

BEFORE THE FLORIDA HOUSING FINANCE CORPORATION

COLONIAL LAKES APARTMENTS,
LTD. as applicant for COLONIAL
LAKES APARTMENTS–Application
No. 2008-033BS,

Petitioner,

Application No. 2008-33BS

v.

FHFC 2008-055UC

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

**PETITION CHALLENGING FINAL ACTION OF
THE FLORIDA HOUSING FINANCE CORPORATION
PURSUANT TO § 120.57(2), FLORIDA STATUTES AND
§ 28-106.301 FLORIDA ADMINISTRATIVE CODE**

Petitioner, COLONIAL LAKES APARTMENTS, LTD. (Petitioner) as applicant for COLONIAL LAKES APARTMENTS–Application No. 2008-33BS (the "Application") pursuant to § 120.57(2), Florida Statutes and Florida Administrative Code §§ 28-106.301, *et seq.* hereby challenges the final scoring given to its Application. The grounds for this Petition are as follows:

INTRODUCTION

Parties

1. The agency affected is the Florida Housing Finance Corporation (hereafter the "Corporation"), 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

2. Petitioner, COLONIAL LAKES APARTMENTS, LTD. is located at 580 Village Blvd., Suite 360, West Palm Beach, Florida 33409. For purposes of this proceeding, Petitioner's address is that of its undersigned attorneys, Robert W. Turken, BILZIN SUMBERG BAENA PRICE & AXELROD, LLP, 200 South Biscayne Boulevard, Suite 2500, Miami, Florida 33131-5340, Telephone: (305) 374-7580, Facsimile: (305) 374-7593, e-mail: rturken@bilzin.com, and J. Stephen Menton, RUTLEDGE, ECENIA & PURNELL, P.A. 215 South Monroe Street, Suite 420, Tallahassee, Florida 32301, Telephone: (850) 681-6788 Telephone, Facsimile (850) 681-6515, e-mail: smenton@reuphlaw.com.

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

Procedural History and Notice of Agency Decision

4. On April 7, 2008, Petitioner submitted its Application for funding under the State of Florida's State Apartment Incentive Loan Program (the "SAIL Program") for large-sized counties.

5. On or about May 15, 2007, the applicants submitting Application Nos. 2008-112C and 2008-284BS (the "Opposing Applicants") each submitted a Notice of Possible Scoring Error (the "NOPSES") in respect of the Application. The NOPSES identified certain alleged threshold violations, including those set forth in the Statement of Ultimate Facts Warranting Modification of Agency Action, *infra*. Specifically, the NOPSES alleged that the Application failed to comply with Part III, Section C, Subsection 1 of the 2008 Universal Application Instructions (requiring a verification of site plan approval for multifamily developments) and Part III, Section C, Subsection 4 (requiring a verification of appropriate zoning for the proposed Development).

6. On June 5, 2008, the Corporation issued its NOPSE scoring summary for the Application. In this scoring summary, the Corporation concluded that the Application did not meet threshold as a result of the alleged deficiencies described in the NOPSES.

7. On June 16, 2008, the Applicant submitted its formal “cure” to the Corporation's June 5, 2008 scoring summary. Thereafter, the Opposing Applicants submitted their Notices of Alleged Deficiencies (the “NOADS”) with respect to the Application. The NOADS again asserted that the Application failed to comply with Part III, Section C, Subsections 1 and 4 of the 2008 Universal Application Instructions.

8. On July 16, 2008, the Corporation issued its Final Scores and Notice of Rights (the “Final Scoring”), and set August 7, 2008 as the deadline to file petitions contesting the Corporation’s scoring decisions.

9. The Corporation’s Final Scoring of the Application accepted the reasoning advanced in the NOPSES and NOADS that the Application failed to comply with Part III, Section C, Subsections 1 and 4 of the 2008 Universal Application Instructions. As a consequence, the Corporation disqualified the Application and excluded it from funding under the SAIL Program. The Corporation’s determination was flawed.

Summary of Grounds for Petition

10. The Corporation should not have rejected the Application. The Final Scoring asserts that the Application failed threshold because it did not comply with Part III, Section C, Subsection 1 and Part III, Section C, Subsection 4 of the 2008

Universal Application Instructions. These instructions require, respectively, that an applicant provide verification by the local government—on forms provided by the Corporation—that the site plan for the Development has been approved and that the proposed Development is consistent with the zoning for the property upon which it is to be constructed. Both of these certifications were properly included in the Application.

11. The Corporation's conclusion that the Application failed threshold was based on criteria that exceeded the zoning and site plan approvals required by the 2008 Universal Application Instructions. Therefore, the Corporation's decision to disqualify the Applicant was based on impermissible considerations and should be reversed.

Explanation of Substantial Interests Affected

12. As a result of the Corporation's improper rejection of the Application for alleged threshold violations, discussed *infra*, Petitioner's Development has been excluded from funding under the SAIL Program. If the Corporation's error is corrected and the Application is scored, Petitioner's Development will be elevated within the funding range.

**STATEMENT OF ULTIMATE FACTS WARRANTING
MODIFICATION OF AGENCY ACTION**

13. This action may be pursued under Fla. Admin Code R. 28-106.301, *et seq.* and § 120.57(2), Fla. Stat because none of the recited facts are in dispute and Petitioner is entitled to a determination in its favor as a matter of law.

14. Part III, Section C, Subsection 1 of the 2008 Universal Application Instructions provides:

1. Status of Site Plan Approval or Plat Approval (Threshold)

To achieve threshold, the Applicant must provide the applicable Local Government verification form, properly completed and executed, behind a tab labeled **“Exhibit 26”**. Site plan approval or plat approval, as applicable must be demonstrated for all sites if the proposed Development consists of Scattered Sites.

a. Site Plan Approval for Multifamily Developments

* * *

- (2) If the jurisdiction provides either preliminary or conceptual site plan approval and the preliminary or conceptual site plan has been approved, the verification form reflecting the approval date must be provided behind the tab labeled **“Exhibit 26”**.

15. Part III, Section C, Subsection 4 of the Universal Application Instructions provides:

4. Evidence of Appropriate Zoning (Threshold)

To achieve threshold, the Applicant must 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 by providing the appropriate verification form, properly and completely executed, behind a tab labeled **“Exhibit 32”**. Evidence of appropriate zoning must be demonstrated for all sites if the proposed Development consists of Scattered Sites.

16. The Application attached as ‘Exhibit 26’ a ‘2008 Universal Cycle–Local Government Verification of Status of Site Plan Approval for Multifamily Developments’ (the ‘Site Plan Verification’). The Site Plan Verification was on a form provided by the Corporation to satisfy Part III, Section C, Subsection 1 of the 2008 Universal Application Instructions. A copy of the Site Plan Verification is attached hereto as Exhibit ‘A.’

17. The Site Plan Verification confirmed that the ‘preliminary or conceptual site plan [for the Development], in the zoning designation stated above, was approved by action of the [Palm Beach County] Board of County Commissioners on 11/29/07.’ See Exhibit A. The Site Plan Verification was executed by Barbara Alterman, Executive Director of Planning, Zoning & Building for Palm Beach County, Florida–the county in which the Development is to be built.

18. The Application attached as 'Exhibit 32' a '2008 Universal Cycle–Local Government Verification that Development is Consistent with Zoning and Land Use Regulations' (the 'Zoning Verification'). The Zoning Verification was on a form provided by the Corporation to satisfy Part III, Section C, Subsection 4 of the 2008 Universal Application Instructions. A copy of the Zoning Verification is attached hereto as Exhibit 'B.'

19. The Zoning Verification confirmed the number of units allowed at the Development Site, the zoning designation for the Development Site and that:

The intended use is consistent with current land use regulations and the referenced zoning designation there are no additional land use regulation hearings or approvals required to obtain the zoning classification or density described herein.

See Exhibit B. The Zoning Verification, like the Site Plan Verification, was executed by Barbara Alterman.

20. Thus, the Application complied with the terms of the 2008 Universal Application Instructions and the Corporation's preliminary scoring concluded that the Application met threshold. Thereafter, the Competing Applicants submitted their NOPSES and NOADS.

21. The NOPSES and the NOADS did not contest that the Application complied with the 2008 Universal Application Instructions–the Application clearly

contained the necessary verifications by the local government that the site plan for the proposed Development was approved and that the Development was consistent with zoning. Rather, the Opposing Applicants argued that, notwithstanding Petitioner's valid Site Plan Verification and Zoning Verification, the applicable zoning would not permit the Development to include certain set-asides for low income housing units contained in the Application and required by the Corporation.

22. The Corporation relied on the arguments presented in the NOPSES and the NOADS and on the purported facts they contained in reaching its decision to disqualify the Application. The Corporation's Final Scoring thus asserted that the Application failed the threshold requirements provided for in Part III, Section C, Subsection 1 of the 2008 Universal Application Instructions because:

Information provided by a NOPSE indicates that the November 29, 2007 preliminary/conceptual site plan approval was based on workforce housing commitments with set-asides above 60% of Area Median Income (AMI). This is incompatible with the low income set-asides committed to in this Application (10% at or below 28% AMI with the remaining units set aside at or below 60% AMI). The conflicting set-aside requirements call into question whether preliminary/conceptual site plan approval has been received for the Development proposed in the 2008 Universal Application.

A copy of the Final Scoring is attached hereto as Exhibit "C."

23. The Corporation's Final Scoring further asserted that the Application failed the threshold requirements provided for in Part III, Section C, Subsection 4 of the 2008 Universal Application Instructions because:

Information provided by a NOPSE indicates that the current zoning approval was based on workforce housing commitments with set-asides above 60% of the Area Median Income (AMI). This is incompatible with the low income set-asides committed to in this Application (10% at or below 28% AMI with the remaining units set aside at or below 60% AMI). The conflicting set-aside requirements call into question whether the site is appropriately zoned for the Development proposed in the 2008 Universal Application.

See Exhibit C.

24. In short, the Corporation did not find that the Application contained any threshold violations *per se*. Rather, the Corporation concluded that extrinsic evidence showed the proposed Development could not satisfy both the zoning requirements of the local government and the unit set-asides to which Petitioner committed.

25. The Corporation's decision to disqualify the Application violates the 2008 Universal Application Instructions, Corporation practice and applicable precedent. The Instructions do not require an applicant to demonstrate that the zoning and site plan approvals take into consideration the unit set-asides set forth in the Application. Indeed, the Corporation has previously stated that

consideration of extrinsic evidence that goes beyond the required Site Plan Verification and Zoning Verification is improper at the application stage.

26. For the foregoing reasons, the decision of the Corporation to disqualify the Application is flawed and should be reversed. More specifically, the Corporation should:

- (1) Re-Score the Application without the threshold violations identified in the Corporation's Final Scoring;
- (2) Re-Order the final rankings placing Petitioner's Application within the funding range;
- (3) Award Petitioner its requested funding; and
- (4) Award such other relief as is deemed just and proper.

Dated this 7 day of August, 2008

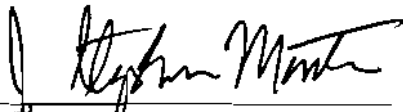
Respectfully submitted,

COLONIAL LAKES APARTMENTS, LTD.
580 Village Blvd.
Suite 360
West Palm Beach, FL 33409

- by -

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By: 
J. STEPHEN MENTON
Florida Bar No. 331181

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was served via ^{hand delivery} ~~U.S. Mail~~ upon: Wellington H. Meffert, II, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 this 1 day of August, 2008.



Stephen Menton

MEMORANDUM

TO: Applicants for the 2008 Universal Cycle
FROM: Deborah Dozier Blinderman, Deputy Development Officer
DATE: July 16, 2008
SUBJECT: Final Scores and Notice of Rights



Enclosed is a 2008 Universal Scoring Summary reflecting the Corporation's decision regarding any revisions ("Cures") and Notices of Alleged Deficiencies ("NOAD"), together with an Election of Rights Form with attachments. NOADs and program spreadsheets, including A/B leveraging, are now available on Florida Housing's web site at www.floridahousing.org.

Applicants who wish to contest the decision relative to their own Application must petition the Corporation for review of the decision in writing within 21 Calendar Days of the date of receipt of this notice. Only petitions received by this deadline will be considered. The petition must specify in detail each issue and score sought to be reviewed. Unless the appeal involves disputed issues of material fact, the appeal will be conducted on an informal basis pursuant to section 120.57(2), Florida Statutes. If the appeal raises disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57 (1), Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal. Written notifications, petitions or requests for review will NOT be accepted via telefax or other electronic means. No Applicant or other person or entity will be allowed to intervene in the appeal of another Applicant.

Petitions must be received by 5:00 p.m. Eastern Time on August 7, 2008. Petitions must comply with the provisions of Rule 28-106.201 or 28-106.301, Florida Administrative Code, and must be filed with:

Corporation Clerk
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

An Applicant that requests a hearing will have the right to be represented by counsel or other qualified representative. Pursuant to section 120.573, Florida Statutes, mediation is not available.

Charlie Crist, Governor

Board of Directors: Lynn M. Stutz, Chairman • David E. Cellerich, Vice Chairman • Tom Pelham, Ex Officio
Ken Farnham • Zully Ruiz • Stuart Schwaiger • Sandra Terry

Stephen P. Auger, Executive Director

Memorandum to Applicants

Page Two

July 16, 2008

Please complete and submit the enclosed Election of Rights Form as soon as possible to facilitate the scheduling of hearings. This form may be submitted prior to the submission of petitions. Florida Housing will make every effort to have a hearing schedule completed and posted on the Corporation web site by August 8, 2008.

Applicants will not be permitted to make oral presentations to the board in response to recommended orders. An Applicant may submit written arguments in response to a recommended order for consideration by the board. Any written argument should be typed, double-spaced with margins no less than one (1) inch, in either Times New Roman 14-point font or Courier New 12-point font, and may not exceed five (5) pages, excluding the caption and certificate of service. Any written argument must be received by Florida Housing's Corporation Clerk at the above address no later than 5:00 p.m. Eastern Time no later than five (5) Calendar Days from the date of issuance of the recommended order filed in each matter. Failure to timely file a written argument shall constitute a waiver of the right of the Applicant to be heard on the recommended order.

Enc.

PART II HEARINGS INVOLVING DISPUTED ISSUES OF MATERIAL FACT
28-106.201 Initiation of Proceedings.

(1) Unless otherwise provided by statute, initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

Specific Authority 120.54(3), (5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History--New 4-1-97, Amended 9-17-98

**PART III PROCEEDINGS AND HEARINGS NOT INVOLVING DISPUTED
ISSUES OF MATERIAL FACT**

28-106.301 Initiation of Proceedings.

(1) Initiation of a proceeding shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document which requests a proceeding. Each petition shall be legible and on 8 1/2 by 11 inch white paper or on a form provided by the agency. Unless printed, the impression shall be on one side of the paper only and lines shall be doubled-spaced.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (e) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- (f) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) If the petition does not set forth disputed issues of material fact, the agency shall refer the matter to the presiding officer designated by the agency with a request that the matter be scheduled for a proceeding not involving disputed issues of material fact. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this Rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

Specific Authority 120 54(5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History--New 4-1-97, Amended 9-17-98.

2008 MMRB, SAIL & HC Scoring Summary

As of: 07/16/2008

File # 2008-0338S

Development Name: Colonial Lakes Apartments

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points
07 - 16 - 2008	66	N	7.5
Preliminary	66	Y	7.5
NOPSE	66	N	7.5
Final	66	N	7.5
Final-Ranking	0	N	0

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
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 SRC	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
4S	III	B	3	Green Building	5	5	5	5	0
Set-Aside Commitments									
5S	III	E	1.b.(2)(b)	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

2008 MMRB, SAIL & HC Scoring Summary

As of: 07/18/2008

File # 2008-03386

Development Name: Colonial Lakes Apartments

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	III	C	1	Site Plan Approval	Information provided by a NOPSE indicates that the November 29, 2007 preliminary/conceptual site plan approval was based on workforce housing commitments with set-asides above 60% of Area Median Income (AMI). This is incompatible with the low income set-asides committed to in this Application (10% at or below 28% AMI with the remaining units set aside at or below 60% AMI). The conflicting set-aside requirements call into question whether preliminary/conceptual site plan approval has been received for the Development proposed in the 2008 Universal Application.	NOPSE	
2T	III	C	4	Zoning	Information provided by a NOPSE indicates that the current zoning approval was based on workforce housing commitments with set-asides above 60% of Area Median Income (AMI). This is incompatible with the low income set-asides committed to in this Application (10% at or below 28% AMI with the remaining units set aside at or below 60% AMI). The conflicting set-aside requirements call into question whether the site is appropriately zoned for the Development proposed in the 2008 Universal Application.	NOPSE	

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	1.25	1.25	1.25	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	0	0	0	0
5P	III	A	10.a.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	1.25	1.25	1.25	0
6P	III	A	10.b.	Proximity to Development on FHFC Development Proximity List	3.75	3.75	3.75	3.75	0

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result	Rescinded as Result
1C	III	C	1	Site Plan Approval	The Applicant attempted to cure Item 1T, but the information provided in the cure failed to establish that site plan approval for the Development proposed in this Application (132 units with set-asides of 10% at or below 28% AMI and the remaining units at or below 60% AMI) has been received.	Final	
2C	III	C	4	Zoning	The Applicant attempted to cure Item 2T, but the information provided in the cure	Final	

2008 MMRB, SAIL & HC Scoring Summary

As of: 07/16/2008

File #: 2008-03385

Development Name: Colonial Lakes Apartments

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result	Rescinded as Result
					Failed to establish that zoning approval for the Development proposed in this Application (132 units with set-asides of 10% at or below 26% AMI and the remaining units at or below 60% AMI) has been received.		

**2008 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF STATUS
OF SITE PLAN APPROVAL FOR MULTIFAMILY DEVELOPMENTS**

Name of Development Colonial Lakes Apartments

Southwest Corner of the intersection of Lake Worth Road & Westview Street

Development Location Greenacres, FL 33463

(At a minimum provide the address assigned by the United States Postal Service including the address number, street name and city, or if the address has not yet been assigned provide the street name closest designated intersection and city)

Zoning Designation RM

Mark the applicable statement

- 1 The above-referenced Development is new construction or rehabilitation with new construction and the final site plan, in the zoning designation stated above, was approved by action of the _____ on _____
(Legally Authorized Body*) Date (mm/dd/yyyy)
- 2 The above-referenced Development is new construction or rehabilitation with new construction and this jurisdiction provides either preliminary site plan approval or conceptual site plan approval. The preliminary or conceptual site plan, in the zoning designation stated above, was approved by action of the Board Of County Commissioners on 11/29/2007
(Legally Authorized Body*) Date (mm/dd/yyyy)
- 3 The above-referenced Development is new construction or rehabilitation with new construction and requires site plan approval for the new construction work. However, this jurisdiction provides neither preliminary site plan approval nor conceptual site plan approval, nor is any other similar process provided prior to issuing final site plan approval. Although there is no preliminary or conceptual site plan approval process and the final site plan approval has not yet been issued, the site plan, in the zoning designation stated above, was reviewed by _____ on _____
(Legally Authorized Body*) Date (mm/dd/yyyy)
- 4 The above-referenced Development, in the zoning designation stated above, is rehabilitation without any new construction and does not require additional site plan approval or similar process.

* Legally Authorized Body* is not an individual. Applicant must state the name of the City Council, County Commission, Board, Department, Division, etc. with authority over such matters.

CERTIFICATION

I certify that the City/County of Palm Beach County has vested in me the authority
(Name of City or County)
to verify status of site plan approval as specified above and I further certify that the information stated above is true and correct.

Barbara Altman
Signature
March 7, 2008
Date (mm/dd/yyyy)

Barbara Altman
Print or Type Name
Exec Director Planning, Zoning, & Bldg
Print or Type Title

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

**2008 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION THAT
DEVELOPMENT IS CONSISTENT WITH ZONING AND LAND USE REGULATIONS**

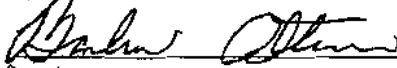
Name of Development Colonial Lakes Apartments
Development Location Southwest Corner of the intersection of Lake Worth Road & Westview Street
Greenwich, FL 33463
(As a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, street designated intersection and city)

The undersigned Local Government official confirms that

- (1) The number of units (not buildings) allowed for this development site (if restricted) is _____ and/or
if a PUD, the number of units (not buildings) allowed per development site is _____
or
if not a PUD and development site is subject to existing special use or similar permit, number of units allowed for this development site is 144 and
- (2) The zoning designation for the referenced Development site is RM, and
- (3) 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 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 Palm Beach County has vested in me the authority
(Name of City/County)
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 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 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

March 7, 2008
Date (mm/dd/yyyy)

Barbara Alterman
Print or Type Name

Exec Director Planning, Zoning, & Bldg
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 to meet 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. The certification may be photocopied.