputed issues of material fact and law raised in this proceeding are as follows:

a. Whether Respondent’s scoring of the applications submitted by Rio and Coral Bay was contrary to the RFA specifications, clearly erroneous, contrary to competition, arbitrary or capricious.

b. Whether the total number of units proposed in the Rio application exceeds the maximum number of units permitted under applicable City of Miami zoning code and regulations.

c. Whether the bus stop identified by Rio in its application meets the definition of “Public Bus Transfer Stop” in the RFA; more particularly, whether the identified bus stop provided for three routes of public transportation via bus with each such route having a scheduled bus stop at the identified location at least hourly during the times of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

d. Whether the bus stop identified by Coral Bay in its Coral Bay application meets the definition of “Public Bus Rapid Transit Stop” in the RFA; more particularly, whether the identified bus stop serviced at least one route that had scheduled stops at such identified bus stop at least every 20 minutes during the times of 7 a.m. to 9 a.m. Monday through Friday.

Petitioner’s Substantial Interest

37. Petitioner timely filed its application seeking to be among the applicants selected for funding. Petitioner’s application complied with all the requirements of the RFA and has a lottery number of 6, which is the fourth highest lottery number among the eligible applications seeking funding for two family/elderly developments in Miami-Dade County. But for the erroneous decisions described above regarding Rio and Coral Bay, Petitioner’s Pinnacle Heights application would be recommended for funding.

Request to Resolve by Mutual Agreement

Petitioner requests the opportunity to meet with respondent within seven working days after filing this protest, pursuant to Section 120.57(3)(d), Florida Statutes.

Reservation of Right to Amend

38. Petitioner reserves the right to amend the Petition as discovery proceeds.

Statutes/Rules that Entitle Petition to Relief

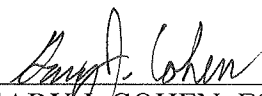
39. Petitioner is entitled to relief pursuant to Sections 120.569 and 120.57, Florida Statutes, Chapters 28-106, 28-110 and 67-60, Florida Administrative Code and the established decisional law of Florida courts, the Division of Administrative Hearings, and Florida administrative agencies.

Demand for Relief

WHEREFORE, Petitioner respectfully requests:

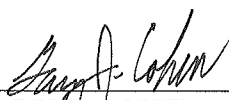
- a. The Respondent refer this matter to DOAH for a hearing with an administrative law judge for resolution of disputed issues of material facts.
- b. That the administrative law judge enter an order recommending that Respondent re-rank the proposals taking into consideration the issues raised in this protest.
- c. That Petitioner Pinnacle Heights be selected for funding.
- d. Such further relief as the administrative law judge deems appropriate.

Respectfully submitted,

By: 
GARY J. COHEN, ESQ.
Florida Bar No. 353302
Shutts & Bowen LLP
201 South Biscayne Boulevard
1500 Miami Center
Miami, Florida 33131
(305) 347-7308 telephone
(305) 347-7808 facsimile
E-mail: gcohen@shutts.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic correspondence to Kate Flemming, Corporation Clerk of the Florida Housing Finance Corporation, and a copy has been furnished by electronic correspondence to Hugh Brown, Esq., General Counsel, 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301, on this 26th day of May, 2015.



GARY J. COHEN, ESQ.

EXHIBIT “A”

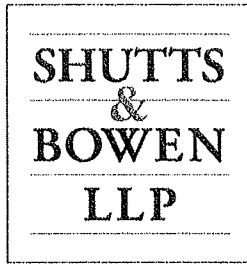
RFA 2014-116 Recommendations

Application Number	Name of Development	Name of Contact Person	Name of Developers	HC Funding Amount	SAIL Funding Amount	Eligible For Funding?	Qualifies for the Family/Elderly Demographic Geographic Goal?	Total Points	SAIL RFA 2014-111 Unfunded Preference	Development Category Funding Preference	Leveraging Classification	Florida Job Creation Preference	Lottery Number
Homeless Demographic Goal													
2015-168CS	Karis Village	Stephanie Berman	Carrfour Supportive Housing, Inc; GMKV Dev, LLC	2,180,000.00	4,300,000.00	Y	N	83	Y	Y	A	Y	3
Family/Elderly Demographic Geographic Goal													
2015-171C	Seventh Avenue Transit Village II	Elizabeth Wong	APC Seventh Avenue II Development, LLC; BAME Development Corporation of South Florida, Inc.	2,561,000.00		Y	Y	23	Y	Y	A	Y	1
Other Family/Elderly Demographic Application													
2015-217C*	Rio at Flagler	Kim Murphy	Royal American Development, Inc.	1,806,107.00		Y	Y	23	Y	Y	A	Y	4

*#2015-217C is entitled to a Binding Commitment of \$133,893.

On May 8, 2015, 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.



Founded 1910

GARY J. COHEN
Member Florida Bar
(305) 347-7308 Direct Telephone
(305) 347-7808 Direct Facsimile

E-MAIL ADDRESS:
gcohen@shutts-law.com

May 13, 2015

Via Electronic Mail: kate.flemming@floridahousing.org

Ms. Kate Flemming
Corporation Clerk
Florida Housing Finance Corporation
227 North Bronough Street
Suite 5000
Tallahassee, FL 32301

Re: RFA 2014-116; Notice of Protest

Dear Ms. Flemming:

On behalf of my client Pinnacle Heights, LLC (Application 2015-211C), I hereby give notice of my client's intent to protest Florida Housing Finance Corporation's Notice of Intended Decision in RFA 2014-116. This Notice of Protest is being filed within 72 hours (not including weekends) of the posting of the decision on the Corporation's website on Friday, May 8, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary J. Cohen".

Gary J. Cohen, Esq.
Counsel for Pinnacle Heights, LLC
(Application No. 2015-211C)

GJC/mar

MIADOCS 10910976 1

EXHIBIT “B”

City of Miami



DANIEL J. ALFONSO
City Manager

April 30, 2015

Tony Recio
Weiss Serota Helfman
2525 Ponce de Leon Suite 700
Miami, FL 33131

Re:	737 W. Flagler Street	Folio No.:	01-0200-080-1160
	745 W. Flagler Street		01-0200-080-1150
	742 NW 1 Street		01-0200-080-1060

Dear Mr. Recio:

Pursuant to your letter requesting zoning verification for the above-mentioned properties, and in response to said request, please be advised of the following:

The current zoning designation of these properties located at 737 W. Flagler St. and 745 W. Flagler Street are T6-12-O (Urban Core Zone). The land use designation of these properties are Restricted Commercial. Pursuant to Article 4 Table 3, T6 Transect Zone allows a maximum density of up to one hundred fifty (150) units per acre.

The current zoning designation of the property located at 742 NW 1 Street is T6-8-R (Urban Core Zone). The land use designation of this Property is High Density Multifamily Residential. Article 4 Table 3, T6 Transect Zone allows a maximum density of up to one hundred fifty (150) units per acre.

Our G.I.S. system and the survey submitted indicates that the properties has a net lot size area of approximately twenty two thousand (22,000) square feet or 0.505 acres. The calculations are: Total net area 22,000 sq. ft. / 43,560 acre = 0.50 x 150 units = 75.8=75 units could be built by right. Please be reminded that the development must comply with all other requirements and regulations found in Miami21 Article 5, Section 5.6 including, but not limited to, setbacks, height, parking space, lot coverage, Open Space and Landscaping.

Pursuant to Article 7 Section 7.1.7 to achieve your proposed development with the amount of proposed units and lot area, the parcels must be treated as one (1) site and requires a Unity of Title. The Unity of Title has to be approved by the Zoning Administrator, as to zoning requirements, an in a legal form acceptable to the City Attorney and upon proper recording in the Miami-Dade County Public Records.

For your convenience, additional information regarding Miami 21 regulations may be obtained by visiting the Miami 21 website at www.Miami21.org or by contacting our zoning information counter at (305) 416-1499

Sincerely,


Irene S. Hegedus, ATA
Zoning Administrator

ISH: mt
cc: Zoning Verification File

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

FHFC Application Reference: 2014-116

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: Rio at Flagler

745 W. Flagler St., 737 W. Flagler St., and 742 NW 1st Street, Miami, FL

Development Location: _____

(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 T6-12-O and T6-8-R; 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 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 _____

Irene S. Hegedus

Print or Type Name

Zoning Administrator

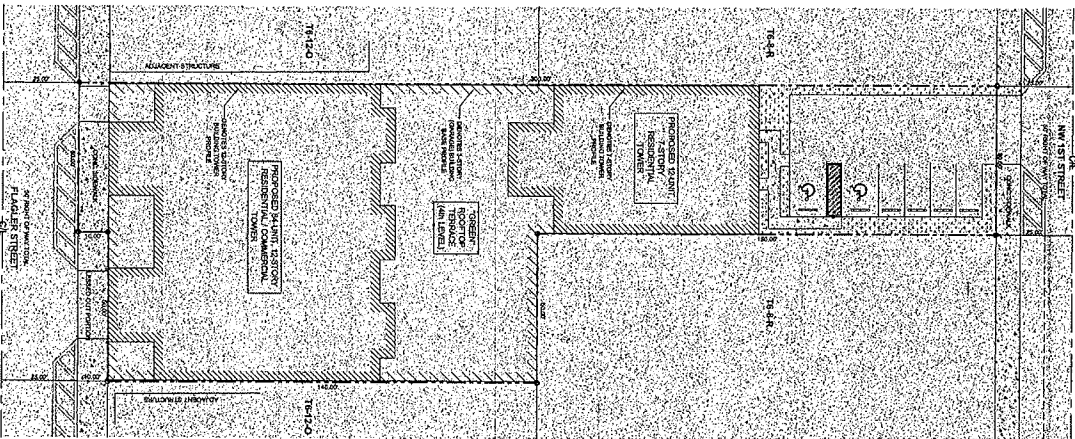
Print or Type Title

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.

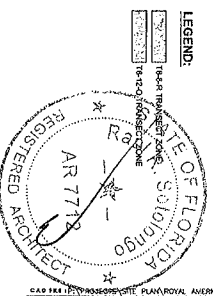
EXHIBIT “C”

MIAMI ZONING DATA TRANSITION ZONE T-4.4		
C-3.0 BUILDING FORMS AND HEIGHTS		
APPLICABLE TO: (a) TRANSITION ZONE T-4.4		
APPLICABLE TO: (b) TRANSITION ZONE T-4.4		
APPLICABLE TO: (c) TRANSITION ZONE T-4.4		
APPLICABLE TO: (d) TRANSITION ZONE T-4.4		
APPLICABLE TO: (e) TRANSITION ZONE T-4.4		
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APPLICABLE TO: (q) TRANSITION ZONE T-4.4		
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APPLICABLE TO: (s) TRANSITION ZONE T-4.4		
APPLICABLE TO: (t) TRANSITION ZONE T-4.4		
APPLICABLE TO: (u) TRANSITION ZONE T-4.4		
APPLICABLE TO: (v) TRANSITION ZONE T-4.4		
APPLICABLE TO: (w) TRANSITION ZONE T-4.4		
APPLICABLE TO: (x) TRANSITION ZONE T-4.4		
APPLICABLE TO: (y) TRANSITION ZONE T-4.4		
APPLICABLE TO: (z) TRANSITION ZONE T-4.4		

MIAMI ZONING DATA TRANSITION ZONE T-4.4		
C-3.0 BUILDING FORMS AND HEIGHTS		
APPLICABLE TO: (a) TRANSITION ZONE T-4.4		
APPLICABLE TO: (b) TRANSITION ZONE T-4.4		
APPLICABLE TO: (c) TRANSITION ZONE T-4.4		
APPLICABLE TO: (d) TRANSITION ZONE T-4.4		
APPLICABLE TO: (e) TRANSITION ZONE T-4.4		
APPLICABLE TO: (f) TRANSITION ZONE T-4.4		
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APPLICABLE TO: (y) TRANSITION ZONE T-4.4		
APPLICABLE TO: (z) TRANSITION ZONE T-4.4		



PRELIMINARY SITE PLAN
SCALE: 1"=20'

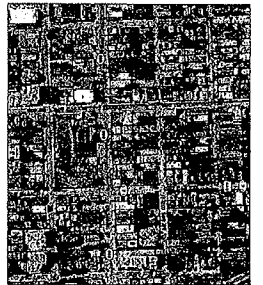


PRELIMINARY
CHINA SUBMISSION
DATE: 1-14-20
SHEET: 1415
SP-1
OF
SHEETS

- SITE NOTES:**
1. LOT SHALL BE GRANTED TO PREVENT DIRECT OVERLAND DISCHARGE OF STORM WATER ONTO ADJACENT PROPERTIES. REFER TO CIVIL DRAWINGS FOR DETAILS.
 2. ALL PRESTRESSING NOTES / WALKWAYS SHALL MEET A MINIMUM 18" WALKWAY TO CIVIL DRAWINGS FOR DETAILS.
 3. MAX. TYPED/PRINT ALL SPACES (NOTES 1779)

RIO AT FLAGLER
737 & 745 W. FLAGLER / 742 NW 1st STREET
MIAMI, FLORIDA 33130
ROYAL AMERICAN DEVELOPMENT

SOTOLONGO SALMAN HENDERSON ARCHITECTS, LLC
10630 NORTHWEST 27TH STREET • DORAL • FLORIDA • 33172
TELEPHONE: (305) 593-9798 • FAX: (305) 593-0096



LOCATION MAP
SCALE: 1"=1/2 MI.
LEGAL DESCRIPTION:
LOT 1 & 2, 1/2 AC. ±, MORE OR LESS, BEING A PORTION OF THE PLAT RECORDS AS RECORDED IN PLAT BOOK 97, PAGE 41 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH HALF OF LOT 1.



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 1/8/2015

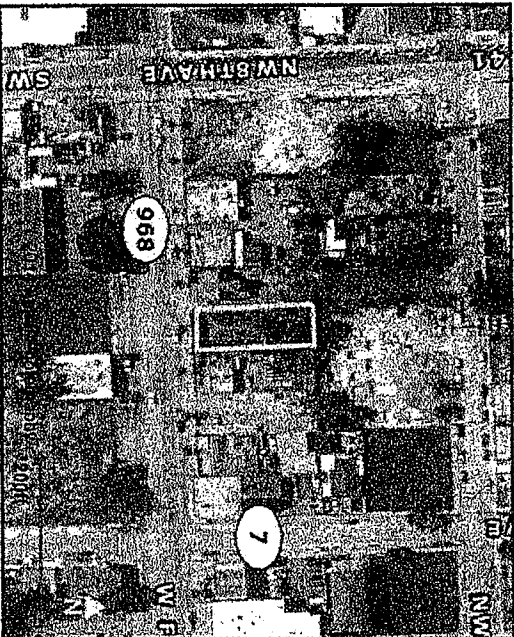
Property Information	
Folio:	01-0206-080-1160
Property Address:	737 W FLAGLER ST
Owner	YELLOW LEAF DEVELOPMENT LLC C/O GARRETT STIPHANY ALLEN ROZA
Mailing Address	80 SW 8 ST STE 3100 MIAMI, FL 33130
Primary Zone	6110 COMM/RESIDENTIAL-DESIGN D
Primary Land Use	1209 MIXED USE- STORE/RESIDENTIAL : MIXED USE - RESIDENTIAL
Beds / Baths / Half	0 / 7 / 0
Floors	2
Living Units	20
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	6,506 Sq.Ft
Lot Size	7,000 Sq.Ft
Year Built	1928

Assessment Information			
Year	2014	2013	2012
Land Value	\$315,000	\$315,000	\$315,000
Building Value	\$177,747	\$178,523	\$177,900
XF Value	\$1,300	\$1,317	\$0
Market Value	\$494,017	\$494,840	\$432,900
Assessed Value	\$494,017	\$476,190	\$432,900

Benefits Information			
Benefit	Type	2014	2013
Non-Homestead Cap	Assessment Reduction		\$18,650

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description



Taxable Value Information			
	2014	2013	2012
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$494,017	\$476,190	\$432,900
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$494,017	\$494,840	\$432,900
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$494,017	\$476,190	\$432,900
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$494,017	\$476,190	\$432,900
Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
03/25/2011	\$2,100	27644-4426	Financial Inst or "In Lieu of Foreclosure"



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 1/9/2015

Property Information				
Folio:	01-0200-080-1150			
Property Address:	746 W FLAGLER ST			
Owner	YELLOW LEAF DEVELOPMENT LLC C/O GARRETT STIPHANY ALLEN ROZA			
Mailing Address	80 SW 8 ST STE 3100 MIAMI, FL 33130			
Primary Zone	6110 COMM/RESIDENTIAL-DESIGN D			
Primary Land Use	0701 RESIDENTIAL - SINGLE FAMILY : 1 UNIT			
Beds / Baths / Half	2 / 2 / 0			
Floors	2			
Living Units	1			
Actual Area	Sq.Ft			
Living Area	Sq.Ft			
Adjusted Area	1,636 Sq.Ft			
Lot Size	7,500 Sq.Ft			
Year Built	1920			

Assessment Information				
Year	2014	2013	2012	
Land Value	\$337,500	\$300,000	\$225,000	
Building Value	\$1,000	\$1,000	\$1,000	
XF Value	\$0	\$0	\$0	
Market Value	\$338,500	\$301,000	\$226,000	
Assessed Value	\$273,460	\$248,600	\$226,000	

Benefits Information				
Benefit	Type	2014	2013	2012
Non-Homestead Cap	Assessment Reduction	\$65,040	\$52,400	

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description



Taxable Value Information			
	2014	2013	2012
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$273,460	\$248,600	\$226,000
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$338,500	\$301,000	\$226,000
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$273,460	\$248,600	\$226,000
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$273,460	\$248,600	\$226,000

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
03/25/2011	\$2,100	27644-4426	Financial Inst or "In Lieu of Forclosure" stated



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 1/9/2015

Property Information				
Folio:	01-0200-080-1060			
Property Address:	742 NW 1 ST YELLOW LEAF DEVELOPMENT LLC C/O GARRETT STIPHANY ALLEN ROZA			
Owner	80 SW 8 ST STE 3100 MIAMI, FL 33130			
Mailing Address	4601 MULTI-FAMILY - 8 STORY & VACANT LAND			
Primary Zone	0081 VACANT RESIDENTIAL :			
Primary Land Use	VACANT LAND			
Beds / Baths / Half	0 / 0 / 0			
Floors	0			
Living Units	0			
Actual Area	0 Sq.Ft			
Living Area	0 Sq.Ft			
Adjusted Area	0 Sq.Ft			
Lot Size	7,500 Sq.Ft			
Year Built	0			
Assessment Information				
Year	2014	2013	2012	
Land Value	\$187,500	\$127,500	\$127,500	
Building Value	\$0	\$0	\$0	
XF Value	\$0	\$0	\$0	
Market Value	\$187,500	\$127,500	\$127,500	
Assessed Value	\$140,250	\$127,500	\$127,500	
Benefits Information				
Benefit	Type	2014	2013	2012
Non-Homestead Cap	Assessment Reduction	\$47,250		
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				
Short Legal Description				
CITY OF MIAMI SOUTH PB B-41				



Taxable Value Information				
		2014	2013	2012
County				
Exemption Value		\$0	\$0	\$0
Taxable Value		\$140,250	\$127,500	\$127,500
School Board				
Exemption Value		\$0	\$0	\$0
Taxable Value		\$187,500	\$127,500	\$127,500
City				
Exemption Value		\$0	\$0	\$0
Taxable Value		\$140,250	\$127,500	\$127,500
Regional				
Exemption Value		\$0	\$0	\$0
Taxable Value		\$140,250	\$127,500	\$127,500
Sales Information				
Previous Sale	Price	OR Book-Page	Qualification Description	
03/25/2011	\$2,100	27644-4426	Financial inst or "In Lieu of Foreclosure" stated	

EXHIBIT “D”

AFFIDAVIT

Before me, the undersigned authority, personally appeared Michael M. Mossey, who being duly sworn, states that he personally knows the following facts and that the same are true and correct.

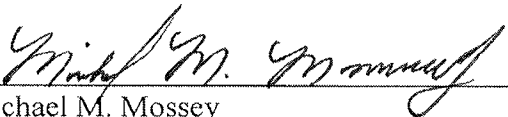
1. My name is Michael M. Mossey. I am licensed by the State of Florida as a professional surveyor. My license number is 5660. I am submitting this Affidavit on behalf of Pinnacle Heights, LLC ("Pinnacle") and I am not related to Pinnacle or any principals or financial beneficiaries of Pinnacle.

2. Pinnacle is challenging an application filed by 745 Rio at Flagler, LP ("Rio") submitted under RFA 2014-116 to Florida Housing Finance Corporation (application #2015-217C; the "Application").

3. As part of the Application, Rio submitted as Attachment 13 a "Surveyor Certification Form" ("Certification") indicating the location of certain transit services and community services and their proximity to the development proposed by Rio. Attached as Exhibit "A" is a copy of the Certificate. Under the subheading "Public Bus Transfer Stop", coordinates were entered indicating the location of such bus stop.

4. On May 22, 2015, under my supervision, a Keith and Associates' survey crew visited the location and the specific coordinates referenced above, and determined that such coordinates corresponded to a bus stop located on the north side of West Flagler Street and approximately one hundred and ninety-five feet west of the centerline of N.W. 8th Avenue in the City of Miami.

Under penalties of perjury, I declare that these statements are true and correct.



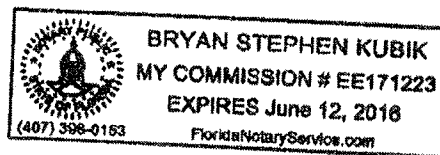
Michael M. Mossey
Professional Surveyor and Mapper
State of Florida Registration No. 5660

Dated May 26, 2015

STATE OF FLORIDA)
)SS
COUNTY OF BROWARD)

Sworn to and subscribed before me this 26th day of May, 2015 by Michael M. Mossey, who is personally known to me or has produced his Driver's License as identification. Witness my hand and official seal this 26th day of May, 2015.

Bryan Kubik
Notary Public
State of Florida
My Commission Expires: 6-12-2016



Attachment

13

SURVEYOR CERTIFICATION FORM

Name of Development: Rio at FlaglerDevelopment Location: 745 W. Flagler St., 737 W. Flagler St., and 742 NW 1st Street, Miami FL

(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). If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site¹ where the Development Location Point is located.)

The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule 5J-17, F.A.C., formerly 61G17-6, F.A.C.:

**All calculations shall be based on "WGS 84" and be grid distances. The horizontal positions shall be collected to meet sub-meter accuracy (no autonomous hand-held GPS units shall be used).*

State the Development Location Point: ²	N <u>25</u> Degrees	<u>46</u> Minutes	<u>26.35</u> Seconds (represented to 2 decimal places)	W <u>80</u> Degrees	<u>12</u> Minutes	<u>24.74</u> Seconds (represented to 2 decimal places)
--	------------------------	----------------------	---	------------------------	----------------------	---

To be eligible for proximity points, Degrees and Minutes must be stated as whole numbers and Seconds must be represented to 2 decimal places.

³Transit Service - State the latitude and longitude coordinates for one (1) Transit Service on the chart below.

	Latitude			Longitude		
Public Bus Stop	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Public Bus Transfer Stop	N <u>25</u> Degrees	<u>46</u> Minutes	<u>25.64</u> Seconds (represented to 2 decimal places)	W <u>80</u> Degrees	<u>12</u> Minutes	<u>29.96</u> Seconds (represented to 2 decimal places)
Public Bus Rapid Transit Stop	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
SunRail Station, MetroRail Station, or TriRail Station	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Transit Service is:						<u>0.09</u> Miles

³Community Services - State the Name, Address and latitude and longitude coordinates of the closest service(s) on the chart below.

Grocery Store:	Latitude			Longitude		
Name - <u>Sedano's</u> Address - <u>1263 W. Flagler Street</u> <u>Miami, FL</u>	N <u>25</u> Degrees	<u>46</u> Minutes	<u>26.29</u> Seconds (represented to 2 decimal places)	W <u>80</u> Degrees	<u>12</u> Minutes	<u>56.94</u> Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Grocery Store is:						<u>0.56</u> Miles

Initials of Surveyor: [Signature]

SURVEYOR CERTIFICATION FORM

Medical Facility:	Latitude			Longitude		
Name - <u>CAC Florida Medical Ctr.</u> Address - <u>1200 SW 1st Street</u> <u>Miami, FL</u>	N <u>25</u> Degrees	<u>46</u> Minutes	<u>20.78</u> Seconds (represented to 2 decimal places)	W <u>80</u> Degrees	<u>12</u> Minutes	<u>53.63</u> Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Medical Facility is:				<u>0.51</u> Miles		
Pharmacy:	Latitude			Longitude		
Name - _____ Address - _____	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Pharmacy is:				_____ Miles		
Public School:	Latitude			Longitude		
Name - <u>Riverside Elementary</u> Address - <u>1190 SW 2nd Street</u> <u>Miami, FL</u>	N <u>25</u> Degrees	<u>46</u> Minutes	<u>17.38</u> Seconds (represented to 2 decimal places)	W <u>80</u> Degrees	<u>12</u> Minutes	<u>49.01</u> Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Public School is:				<u>0.45</u> Miles		

If the Corporation discovers that there are any false statements made in this certification, the Corporation will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

CERTIFICATION - Under penalties of perjury, I declare that the foregoing statement is true and correct.

Manuel G. Vera
Signature of Florida Licensed Surveyor

2262
Florida License Number of Signatory

Manuel G. Vera
Print or Type Name of Signatory

Please note: This form may be modified by Florida Housing Finance Corporation per Section 67-60.005, F.A.C.

This certification consists of 3 pages. This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the Application will not be eligible to receive proximity points. If this certification contains corrections or 'white-out', or if it is altered or retyped, the form will not be considered. The certification may be photocopied. To be considered for scoring purposes, at least pages 1 and 2 of this 3 page certification form must be provided by the Applicant.

SURVEYOR CERTIFICATION FORM

¹"Scattered Sites," as applied to a single Development, means a Development site that, when taken as a whole, is comprised of real property that is not contiguous (each such non-contiguous site within a Scattered Site Development, a "Scattered Site"). For purposes of this definition "contiguous" means touching at a point or along a boundary. Real property is contiguous if the only intervening real property interest is an easement provided the easement is not a roadway or street.

²"Development Location Point" means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on the site with the most units that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.

³The latitude and longitude coordinates for all Proximity Services must represent a point as outlined on the Coordinates Location Chart set out below. The coordinates for each service must be stated in degrees, minutes and seconds, with the degrees and minutes stated as whole numbers and the seconds represented to 2 decimal places. If the degrees and minutes are not stated as whole numbers and the seconds are not represented to 2 decimal places, the Applicant will not be eligible for proximity points for that service.

Coordinates Location Chart	
Service	Location where latitude and longitude coordinates must be obtained
Community Services	Coordinates must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located.
Transit Services	For Public Bus Stop, Public Bus Rapid Transit Stop, Public Bus Transfer Stop, TriRail Rail Stations and MetroRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the bus or train. For the following SunRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the train: SunRail Station Name Altamonte Springs Station Church Street Station DeBary Station Florida Hospital Station Lake Mary Station LYNX Central Station Longwood Station Maitland Station Orlando Amtrak/ORMC Station Sand Lake Road Station Sanford/SR46 Station Winter Park/Park Ave Station

If there is no exterior public entrance to the Community Service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service. For example, for a Pharmacy located within an enclosed shopping mall structure that does not have a direct public exterior entrance, the latitude and longitude coordinates at the doorway threshold of the exterior public entrance to the enclosed shopping mall that provide the shortest walking distance to the doorway threshold of the interior entrance to the Pharmacy would be used.

Applicants may use the same latitude and longitude coordinates for the Grocery Store, Medical Facility and/or Pharmacy if the Grocery Store, Medical Facility and/or Pharmacy is housed at the same location.

EXHIBIT “E”



Carlos A. Gimenez, Mayor

Transit
Overtown Transit Village
701 NW 1 Court, 17th Floor
Miami, FL 33136-3912
T 786-469-5675 F 786-469-5584

May 5, 2015

miamidade.gov

Pinnacle Housing Group, LLC
9400 South Dadeland Boulevard
Suite 100
Miami, Florida 33156

Attn: Jennifer Chester

Re: Bus Stop Located at West Flagler Street and N.W. 8th Avenue

Dear Ms. Chester:

Please be advised that the above-referenced bus stop, located at West Flagler Street and N.W. 8th Avenue, is serviced only by the following routes of public transportation via bus: Routes 6, 11 and 208. Attached to this letter is a schedule for each of the routes, indicating the approximate times at which a bus stops at the above-referenced bus stop under each of the above Routes.

In particular, please be advised that Route 6 makes its first stop of the day at the above-referenced bus stop at approximately 8:30 a.m. and its second stop of the day at 9:30 a.m.

Please be advised that the information attached as to the scheduled bus routes servicing the bus stop at West Flagler Street and N.W. 8th Avenue are the same as they were as of February 10, 2015, and that there has been no change in any of the schedules for the above-referenced bus routes since February 10, 2015.

Please do not hesitate to contact me if you have any questions regarding this information.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Bryan", written over a horizontal line.

Gerald F. Bryan
Chief, Service Planning and Scheduling

Attachment

< Select Bus Stop

Schedule



6
• Weekday Service (Southbound)
• W FLAGLER ST & NW 8 AV



8:30 AM

Dest: COCONUT GROVE

9:30 AM

Dest: COCONUT GROVE

10:30 AM

Dest: COCONUT GROVE

11:30 AM

Dest: COCONUT GROVE

12:30 PM

Dest: COCONUT GROVE

1:30 PM

Dest: COCONUT GROVE

2:30 PM

Dest: COCONUT GROVE

3:30 PM

Dest: COCONUT GROVE

4:30 PM

Dest: COCONUT GROVE

5:30 PM (2 min)

Dest: COCONUT GROVE



< Select Bus Stop

Schedule



11

- Weekday Service (Westbound)
@ W FLAGLER ST & NW 8 AV



5:23 AM

Dest: FIU SOUTH

5:41 AM

Dest: MALL OF AMERICAS

6:00 AM

Dest: FIU SOUTH

6:12 AM

Dest: MALL OF AMERICAS

6:24 AM

Dest: FIU SOUTH

6:36 AM

Dest: MALL OF AMERICAS

6:48 AM

Dest: FIU SOUTH

6:58 AM

Dest: MALL OF AMERICAS

7:08 AM

Dest: FIU SOUTH

7:16 AM

Dest: MALL OF AMERICAS

7:24 AM

Dest: FIU SOUTH

7:32 AM

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Schedule



208 Little Havana Connection

• Weekday Service (East Clockwise)
• W FLAGLER ST & NW 9 AV



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EXHIBIT “F”

AFFIDAVIT

Before me, the undersigned authority, personally appeared Michael M. Mossey, who being duly sworn, states that he personally knows the following facts and that the same are true and correct.

1. My name is Michael M. Mossey. I am licensed by the State of Florida as a professional surveyor. My license number is 5660. I am submitting this Affidavit on behalf of Pinnacle Heights, LLC ("Pinnacle") and I am not related to Pinnacle or any principals or financial beneficiaries of Pinnacle.

2. Pinnacle is challenging an application filed by Coral Bay Cove, LLC ("Coral Bay") submitted under RFA 2014-116 to Florida Housing Finance Corporation (application #2015-214C; the "Application").

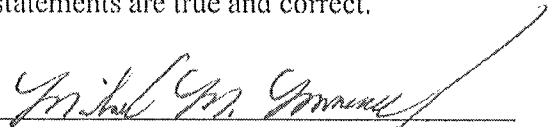
3. As part of the Application, Coral Bay submitted as Attachment 13 a "Surveyor Certification Form" ("Certification") indicating the location of certain transit services and community services and their proximity to the development proposed by Coral Bay. Attached as Exhibit "A" is a copy of the Certificate. Under the subheading "Public Bus Rapid Transit Stop", coordinates were entered indicating the location of such bus stop.

4. On April 16th, 2015, under my supervision a Keith and Associates' survey crew visited the location and the specific coordinates referenced above, and determined that such coordinates corresponded to a bus stop located north of the intersection of the Busway and S.W. 264th Street in the Naranja section of south Miami-Dade County. Attached as Exhibit "B" is a picture of such bus stop.

5. There is a separate and distinct bus stop located diagonally across the intersection of the Busway and S.W. 264th Street, south of such intersection. Attached as Exhibit "C" is a picture of that separate and distinct bus stop. By my measurement, the two bus stops are located approximately 266 feet from each other. The two bus stops are not easily accessible to each other, as a pedestrian must walk across both the busway and SW 264th Street in order to reach one bus stop from the other.

Under penalties of perjury, I declare that these statements are true and correct.

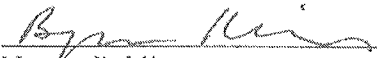
Dated May 5, 2015



Michael M. Mossey
Professional Surveyor and Mapper
State of Florida Registration No. 5660

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

Sworn to and subscribed before me this 5th day of May, 2015 by Michael M. Mossey, who is personally known to me or has produced a Driver's License as identification. Witness my hand and official seal this 5th day of May, 2015.



Notary Public
State of Florida
My Commission Expires: 6-12-2016

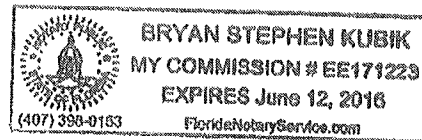


Exhibit A

SURVEYOR CERTIFICATION FORM

Name of Development: Coral Bay Cove

Development Location: NW Corner of SW 260th Street & SW 144th Avenue, Miami-Dade County, FL 33032

(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). If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site¹ where the Development Location Point is located.)

The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule SJ-17, F.A.C., formerly 61G17-6, F.A.C.:

**All calculations shall be based on "WGS 84" and be grid distances. The horizontal positions shall be collected to meet sub-meter accuracy (no autonomous hand-held GPS units shall be used).*

State the Development Location Point: ²	N <u>25</u> Degrees	<u>31</u> Minutes	<u>31.90</u> Seconds (represented to 2 decimal places)	W <u>80</u> Degrees	<u>25</u> Minutes	<u>30.30</u> Seconds (represented to 2 decimal places)
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To be eligible for proximity points, Degrees and Minutes must be stated as whole numbers and Seconds must be represented to 2 decimal places.

Transit Service - State the latitude and longitude coordinates for one (1) Transit Service on the chart below.³

	Latitude			Longitude		
Public Bus Stop	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Public Bus Transfer Stop	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Public Bus Rapid Transit Stop	N <u>25</u> Degrees	<u>31</u> Minutes	<u>19.10</u> Seconds (represented to 2 decimal places)	W <u>80</u> Degrees	<u>25</u> Minutes	<u>32.30</u> Seconds (represented to 2 decimal places)
SunRail Station, MetroRail Station, or TriRail Station	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Transit Service is:						<u>0.25</u> Miles

Community Services - State the Name, Address and latitude and longitude coordinates of the closest service(s) on the chart below.³

Grocery Store:	Latitude			Longitude		
Name - <u>Winn-Dixie</u> Address - <u>27359 S. Dixie Highway</u> <u>Miami-Dade County, FL 33032</u>	N <u>25</u> Degrees	<u>30</u> Minutes	<u>45.14</u> Seconds (represented to 2 decimal places)	W <u>80</u> Degrees	<u>25</u> Minutes	<u>53.73</u> Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Grocery Store is:						<u>0.99</u> Miles

Initials of Surveyor f

SURVEYOR CERTIFICATION FORM

Medical Facility:	Latitude			Longitude		
Name - <u>Doctors Medical Center</u> Address - <u>26085 S. Dixie Highway</u> <u>Miami-Dade County, FL 33032</u>	N <u>25</u> Degrees	<u>31</u> Minutes	<u>29.49</u> Seconds (represented to 2 decimal places)	W <u>80</u> Degrees	<u>25</u> Minutes	<u>18.96</u> Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Medical Facility is:						<u>0.21</u> Miles
Pharmacy:	Latitude			Longitude		
Name - <u>Walgreens</u> Address - <u>3090 NE 43rd Avenue</u> <u>Homestead, FL 33033</u>	N <u>25</u> Degrees	<u>29</u> Minutes	<u>56.05</u> Seconds (represented to 2 decimal places)	W <u>80</u> Degrees	<u>24</u> Minutes	<u>46.00</u> Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Pharmacy is:						<u>1.99</u> Miles
Public School:	Latitude			Longitude		
Name - _____ Address - _____	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Public School is:						_____ Miles

If the Corporation discovers that there are any false statements made in this certification, the Corporation will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

CERTIFICATION – Under penalties of perjury, I declare that the foregoing statement is true and correct.


Signature of Florida Licensed Surveyor

PSM #4775

Florida License Number of Signatory

Mark Steven Johnson

Print or Type Name of Signatory

Please note: This form may be modified by Florida Housing Finance Corporation per Section 67-60.005, F.A.C.

This certification consists of 3 pages. This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the Application will not be eligible to receive proximity points. If this certification contains corrections or 'white-out', or if it is altered or retyped, the form will not be considered. The certification may be photocopied. To be considered for scoring purposes, at least pages 1 and 2 of this 3 page certification form must be provided by the Applicant.

SURVEYOR CERTIFICATION FORM

¹"Scattered Sites," as applied to a single Development, means a Development site that, when taken as a whole, is comprised of real property that is not contiguous (each such non-contiguous site within a Scattered Site Development, a "Scattered Site"). For purposes of this definition "contiguous" means touching at a point or along a boundary. Real property is contiguous if the only intervening real property interest is an easement provided the easement is not a roadway or street.

²"Development Location Point" means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on the site with the most units that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.

³ The latitude and longitude coordinates for all Proximity Services must represent a point as outlined on the Coordinates Location Chart set out below. The coordinates for each service must be stated in degrees, minutes and seconds, with the degrees and minutes stated as whole numbers and the seconds represented to 2 decimal places. If the degrees and minutes are not stated as whole numbers and the seconds are not represented to 2 decimal places, the Applicant will not be eligible for proximity points for that service.

Coordinates Location Chart	
Service	Location where latitude and longitude coordinates must be obtained
Community Services	Coordinates must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located.
Transit Services	For Public Bus Stop, Public Bus Rapid Transit Stop, Public Bus Transfer Stop, TriRail Rail Stations and MetroRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the bus or train. For the following SunRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the train: SunRail Station Name Altamonte Springs Station Church Street Station DeBary Station Florida Hospital Station Lake Mary Station LYNX Central Station Longwood Station Maitland Station Orlando Amtrak/ORMC Station Sand Lake Road Station Sanford/SR46 Station Winter Park/Park Ave Station

If there is no exterior public entrance to the Community Service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service. For example, for a Pharmacy located within an enclosed shopping mall structure that does not have a direct public exterior entrance, the latitude and longitude coordinates at the doorway threshold of the exterior public entrance to the enclosed shopping mall that provide the shortest walking distance to the doorway threshold of the interior entrance to the Pharmacy would be used.

Applicants may use the same latitude and longitude coordinates for the Grocery Store, Medical Facility and/or Pharmacy if the Grocery Store, Medical Facility and/or Pharmacy is housed at the same location.

Exhibit B



Exhibit C



EXHIBIT “G”



Carlos A. Gimenez, Mayor

Transit
Overtown Transit Village
701 NW 1 Court, 17th Floor
Miami, FL 33136-3912
T 786-469-5675 F 786-469-5584

miamidade.gov

May 5, 2015

Pinnacle Housing Group, LLC
9400 South Dadeland Boulevard
Suite 100
Miami, Florida 33156

Attn: Jennifer Chester

Re: Bus Stop Located north of the intersection of the Busway and S.W. 264th Street, Naranja

Dear Ms. Chester:

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

1. There are in fact two distinct separate bus stops located near the intersection of the Busway and S.W. 264th Street in Naranja. The bus stop to the north of the intersection of the Busway and S.W. 264th Street (the "North Bus Stop") is only served by southbound bus routes; the bus stop south of the intersection of the Busway and S.W. 264th Street (the "South Bus Stop") is only served by northbound buses. These two bus stops are separate and distinct, and are located approximately 266 feet from each other, diagonally across the intersection.
2. The North Bus Stop is served by southbound Route 34 Busway Flyer, but only in the afternoon between 4 p.m. and 7:30 p.m. The southbound Route 34 Busway Flyer does not serve the North Bus Stop in the morning hours.
3. The North Bus Stop is also served by southbound Route 38 Busway MAX, both in the morning and afternoon hours. The schedule for service to the North Bus Stop by the southbound Route 38 Busway MAX is attached to this letter.
4. The information contained in this letter is true and correct as of February 10, 2015; the bus route information contained in this letter has not changed since that date.

William D. Williams, Jr.

Pinnacle Housing Group, LLC
Attn: Ms. Jennifer Chester
May 5, 2015
Page 2

Please do not hesitate to contact me if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "G. E. Bryan", written over the printed name.

Gerald E. Bryan
Chief, Service Planning and Scheduling

Attachment

< Select Bus Stop

Schedule



38 Busway MAX

- Weekday Service (Southbound)
@ BUSWAY & SW 264 ST



5:16 AM

Dest: BUSWAY MAX FLORIDA CITY

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Dest: BUSWAY MAX FLORIDA CITY

7:01 AM

Dest: BUSWAY MAX FLORIDA CITY

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