

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

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FLORIDA HOUSING
FINANCE CORPORATION

GREEN TURNKEY PLAZA, LTD.,

Petitioner,

vs.

Application No. 2011-208C
2011 Universal Cycle
FHFC 2012-016UC

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

PETITION FOR INFORMAL ADMINISTRATIVE HEARING

Petitioner Green Turnkey Plaza, Ltd. ("Petitioner"), pursuant to sections 120.569 and 120.57(2), Florida Statutes, and rules 28-106.301 and 67-48.005, Florida Administrative Code, files this petition for an informal administrative hearing concerning the 2011 Universal Cycle Final Scoring Summary Report for Petitioner's proposed development, Washington Square Apartments ("Washington Square"), and states:

1. Two issues are raised in this petition. First, Florida Housing Finance Corporation ("Florida Housing") determined during the 2011 Universal Cycle scoring process that Washington Square was not entitled to five (5) Local Government Contribution points. *See* Final Scoring Summary Report for Washington Square at p. 2 (attached as **Exhibit A**). The erroneous determination that Washington Square was not eligible for Local Government Contribution points resulted in Washington Square achieving a total point score of only 74 when final scores were issued on March 28, 2012. Had Florida Housing correctly scored Petitioner's application, Washington Square would have achieved a total point score of 79. *Id.*

2. Second, when final scores were issued, Washington Square received only 1.75 proximity tie-breaker points for a public park. **Exhibit A** at p. 4. Washington Square should have received two (2) proximity tie-breaker points for a public park, as Washington Square's tie-breaker measurement point is within .25 miles of a park that meets the definition of "public park" in Part III.A.10.a.(2)(c)(i) of the Universal Application Instructions ("Instructions"). Thus, Washington Square should have received a total of 36.50 proximity tie-breaker points instead of 36.25, as calculated on the Final Scoring Summary. **Exhibit A** at p. 1.

3. The agency affected in this proceeding is Florida Housing, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The agency's file number is 2011-208C.

4. The Petitioner is Green Turnkey Plaza, Ltd., 2950 SW 27th Avenue, Suite 200, Miami, Florida 33133. The Petitioner's telephone numbers are 305-476-8118 (phone) and 305-476-1557 (facsimile).

5. The Petitioner's attorney is Donna E. Blanton, Radey Thomas Yon & Clark, P.A., 301 S. Bronough Street, Suite 200, Tallahassee, Florida, 32301. The attorney's telephone numbers are 850-425-6654 (phone) and 850-425-6694 (facsimile).

6. The Petitioner received notice of the Final Scoring Summary Report on March 29, 2012, along with a memorandum to all applicants and a notice of rights from Kevin Tatreau, Florida Housing's Director of Multifamily Development Programs.

7. The Petitioner's substantial interests are affected by the Final Scoring Summary Report because Green Turnkey Plaza, Ltd. timely filed an application with Florida Housing for Housing Credits in the 2011 Universal Cycle in connection with the development of Washington Square, an apartment complex in Miami, Florida. But for the erroneous determination that Washington Square was not eligible for Local Government Contribution points and full

proximity tie-breaker points for a public park, Washington Square would have achieved 79 general points and 36.50 proximity tie-breaker points and would have been eligible for funding through the 2011 Universal Cycle. As a result of Florida Housing's scoring errors, Washington Square's point total in the Final Scoring Summary Report will make it non-competitive for funding in this Universal Cycle.

8. Ultimate facts alleged, including those that warrant reversal of the proposed agency action, are as follows:

a. Local Government Contribution

(i) Pursuant to Part IV.A. of the Universal Application Instructions, Applicants are eligible for five points for a Local Government Contribution under certain circumstances. Among those circumstances is that the Applicant must provide evidence of a contribution value whose dollar amount is equal to or greater than the amount listed on the County Contribution List for the county in which the proposed Development will be located. For Miami-Dade County, where Washington Square is located, the value of the contribution required to achieve the maximum of five points is \$125,000. The Applicant provides evidence of the local government's commitment through the submission of one or more of the following exhibits:

- (1.) Exhibit 36, in the case of a grant from the local government;
- (2.) Exhibit 37, in the case of a fee waiver by the local government;
- (3.) Exhibit 38, in the case of a loan from the local government; and
- (4.) Exhibit 39, in the case of a fee deferral by the local government

See Universal Application Instructions at pp. 92-97.

(ii) Petitioner submitted, as Exhibit 37 with its original Application, a form entitled Local Government Verification of Contribution – Fee Waiver. *See Exhibit B.* The form provided in relevant part that Miami-Dade County had waived impact fees for roads in the amount of \$203,481.02. When the Preliminary Scoring Summary Report was issued on January 19, 2012, Washington Square received all five Local Government Contribution points. *See Exhibit A* at p. 1.

(iii) Following the issuance of preliminary scores, a competing applicant submitted a Notice of Possible Scoring Error (“NOPSE”) challenging the calculation of the impact fee and questioning whether Washington Square was entitled to the points for Local Government Contribution. Florida Housing accepted the NOPSE when the NOPSE Scoring Summary Report was issued on February 22, 2012, and removed the five Local Government Contribution points that previously had been awarded to Washington Square.

(iv) During the cure period, Petitioner defended its original fee waiver submission, but also submitted a cure asserting that even if the original Exhibit 37 was incorrect, Petitioner more than exceeded the required amount to receive full points for a Local Government contribution because the City of Miami had provided a valid local government contribution in the amount of \$154,372.40.¹ *See Exhibit C.* As part of its cure, Petitioner submitted Exhibit 39, a form entitled Local Government Verification of Contribution – Fee Deferral. *Id.* In accordance with the requirements on the form, Miami City Manager Johnny Martinez certified that on or before the Application Deadline for the 2011 Universal Application Cycle, the City of Miami had committed to defer \$154,372.40 in fees for Washington Square Apartments. *Id.* That amount alone satisfied the requirements of the Universal Application Instructions to provide

¹ The present value of the fee deferral amount is \$147,717.70. *See Exhibit C.*

evidence of a contribution equal to or greater than \$125,000, the amount on the County Contribution List for Miami-Dade County. Thus, had Florida Housing accepted Exhibit 39 included with Petitioner's cure, Washington Square's five Local Government Contribution Points would have been restored.

(v) After reviewing the cure, a competing applicant submitted a Notice of Alleged Deficiency ("NOAD") that primarily focused on the fee calculation issue from Petitioner's original Exhibit 37. When Florida Housing issued its Final Scoring Summary Report on March 28, 2012, the five Local Government Contribution points for Washington Square were not restored. **Exhibit A.** Notably, Florida Housing's explanation in the "Reason(s) Scores Not Maxed" section of the Final Scoring Summary Report addressed only Exhibit 37, and did not address Petitioner's Exhibit 39 that was submitted with its cure. *Id.* Thus, it appears to Petitioner that Florida Housing may have focused only on the fee waiver calculation issue from the original Exhibit 37 and not considered whether Petitioner cured any Local Government Contribution problem through submission of Exhibit 39 from the City of Miami.

(vi) Despite the omission of any reference to Exhibit 39 in the Final Scoring Summary Report, it is possible that Florida Housing considered Exhibit 39. The Petitioner is forced to speculate on this point, but FHFC may have reacted to a short section on the third page of the NOAD that argued that Petitioner's Exhibit 39 from the City of Miami should not be accepted. *See Exhibit D.* As part of the NOAD, the competing applicant provided copies of email exchanges with the City of Miami staff stating that Petitioner's Exhibit 39 was signed on February 28, 2012. *Id.* at Exhibit C to NOAD. One email from City Zoning Administrator Barnaby Min (dated March 2, 2012 at 13:36:36) also explained that Exhibit 39 was "an amendment to a previously executed document." *Id.* Mr. Min stated in a follow-up email (dated

March 2, 2012 at 3:38 p.m.) that the original Exhibit 39 was signed “on or about December 5, 2011 by the City Manager.” *Id.* The NOAD argued, without citing any rule or provision of the Instructions, that Exhibit 39 should not be accepted by Florida Housing. **Exhibit D.**

(vii) If Florida Housing considered Washington Square’s Exhibit 39, and deliberately did not restore its Local Government points, then Florida Housing erred in two ways. First, nothing in Florida Housing’s rules or Instructions requires that Form 39 be signed on or before the Application Deadline. Rather, regardless of when the form was signed, the appropriate official must certify that the Local Government contribution commitment was made on or before the Application Deadline. The Miami City Manager certified on the Exhibit 39 form that was submitted with Petitioner’s cure that the commitment was made on or before the Application Deadline. **Exhibit C.** The City Manager’s signature on the Exhibit 39 form is prima facie evidence of that fact, and nothing in the NOAD challenges that evidentiary assumption. Rather, the NOAD focuses on when the form was signed, which is an irrelevant consideration under the rules and Instructions. Emails submitted with the NOAD from Mr. Min also demonstrate that the city’s commitment to defer fees was made before the Application Deadline, as Mr. Min stated that an original fee deferral form was signed “on or about December 5, 2011 by the City Manager.” *See Exhibit D* (Exhibit C to NOAD).

(viii) Second, even if Florida Housing erroneously equated the date of signature with the date of commitment, the original of the executed Local Government Verification of Contribution – Fee Deferral form for Washington Square (Exhibit 39) was sent by electronic mail to Washington Square’s developer on December 6, 2011, at 10:54 a.m. from one of the developer’s lawyers, Ryan Bailine of Stream Weaver Miller Weissler Alhadeff & Sitterson, P.A. *See Exhibit E.* Given that the applications were not due to Florida Housing until 5 p.m. on

December 6, 2011, it is evident that the City Manager signed the fee deferral form before the Application Deadline. The form, although available, was not included with Petitioner's original Application because it included a specific address for the Washington Square development on the second line of the form. *Id.* Because Washington Square consists of scattered sites, the use of just one address on the form was a mistake, and the Petitioner had no time to correct the address line before the Application Deadline. However, when Petitioner filed its cure (amended Exhibit 39) relating to the Local Contribution issue, it correctly listed both scattered sites on an attachment to the form.

(viii) In conclusion, Petitioner's cure relating to the Local Government Contribution should have been accepted. The form submitted with the cure evidences a certification from the Miami City Manager that the fee deferral commitment was made on or before the Application Deadline. There is no requirement that the form be actually signed before the Application Deadline. Moreover, **Exhibit E** demonstrates that the City Manager actually signed a fee deferral form for Washington Square before the Application Deadline.

b. Public Park

(i) In the Survey Certification Form that was part of its Application (Exhibit 25) for Washington Square, Petitioner sought proximity tie-breaker points for, among other things, its proximity to Henry Reeves Park, at 600 NW 10th Street, Miami, Florida. *See Exhibit F.* Petitioner appropriately listed its Tie-Breaker Measurement Point and the latitude and longitude coordinates of the park, as required by the Universal Application Instructions.

(ii) Petitioner also followed the requirements in Part III.A.10.b.(2)(d) of the Instructions relating to using the DeLorme Street Atlas USA 2010 software to calculate proximity to the park. When Petitioner was inputting the relevant information, the DeLorme

software automatically determined that the park was on the line of the 0.25-mile circle drawn around the Washington Square Tie-Breaker Measurement Point. *See Composite Exhibit G* (two maps -- one zoomed in, and one zoomed out -- prepared by Petitioner in DeLorme following Part III.A.10.b.(2)(d) of the Instructions). Therefore, Petitioner believed Washington Square was entitled to two proximity tie-breaker points for proximity to a public park. *See Part III.A.10.a.(2)(c), Universal Application Instructions.* The Universal Application Instructions provide:

If the tip of any of the MapTags entered for the Developments on the List are within the drawn circle, or, when the map is zoomed in as far as possible, if the tip of any of the entered MapTags appears to the naked eye to be on the drawn line of the circle, the Applicant can conclude that the Tie-Breaker Measurement Point is within whatever the distance entered for the radius of the circle of a Development from the List. The tip of a MapTag is the point of the MapTag that denotes the actual location of what the MapTag represents.

(Emphasis supplied). *Id.* at Part III.A.10.b.(2)(d).

(iii) However, when the Final Scoring Summary Report was released on March 28, 2012, Washington Square was awarded only 1.75 proximity tie-breaker points for a public park. The DeLorme proximity maps published by Florida Housing on its website shows the public park just outside of the 0.25-mile circle. *See Composite Exhibit H.* Florida Housing erred in its calculations in the DeLorme software by misplacing either the Washington Square tie-breaker measurement point, the point for the public park, and/or the circles used to judge proximity. It is not possible to tell precisely which mistake(s) were made because Florida Housing does not include the latitude and longitude coordinates on its published maps. Correct placement of all of these items plainly demonstrates that the park is inside the line of the 0.25-mile circle, and Washington Square is entitled to two proximity tie-breaker points for a public park. *See Composite Exhibit G.*

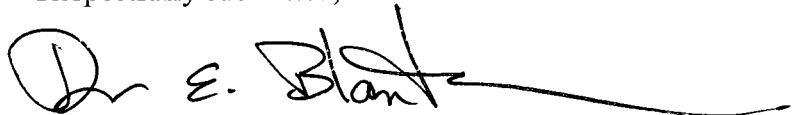
9. Rules and statutes that require reversal of the proposed agency action are the Florida Housing Finance Corporation Act (sections 420.501 et. seq., Florida Statutes), sections 120.569 and 120.57(2), Florida Statutes, and rule chapter 67-48, Florida Administrative Code, including the Universal Application Instructions, which are incorporated by reference into the rules.

10. Based on the foregoing, the Petitioner respectfully requests that an informal administrative hearing be held and that the Hearing Officer enter a Recommended Order finding that Washington Square is entitled to five Local Government Contribution points and an additional 0.25 proximity tie-breaker point for a public park. Petitioner further requests that Florida Housing enter a Final Order adopting the findings of the Hearing Officer.

11. At the time of filing this petition, Washington Square does not believe that any material facts are in dispute. Washington Square reserves the right to seek a hearing pursuant to sections 120.569 and 120.57(1), Florida Statutes, at the Division of Administrative Hearings if, during the course of proceedings on this petition, disputed issues of material fact become known to the parties.

Dated: 4-19-12

Respectfully submitted,



Donna E. Blanton
Florida Bar No. 948500
Radey Thomas Yon & Clark, P.A.
301 S. Bronough Street, Suite 200
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850-425-6654 (phone)
850-425-6694 (facsimile)

Attorney for Green Turnkey Plaza, Ltd.

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FINANCE CORPORATION

Scoring Summary Report

File #: 2011-208C Development Name: Washington Square Apartments

As of: 03/27/2012

	Maximum Points/Eligibility	Preliminary	NOPSE	Final	Final Ranking
Met Threshold	Y/N	N	N	Y	
Total Points	79	79.00	74.00	74.00	
Ability to Proceed Tie-Breaker Points	6	6.00	6.00	6.00	
Proximity Tie-Breaker Points	37	10.00	10.00	36.25	
Eligible for 1/8th Mile Ranking Preference	Y/N	N	N	Y	
Eligible for Age of Development Tie-Breaker Ranking Preference	Y/N	N	N	Y	
Eligible for Concrete Construction Tie-Breaker Ranking Preference	Y/N	Y	Y	Y	
Eligible for Florida General Contractor Tie-Breaker Ranking Preference	Y/N	Y	Y	Y	
RA Level Classification (preference given to the lowest RA Level Classification)	1 - 6	6	6	5	

Scores:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
Developer									
1S	II.	B.	1.c.	Housing Credit Development Experience	3.00	3.00	3.00	3.00	
Construction Features and Amenities									
2S	III.	B.	3.a.	Optional - NC & Rehab. Units	9.00	9.00	9.00	9.00	
3S	III.	B.	3.b.	Optional - All Developments Except SRO	12.00	12.00	12.00	12.00	
3S	III.	B.	3.c.	Optional - SRO Developments	12.00	0.00	0.00	0.00	
4S	III.	B.	3.d.	Optional - Universal Design & Visitability	10.00	10.00	10.00	10.00	
5S	III.	B.	5.a.(1)	Green Building Features (NC & Redev.)	7.00	0.00	0.00	0.00	
5S	III.	B.	5.a.(2)	Green Building Certification (NC & Redev.)	10.00	10.00	10.00	10.00	
5S	III.	B.	5.b.	Green Building Features (Rehab. & Preserv.)	10.00	0.00	0.00	0.00	
Set-Aside Commitments									
6S	III.	E.	1.b.(2)	Special Needs Households	4.00	4.00	4.00	4.00	
7S	III.	E.	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00	3.00	
8S	III.	E.	3.	Affordability Period	5.00	5.00	5.00	5.00	
Resident Programs									
9S	III.	F.	1.	Programs for Non-Elderly & Non-Homeless	6.00	0.00	0.00	0.00	
9S	III.	F.	2.	Programs for Homeless (SRO & Non-SRO)	6.00	0.00	0.00	0.00	
9S	III.	F.	3.	Programs for Elderly	6.00	6.00	6.00	6.00	
10S	III.	F.	4.	Programs for All Applicants	8.00	8.00	8.00	8.00	
Local Government Contributions									
11S	IV.	A.		Contributions	5.00	5.00	0.00	0.00	
Local Government Incentives									
12S	IV.	B.		Incentives	4.00	4.00	4.00	4.00	

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded As Result
11S	The Applicant provided a Local Government Verification of Contribution - Fee Waiver form at Exhibit 37. Based on evidence provided by a NOPSE, it appears the impact fees were calculated incorrectly and may have been overstated. Therefore, the Applicant received zero points for the Local Government Contribution. The Applicant is not eligible for automatic points.	NOPSE	

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
1T	III.	C.	2.	Site Control	The December 5, 2011 Ground Lease is incomplete. Section 1.1(j) states that the environmental assessments are described in Exhibit D; however, no Exhibit D was included with the Lease.	Preliminary	Final
2T	III.	C.	2.	Site Control	Section 8.4(b) of the December 5, 2011 Ground Lease states that the Lease and the parties' obligations are contingent upon the final approval of the Lease by the Miami-Dade Board of County Commissioners. No evidence was provided that such final approval has been secured.	Preliminary	Final
3T	III.	C.	2.	Site Control	To demonstrate site control, a Lease must show the Applicant as the Tenant or Lessee. The December 5, 2011 Ground Lease does not reflect the Applicant as the Tenant, and no assignment or sublease was provided.	Preliminary	Final
4T	III.	C.	2.	Site Control	The May 13, 2011 Purchase and Sale Agreement does not reflect the Applicant as the buyer and no assignment was provided.	Preliminary	Final
5T	III.	A.	3.	Development Category	Because the Applicant did not provide a letter from HUD or RD as required in Part III.A.3.a.(2)(b) of the Universal Application Instructions, the Application fails to meet the requirements of the Development Category of Redevelopment.	Preliminary	Final

Ability To Proceed Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
1A	III.	C.	1.	Site Plan/Plat Approval	1.00	1.00	1.00	1.00	
2A	III.	C.	3.a.	Availability of Electricity	1.00	1.00	1.00	1.00	
3A	III.	C.	3.b.	Availability of Water	1.00	1.00	1.00	1.00	
4A	III.	C.	3.c.	Availability of Sewer	1.00	1.00	1.00	1.00	
5A	III.	C.	3.d.	Availability of Roads	1.00	1.00	1.00	1.00	
6A	III.	C.	4.	Appropriately Zoned	1.00	1.00	1.00	1.00	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
Transit Services									
1P	III.	A.	10.a	Public Bus Stop	2.00	0.00	0.00	0.00	
1P	III.	A.	10.a	Public Bus Transfer Stop or Public Bus Transit Stop	6.00	0.00	0.00	0.00	
1P	III.	A.	10.a	Public Rail Station	7.00	0.00	0.00	7.00	
Tier 1 Services									
2P	III.	A.	10.a	Grocery Store	4.00	0.00	0.00	3.50	
3P	III.	A.	10.a	Public School	4.00	0.00	0.00	0.00	
3P	III.	A.	10.a	Senior Center	4.00	0.00	0.00	4.00	
4P	III.	A.	10.a	Medical Facility	4.00	0.00	0.00	3.00	
Eligible for Tier 1 Service Score Boost (Yes/No)						N	N	Y	
Total Tier 1 Service Score					12.00	0.00	0.00	12.00	
Tier 2 Services									
5P	III.	A.	10.a	Public Park	2.00	0.00	0.00	1.75	
6P	III.	A.	10.a	Community Center	2.00	0.00	0.00	2.00	
7P	III.	A.	10.a	Pharmacy	2.00	0.00	0.00	1.75	
8P	III.	A.	10.a	Public Library	2.00	0.00	0.00	1.75	
FHFC Proximity List									
9P	III.	A.	10.b	Proximity to Developments on FHFC Development Proximity List	10.00	10.00	10.00	10.00	

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

Item #	Reason(s)	Created As Result	Rescinded As Result
1P-8P	The Yes/No box on the Surveyor Certification for Competitive HC Applications form certifying that part of the boundary of each Scattered Site is located within 1/2 mile of the site with the most units was not checked. Because of this, the form could not be considered, and the proposed Development is not eligible for proximity tie-breaker points for any Transit, Tier 1 or Tier 2 Services.	Preliminary	Final
1P-8P	The Development Location on the Surveyor Certification for Competitive HC Applications form indicates "see attached", however, the attachment is not included. Because of this, the form could not be considered, and the proposed Development is not eligible for proximity tie-breaker points for any Transit, Tier 1 or Tier 2 Services.	Preliminary	Final

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Comment(s)	Created as Result of	Rescinded as Result of
1C	III.	A.	10.	Proximity	Because the Applicant did not qualify for the Development Category of Redevelopment (see Item 5T), the Application is not eligible for the Proximity Tie-Breaker Tier 1 Score boost.	Preliminary	Final
2C	III.	A.	10.	Proximity	Because the Applicant did not provide a letter from the PHA certifying that there is an existing Declaration of Trust between the PHA and HUD for the proposed Development site, the Application is not eligible for the Proximity Tie-Breaker Tier 1 Score boost.	Preliminary	Final
3C	III.	A.	10.b.	Proximity to Developments on FHFC Development Proximity List	The Application qualifies for 10 automatic proximity points at Part III.A.10.b.(1) of the Application.	Preliminary	
4C				Rental Assistance (RA) Level	Because the Application did not qualify for the Development Category selected, (see Item 5T), the Application has been deemed to be an RA Level 6.	Preliminary	Final
5C				1/8 Mile Ranking Preference	The Applicant provided a revised Surveyor Certification for Competitive HC Applications form with a revised Tie-Breaker Measurement Point. The Public Rail Station is within 1/8th of a mile of the new Tie-Breaker Measurement Point and therefore the Application qualifies for the 1/8th Mile Ranking Preference.	Final	
6C	IV.	A.		Local Government Contributions	The Applicant attempted to cure item 11S. However, evidence provided in a NOAD contradicted the Applicant's interpretation of the applicable ordinance.	Final	

EXHIBIT B

Exhibit 37

2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - FEE WAIVER

To be eligible to be considered for points, a sheet showing the computations by which the total amount of each fee waiver is determined must be attached to this verification form. Computations should include, where applicable, waived fee amount per set-aside unit.

Name of Development: Washington Square Apartments
(Part III.A.1. of the 2011 Universal Application)

Development Location: See Attached
(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 (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

Amount of Fee Waiver: \$ 203,481.02. Is this amount based upon a per set-aside (affordable) unit computation? yes no

On or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) the City/County of Miami-Dade, pursuant to Ordinance #88-112, waived the (Name of City/County) (Reference Official Action, cite Ordinance or Resolution Number and Date)

following fees: Impact Fees for Roads

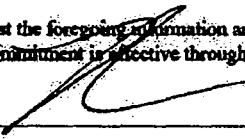
No consideration or promise of consideration has been given with respect to the fee waiver. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This fee waiver is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution:

Name of Government Contact: Gregg Fortner, Director, PHCD
Address (street address and city): 701 NW 1st Court, 16th Floor
Miami, FL 33136
Telephone Number: 786-469-4106

CERTIFICATION

I certify that the foregoing information and the computations stated on the sheet attached to this form are true and correct and that this commitment is effective through 06/30/2012.
Date (mm/dd/yyyy)

 Signature	<u>Carlos A. Gimenez</u> Print or Type Name
<u>(305) 375-5071</u> Telephone Number	<u>Mayor</u> Print or Type Title

NOTE TO LOCAL GOVERNMENT OFFICIAL: Waivers that are not specifically made for the benefit of this Development but are instead of general benefit to the area in which the Development is located will NOT qualify as a contribution to the Development. Further, the fact that no impact fees or other fees are levied by a local jurisdiction for ANY type of development DOES NOT constitute a "Local Government Contribution" to the proposed Development. Similarly, if such fees ARE levied by the local jurisdiction but the nature of the proposed Development exempts it (e.g., typically, a Rehabilitation Development is not subject to impact fees), for purposes of this form, no "Local Government Contribution" exists and no points will be awarded.

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

This contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points.

Provide Behind a Tab Labeled "Exhibit 37"

Washington Square Apartments	
Sites	Address
1	1146 NW 7 Court, Miami, FL
2	1500 NW 7 Court, Miami, FL

Washington Square
Apartments
Miami, FL

MIAMI-DADE COUNTY IMPACT FEE WAIVER CALCULATION

Washington Square Apartments


Address: 1146 NW 7 Court, Miami, FL and 1500 NW 7th Court, Miami, FL
88 units

Below amounts change according to set-a-side units for tax credit and/or municipality location.

	Gross Waiver Per Unit	% Admin. Charge	Less Contribution	Total Per Unit
Road (2%)	\$2,358.53	2.00%	\$46.25	\$2,312.28
	\$2,358.53		\$46.25	\$2,312.28
88				
Total Waivers				\$203,481.02

Memorandum



Date: November 30, 2011
To: Russell Benford, Deputy Mayor
From: Carlos A. Gimenez
Mayor 
Subject: Signature Authority for 2011 Universal Cycle Forms

Effective September 6, 2011, you were given authorization to sign on my behalf for those items under your departmental purview. You are further authorized to sign all forms related to the Florida Housing Finance Corporation's 2011 Universal Cycle for Tax Credit on my behalf effective September 6, 2011. These forms may include but are not limited to the following:

1. 2011 Universal Cycle – Local Government Verification of Qualification as Urban In-Fill Development
2. 2011 Universal Cycle – Local Government Verification of Contribution – Fee Waiver
3. 2011 Universal Cycle – Local Government Verification of Contribution – Loan
4. 2011 Universal Cycle – Local Government Verification of Affordable Housing Incentive Expedited Permitting Process for Affordable Housing
5. 2011 Universal Cycle – Local Government Verification of Affordable Housing Incentives Contributions to Affordable Housing Properties or Developments
6. 2011 Universal Cycle – Local Government Verification of Affordable Housing Incentives Modification of Fee Requirements for Affordable Housing Properties or Developments
7. 2011 Universal Cycle – Local Government Verification of Affordable Housing Incentives Impact of Policies, Ordinances, Regulations, or Plan Provisions on Cost of Affordable Housing Properties or Developments

A handwritten signature in black ink, appearing to be "Russell Benford", written over a horizontal line.

Russell Benford
Deputy Mayor

c: Mary Lou Rizzo, Director, Human Resources Department
Jennifer Moon, Director, Office of Management and Budget
Angel Petisco, Director, Enterprise Technology Services Department
Office of the Mayor Senior Staff
Office of the Mayor Senior Secretaries

EXHIBIT C

COPY
CURE TRACKING NO.

679

2011 CURE SUMMARY FORM

This Cure Summary Form is submitted with regard to **Application No. 2011- 208C** and pertains to the Application parts, sections, subsections, and exhibits listed below (please list the parts, sections, subsections and exhibits in the order they appear in the most recent Scoring Summary Report):

Part (I, II, III, IV, or V)	Section (A, B, C, D, etc.)	Subsection (1, 2, 3, etc. or 1.a., 2.a., etc.)	Exhibit (1, 2, 3, etc.)	Submitted in Response to:				Created by:		
				Reason Score Not Maxed (Provide Item No. from Application Scoring Summary)	Reason Ability to Proceed Score Not Maxed (Provide Item No. from Application Scoring Summary)	Reason Failed Threshold (Provide Item No. from Application Scoring Summary)	Proximity Scoring (Provide Item No. from Application Scoring Summary)	Additional Comment (Provide Item No. from Application Scoring Summary)	Mark this column if Item "Submitted in Response to" column(s) resulted from Preliminary Scoring	Mark this column if Item No. indicated in "Submitted in Response to" column(s) resulted from NOPSE Scoring and state NOPSE Tracking No., if known
IV	A.	1.a.(2)	37	11 S	A	T	P	C		319
III	C.	2	27	S	A	1 T	P	C	X	
III	C.	2	27	S	A	2 T	P	C	X	
III	C.	2	27	S	A	3 T	P	C	X	
III	C.	2	27	S	A	4 T	P	C	X	
III	A	3.a(2)(b)	23	S	A	5 T	P	C	X	
III	A	10.a	25	S	A	T	1-8 P	C	X	
III	A	10.a	25	S	A	T	1-8 P	C	X	
III	A	10		S	A	T	P	1 C	X	
III	A	10		S	A	T	P	2 C	X	
III	A	3.a		S	A	T	P	4 C	X	
*IV	A	2		S	A	T	P	C		
				S	A	T	P	C		
				S	A	T	P	C		
				S	A	T	P	C		
				S	A	T	P	C		
				S	A	T	P	C		
				S	A	T	P	C		
				S	A	T	P	C		
				S	A	T	P	C		
				S	A	T	P	C		
				S	A	T	P	C		

2011 CURE FORM

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

This Cure Form is being submitted with regard to **Application No. 2011-208C** and pertains to:

Part IV Section A. Subsection 1.a.2 Exhibit No. 37 (if applicable)

The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

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

	2011 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input checked="" type="checkbox"/> Reason Score Not Maxed	Item No. 11S	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Reason Ability to Proceed Score Not Maxed	Item No. ____A	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed	Item No. ____P	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

2. Other changes are necessary to keep the Application consistent:

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

Brief Statement of Explanation regarding Application 2011-208C

Provide a separate statement for each Cure

Part IV.A.1.a.2, Exhibit 37

Based on NOPSE scoring, the Applicant did not obtain a valid Local Government Contribution and therefore the application fails to meet threshold and should not have received 5 points. The Applicant believes the Exhibit 37, Local Government Verification of Contribution – Fee Waiver submitted in the application is valid for the reasons stated below. In addition, we have submitted Exhibit 39, Local Government Verification – Fee Deferral from the City of Miami should Florida Housing Finance Corporation disagree with the validity of Exhibit 37.

The NOPSE suggests that:

“In Exhibit 37, Applicant provides a Local Government Verification of Contribution – Fee Waiver form (the “Form”) pursuant to Miami-Dade County Ordinance #88-112. The Form indicates that Miami-Dade County (the “County”) has agreed to waive fees in the amount of \$203,481.02. This calculation is incorrect since, pursuant to the Ordinance, the correct calculation should only be based on an increase in development activity.”

In 1988 Miami Dade County created Chapter 33E of the County Code (the “Ordinance”). That legislation created the Road Impact Fee program throughout Miami Dade County, including all municipalities within the county. The road impact fee system established a method of assessing development activity in Miami Dade County its appropriate share of road improvement costs based on impacts created and benefits received.

To properly compute the amount of Road Impact Fees a development will be required to pay, Chapter 33E-7(b) states that the amount of road impact fees owed “shall be the difference between the computed impact fee for the proposed development activity and the computed impact fee for the Existing Development activity as defined in Section 33E-5.”

Section 33E-5 of the Ordinance defines the capitalized term: "Existing Development". The term means the lawful land use existing at any time during the period from December 6, 1988 through June 4, 1989 *and* any development or additional development for which the landowner also holds a valid building permit as of June 4, 1989. Existing development *shall also include* the maximum level of development activity for which a previous impact fee was paid under the provisions of this chapter." (Emphasis supplied)

In other words, to meet the definition of Existing Development in the Ordinance, a development must meet both of the following requirements:

- a) it was an existing use was between December 1988 and June 1989, AND
- b) it is a development activity for which a previous impact fee was paid after the adoption of the impact fee ordinance.

With the use of the term "if any" the definition allows for, but does not require, a valid building permit as of June 4, 1989. Note that the language referencing the existing use condition and the impact fee payment condition contain no such contingent language, therefore both of these conditions *must* be met.

The development currently in place where Washington Square Apartments will be built meets only the first prong of the definition above. It fails to meet the definition of Existing Development because it was built in 1968, 20 years before the Ordinance was adopted. Therefore it does not meet the definition of Existing Development. Because of that Washington Square Apartments will be subject to impact fees in an amount equal to all new construction (\$203,481.02). In other words because the buildings on the property are not an Existing Development under the Ordinance, there will be no credit awarded for the buildings currently on the property because they are not an Existing Development.

Existing Development (as defined in the Ordinance) is development activity that already paid an impact fee. The intent of the road impact fee program was to avoid 'double charging' future development activity that paid impact road impact fees by providing qualifying Existing Developments with a credit against future impact fee payments. The plain reading of the

ordinance clearly states that the impact fee program was not established to legislatively create impact fee credits for existing development activity that didn't pay impact fees.

The NOPSE's assertion is inaccurate and the fee waiver amount listed in Exhibit 37 is correctly stated. In addition, the Applicant has submitted Exhibit 39, Local Government Verification of Contribution – Fee Deferral which also verifies the Applicant has obtained a valid Local Government Contribution. The form indicates that the City of Miami has agreed to defer fees in the amount of \$154,372.40. Therefore the application meets threshold and earns five points for local government contribution.

Miami - Dade County, Florida, Code of Ordinances >> PART III - CODE OF ORDINANCES >> Chapter 33E - ROAD IMPACT FEES >>

Chapter 33E - ROAD IMPACT FEES [362]

- Sec. 33E-1. - Incorporation of provisions by reference.
- Sec. 33E-2. - Short title, authority and applicability.
- Sec. 33E-3. - Intent and purposes.
- Sec. 33E-4. - Rules of construction.
- Sec. 33E-5. - Definitions.
- Sec. 33E-6. - Road impact fee imposition.
- Sec. 33E-6.1. - Payment of road impact fees.
- Sec. 33E-7. - Road impact fee formula.
- Sec. 33E-8. - Fee computation by adopted schedule.
- Sec. 33E-9. - Fee computation by independent study.
- Sec. 33E-10. - Roadway improvement contributions in-lieu-of-fee.
- Sec. 33E-11. - Impact fee benefit districts and trust accounts.
- Sec. 33E-11.1. - Boundaries of road impact fee districts.
- Sec. 33E-12. - Impact fee expenditures.
- Sec. 33E-13. - Refund of impact fees paid.
- Sec. 33E-14. - Exemptions and credits.
- Sec. 33E-15. - Appeals of administrative decisions.
- Sec. 33E-16. - Vested rights.
- Sec. 33E-17. - Miami-Dade County Road Impact Fee Manual.

Sec. 33E-1. - Incorporation of provisions by reference.

The matters set forth above [in the introductory clauses of Ordinance Number 88-112] are hereby found to be true and are hereby adopted and incorporated by reference.

(Ord. No. 88-112, § 1(1), 12-6-88)

Sec. 33E-2. - Short title, authority and applicability.

- (a) This chapter [Ordinance Number 88-112], effective June 4, 1989, shall be known and may be cited as the "Miami-Dade County Road Impact Fee Ordinance."
- (b) The Board of County Commissioners of Miami-Dade County has the authority to adopt this chapter pursuant to Article VIII, Section 6 of the Constitution of the State of Florida, Section 1.01 of the Charter of Miami-Dade County and Chapters 163 and 380, Florida Statutes.
- (c) This chapter shall be applicable to land development in the entirety of Miami-Dade County.

(Ord. No. 88-112, § 1(2), 12-6-88; Ord. No. 09-08, § 1, 1-22-09)

Sec. 33E-3. - Intent and purposes.

- (a) This chapter is intended to implement and be consistent with the Miami-Dade County Comprehensive Development Master Plan adopted pursuant to Chapter 163, Florida Statutes.
- (b) The purpose of this chapter in regulating development is to ensure that all new development bears its proportionate share of a portion of the capital cost of roadway capacity improvements necessary to allow an adequate level of roadway service.

(Ord. No. 88-112, § 1(3), 12-6-88; Ord. No. 08-135, § 1, 12-2-08)

Sec. 33E-4. - Rules of construction.

- (a) The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety and welfare.

- (b) For the purposes of administration and enforcement, unless otherwise stated, the following rules of construction shall apply to the text of this chapter:
- (1) If there is any conflict between the text of this chapter and any table, summary table or illustration, the text shall control.
 - (2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
 - (3) The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."
 - (4) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 - (5) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
 - (6) The word "he" means "he or she" and "his" means "his or her."

(Ord. No. 88-112, § 1(4), 12-6-88)

Sec. 33E-5. - Definitions.

- (a) The words and terms listed below are hereby defined for the purpose of this chapter:
- (1) *Adjusted gross income* means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the County Planning and Zoning Director, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code.
 - (2) *Affordable Housing*, pursuant to the Florida Housing Planning and Community Assistance Act (Chapter 420, Part VI, Florida Statutes) and for the purpose of eligibility for a road impact fee exemption shall mean:
 - a. With respect to a housing unit to be occupied by very-low-income persons, that monthly rents, or monthly mortgage payments including property taxes and insurance, do not exceed 30 percent of that amount which represents 50 percent of the median annual income for households within Miami-Dade County, divided by 12.
 - b. With respect to a housing unit to be occupied by low-income persons, that monthly rents, or monthly mortgage payments including taxes and insurance, do not exceed 30 percent of that amount which represents 80 percent of the median annual income for households within Miami-Dade County, divided by 12.
 - (3) *Arterial roadway* means a roadway intended to serve moderate to large traffic volumes traveling relatively long distances. These facilities are characterized by long trip lengths and high speeds and volumes.
 - (4) *Building permit* shall mean an official document or certificate issued by the Building Official authorizing the construction, alteration or installation of any building, structure or any part thereof. The building permit application plans shall bear the impress seal and signature of a licensed architect or registered professional engineer and indicate the use and occupancy of all parts of the building or structure.
 - (5) *Collector roadway* means a roadway which is intended to serve as the connecting link for local streets and to provide intraneighborhood transportation. These facilities are characterized by relatively short trip lengths and moderate speeds and volumes.
 - (6) *County Manager* means the Chief Administrative Officer of Metropolitan Miami-Dade County or his designee.
 - (7) *County Public Works Director* means the Director of the Miami-Dade County Public Works Department or his designee.
 - (8) *County Planning and Zoning Director* means the Director of the Miami-Dade County Department of Planning and Zoning or his designee.
 - (9) *Development activity, development or activity* means any activity for which a building permit is required pursuant to the South Florida Building Code and/or any applicable County or municipal ordinance.
 - (10) *Existing development* means the lawful land use physically existing at any time during the period from December 6, 1988 through June 4, 1989 and any development or additional development for which the landowner holds a valid building permit as of June 4, 1989. Existing development shall also include the maximum level of development activity for which a previous impact fee was paid under the provisions of this chapter. As used in this chapter, the term "lawful land use" shall not include a land use which has been established or maintained in violation of this chapter or applicable municipal codes.
 - (11) *Feepayer* means a person intending to commence a proposed development for which an impact fee computation is required, or a person who has paid an impact fee, provided a letter of credit, or made a contribution in-lieu-of-fee pursuant to this chapter.
 - (12) *Level of service* is the qualitative measure of traffic service provided by a road under a particular volume condition as described in the current edition of the Highway Capacity Manual, Special

Report 209, published by the nonprofit Transportation Research Board of the National Research Council serving the National Academy of Engineering.

- (13) *Local street* means a roadway which has the primary function to serve adjacent property by providing the initial access to the highway network. These facilities are characterized by short trip lengths, low speeds, and small traffic volumes.
- (14) *Long range transportation plan* means the adopted Miami-Dade Transportation Plan or successor document adopted by the Miami-Dade County Metropolitan Planning Organization.
- (15) *Low-income persons* means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual income for households within Miami-Dade County.
- (16) *Median Annual Income For Households Within Miami-Dade County* is equivalent to Median Family Income (MFI) for Miami-Dade County as determined for the current fiscal year by the U.S. Department of Housing and Urban Development.
- (17) *Miami-Dade County Metropolitan Planning Organization or MPO* means the local government entity designated by the Governor, pursuant to Section 339.175, Florida Statutes, for the management of transportation planning process in Miami-Dade County.
- (18) *Miami-Dade Road Impact Fee Manual or impact fee manual or the manual* means the document adopted by resolution of the Board of County Commissioners which contains information, sets forth procedures and implements policies essential to the administration of the road impact fee pursuant to this chapter.
- (19) *Off-site roadway improvement or off-site improvement* means any arterial and collector roadway improvement located outside of the boundaries of a parcel proposed for development or platted subdivision parcel excluding those improvements required to be dedicated or improved pursuant to the subdivision or zoning regulations. This definition also includes roadway improvements, including right-of-way dedication, which are located beyond those zoned right-of-way limits specified in Section 33-133, Miami-Dade County Code.
- (20) *Road impact fee, fee, or impact fee* means the proportionate share charge required to be paid in accordance with this chapter.
- (21) *Road impact fee schedule or impact fee schedule* means the table of impact fee per unit of development used by the Public Works Director in computing the roadway impact fee pursuant to Section 33E-8 of this chapter.
- (22) *Roadway capacity improvement or roadway improvement* means any roadway element or select transit capital improvement which will serve to enhance the vehicular movement or increase the vehicular volume in any corridor. The following roadway elements shall be considered as roadway capacity improvements:
- a. Thru lanes;
 - b. Turn lanes;
 - c. Bridges;
 - d. Drainage facilities that serve to enhance vehicular movement or volume;
 - e. Traffic signalization;
 - f. Sidewalks or bike facilities that serve to enhance vehicular movement or volume;
 - g. Resurfacing of existing roadways including planning and removal of existing paved surfaces where such improvements will enhance the roadway capacity and service level; and
 - h. Select Transit Capital Improvements; and
 - i. Other structural improvements shown by specific studies to enhance roadway capacity.
- In addition, the following roadway elements shall also be considered roadway capacity improvements when undertaken as components of a complete roadway project:
- a. Curbs, medians, shoulders, striping, and traffic signage;
 - b. Utility relocation; and
 - c. Sodding and tree planting.
- Furthermore, the following activities: preliminary engineering, design studies, land surveys, engineering design, right-of-way acquisition, and permitting, shall also be construed as roadway capacity improvements when associated with the construction of any of the aforementioned roadway elements.
- Expenditures for all such improvements shall be in accordance with Section 33E-12 and implementing provisions of the Road Impact Fee Manual.
- (23) *Select Transit Capital Improvement* means a specific transit capital project located inside the Urban Infill Area that has been determined by the Board of County Commissioners to be of strategic value in providing roadway capacity inside the Urban Infill Area pursuant to Section 33E-12(d).
- (24)

Short range transportation improvement program means the five-year roadway program adopted annually by the Miami-Dade County Metropolitan Planning Organization as amended from time to time.

- (25) *Student* means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the federal income tax code and who is enrolled on at least a half-time basis in a secondary school, career center, community college, college or university.
- (26) *Total Trips* means total outbound trips. (Outbound trips are attributed to the proposed development. Return trips are attributed to the destination.)
- (27) *Unit(s) of development* means a quantifiable increment of development activity dimensioned in terms of dwelling units, one thousand (1,000) square feet of floor area, hotel/motel rooms, parking spaces, students or other appropriate measurements contained in the impact fee schedule or in the current edition of "Trip Generation, an Informational Study" published by the Institute of Traffic Engineers.
- (28) *Urban Infill Area* or *UIA* pursuant to the adopted Comprehensive Development Plan means that part of Miami-Dade County located east of, and including S.R. 826 (Palmetto Expressway) and NW/SW 77 Avenue and, excluding the area north of and west of I-95, and the City of Islandia.
- (29) *Very-low-income persons* means one or more natural persons or a family, not including students as defined herein, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual income for households within Miami-Dade County.

(Ord. No. 88-112, § 1(5), 12-6-88; Ord. No. 89-53, § 1, 6-6-89; Ord. No. 89-130, § 1, 12-19-89; Ord. No. 94-134, § 1, 6-21-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 26, 9-3-98; Ord. No. 00-76, § 1, 6-6-00; Ord. No. 08-135, § 2, 12-2-08; Ord. No. 09-08, § 2, 1-22-09)

Sec. 33E-6. - Road impact fee imposition.

- (a) Any application for a building permit for development activity within Miami-Dade County shall be subject to the imposition of a road impact fee in the manner and amount set forth in this chapter. All building permits issued after the effective date of this chapter shall be subject to the imposition of the computed impact fee as determined herein. However, any application for a building permit where the required road impact fee payment is made prior to October 1, 1994 shall not be subject to Ordinance 94-134 amending Chapter 33E of the Code of Miami-Dade County and the Miami-Dade Manual provided said building permits are issued prior to January 29, 1995.

No such building permit shall be issued by the County or any Miami-Dade County municipality unless and until the applicant has paid such impact fee, or presented a letter of credit for such impact fee in a form acceptable to the Miami-Dade County Planning and Zoning Director, for contributions in-lieu-of-fee as provided in Section 33E-10. This shall not prohibit a feepayer from initiating an independent fee computation study as provided for in Section 33E-9 herein.

- (b) Notwithstanding the payment of a road impact fee or provision of a contribution in-lieu-of-fee in conjunction with land development activity, other State, County and municipal development regulations may limit the issuance of building or use permits for development activity.
- (c) Nothing herein shall prohibit any municipality or Miami-Dade County from paying the required impact fee on behalf of any applicant or feepayer. In such an instance, said impact fee payment shall be from other allowable fundable sources other than prior impact fee revenues.

(Ord. No. 88-112, § 1(6), 12-6-88; Ord. No. 90-60, § 1, 6-19-90; Ord. No. 94-134, § 1, 6-21-94; Ord. No. 94-185, § 1, 9-22-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 26, 9-3-98)

Sec. 33E-6.1. - Payment of road impact fees.

- (a) The feepayer shall pay a road impact fee amount based on the formula set forth in Section 33E-7
- (b) Payment shall be made in cash, personal check, cashier's check, or money order payable to Miami-Dade County; however, when a municipality is the permitting authority, payment shall not be made by personal check.
- (c) No building permit shall be issued by the county or any municipality therein until payment for the road impact fee has been received or a bond accepted pursuant to subsection 33E-6.1(g). The total road impact fee shall be paid prior to issuance of a certificate of completion, temporary certificate of use and occupancy or certificate of use and occupancy for any part of construction authorized by the building permit.
- (d) Upon receiving notice that a payment proffered for an impact fee is invalid due to insufficient funds, improper execution or for any other reason, the appropriate county or city building department shall have the authority to stop all construction authorized by the permit until payment in full is received. Payment in full shall include the amount owed for the road impact fee plus any penalty amount charged by a bank against the county as a result said invalid payment, plus, pursuant to Section 68.065 Florida

- Statutes, a service fee of ten dollars (\$10.00) or five (5) percent of the face amount of the invalid payment, whichever is greater.
- (e) If the amount of the impact fee paid is found to have been insufficient for any reason, the appropriate County or city building department shall have the authority [to] stop all construction authorized by the permit until payment in full is received.
 - (f) The County shall have the authority to lien real property for which a Final Certificate of Use and Occupancy (C.O.) has been issued but for which the correct required road impact fee has not been paid in full. Such lien must be filed within three years from the date of issuance of the C.O.
 - (g) Road impact fees exceeding twenty-five thousand dollars (\$25,000.00) may be deferred provided that the fee payer submits either a surety performance bond (the bond) or an automatically renewable, irrevocable letter of credit (the bond), for the total amount of the impact fee. Upon acceptance of the bond by the County Planning and Zoning Department the building permit may be issued.
 - (h) All developments subject to road impact fees paid on or after April 22, 2009, but prior to April 22, 2010, shall be obligated to pay thirty (30) percent of the fee as computed herein. All developments subject to road impact fees paid on or after April 22, 2010, but prior to April 22, 2012, shall be obligated to pay fifty (50) percent of the fee as computed herein. All developments subject to road impact fees paid on or after April 22, 2012, but prior to April 22, 2013, shall be obligated to pay sixty-five (65) percent of the fee as computed herein. All developments subject to road impact fees paid on or after April 22, 2013, but prior to April 22, 2014, shall be obligated to pay eighty (80) percent of the fee as computed herein. All developments subject to road impact fees paid on or after April 22, 2014, but prior to January 1, 2015 shall be obligated to pay ninety (90) percent of the fee as computed herein. All developments subject to road impact fees paid on or after January 1, 2015, shall be obligated to pay one hundred (100) percent of the fee as computed herein. This subsection shall expire on January 1, 2015.
 - (i) Any development subject to road impact fees for which a plat has been filed in the public records prior to January 1, 2009, and for which road impact fees are paid prior to January 1, 2011, shall be charged for road impact fees in accordance with the Fee Schedule in effect for the year 2008. A copy of the 2008 Table 100 and 2008 Table 100A Fee Schedules shall be included in the road impact fee manual until the date of expiration of this provision. This subsection shall expire on January 1, 2011.

(Ord. No. 09-08, § 3, 1-22-09; Ord. No. 11-31, § 1, 5-17-11)

Sec. 33E-7. - Road impact fee formula.

- (a) The fee payer shall pay a road impact fee amount based on the formula set forth below. Such fee will be based on the capital cost of roadway improvements required to serve any increase in transportation requirements resulting from proposed development activities together with impact fee administrative costs. The formula to be used to calculate the road impact fee shall be as follows:
 - (1) Total Trips = Proposed Units of Development × Trip Generation Rate × 97% Trips Non-transit × 1/2 × Percent New Trips
 - (2) (Outside UIA) New Lane Miles = Total Trips × Trip Length ÷ 8,100 Average Daily Vehicles Capacity per Lane Mile
(Within UIA) New Lane Miles = Total Trips × Trip Length ÷ 8,500 Average Daily Vehicles Capacity per Lane Mile
 - (3) Road Cost = New Lane Miles × \$1,951,500 per Lane Mile (Including \$151,500 per lane mile for Right-of-Way Costs)
 - (4) (Outside UIA) Net Road Cost = Road Cost - \$265,680 per New Lane Mile credited from Motor Fuels Tax and Vehicle License Fees
(Within UIA) Net Road Cost = Road Cost - \$278,800 per New Lane Mile credited from Motor Fuels Tax and Vehicle License Fees)
 - (5) Inflation Factor = PDC Multiplier from Table of Present Day Cost (PDC) Multipliers by Calendar Year in subsection 33E-8(d).
 - (6) Road Impact Fee = Net Road Costs × Inflation Factor + 2% Administrative Costs
- (b) In the case of development activity involving a change of use and/or magnitude of use in which a building permit is required, the proposed development shall be required to pay an impact fee only for any increase in the development activity. The impact fee shall be the difference between the computed impact fee for the proposed development activity and the computed impact fee for the existing development activity as defined in Section 33E-5. Any building permit which expires or is revoked after the effective date of this chapter and for which a fee has not previously been paid under this chapter shall be required to comply with the provisions herein. No refunds will be given for proposed development activity resulting in a negative fee calculation.
- (c) No impact fee payment shall be required for any applicants seeking development activity for which the computed fee amount under the terms of this chapter is less than fifty dollars (\$50.00).
The above formula shall be used to compute the amount of the fee to be paid using either of the approaches set forth in Section 33E-8 or Section 33E-9, at the election of the fee payer.

- (d) Any change of use, redevelopment or modification of an existing use which requires the issuance of a building permit and which generates additional vehicular trips shall pay a road impact fee based on the net increase in the impact fee above that which would have been required for the previous use.

(Ord. No. 88-112, § 1(7), 12-6-88; Ord. No. 89-53, § 1, 6-6-89; Ord. No. 94-134, § 1, 6-21-94; Ord. No. 09-08, § 4, 1-22-09)

Sec. 33E-8. - Fee computation by adopted schedule.

The feepayer may elect to allow the County Public Works Director to use the impact fee schedule set forth below developed pursuant to the formula set forth in Section 33E-7(a). The Impact Fee Per Unit of Development shall be multiplied by the Present Day Cost (PDC) Multiplier for the calendar year in which the fee is paid in accordance with the table in subsection 33E-8(d).

- (a) The following impact fee schedule shall be used by the County Public Works Director in computing the road impact fee:

TABLE 100
ROAD IMPACT FEE SCHEDULE
OUTSIDE URBAN INFILL AREA

ITE Code	ITE Land Use Type	Trip Generation Rate ¹ (ADT) ² Per Unit of Dev.	Trip Length (mile)	% New Trip ³	Impact Fee Per Unit of Dev. (\$)
	Port and Terminal				
30	Truck Terminals	9.85/1,000 GSF ⁴	6.25	100%	6,338
	Industrial				
130	Industrial Park	6.96/1,000 GSF	6.16	100%	4,414
140	Manufacturing	3.82/1,000 GSF	6.16	100%	2,423
150	Warehousing	4.96/1,000 GSF	6.16	100%	3,146
151	Mini-Warehouse	2.50/1,000 GSF	5.90	100%	1,519
	Residential				
210	Single-Family Detached	9.57/unit	6.09	100%	6,001
220	Apartment (Rentals)	6.72/unit	6.09	100%	4,214
230	Condominium, Townhouse	5.86/unit	6.09	100%	3,674
240	Mobile Home	4.99/unit	6.09	100%	3,129
	Lodging				
310	Hotel	8.92/occupied room	6.09	100%	5,593
320	Motel	9.11/occupied room	6.09	100%	5,712
	Recreational				
420	Marina	2.96/berth	6.30	100%	1,920
430	Golf Course	35.74/hole	6.30	100%	23,183
491	Racquet Club	38.70/court	6.30	100%	25,103
492	Health/Fitness	4.02/1,000 GSF	6.30	100%	2,608
	Institutional				
520	Elementary School	1.29/student	1.25	75%	125
530	High School	1.71/student	4.00	100%	704
540	Jr./Community College	1.20/student	6.07	100%	750
550	University	2.38/student	6.07	100%	1,487

2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - FEE DEFERRAL

To be eligible to be considered for points, a sheet showing the payment stream for which the net present value of the fee deferral was calculated must be attached to this verification form.

Name of Development: Washington Square Apartments
(Part III.A.1. of the 2011 Universal Cycle Application)

See attached

Development Location: _____
(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 (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

Complete the following:

On or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StundAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) the City/County of City of Miami committed to defer \$ 154,372.40 in fees for the proposed Development

(Name of City or County)

referenced above. The fee deferral will bear interest at a rate of 0.000 % per annum over a period of 50 years. The fee deferral repayment period, amortization period, payment frequency and other applicable terms are:

City of Miami impact fees are deferred for the 50-year affordability period with
no repayment of the deferred fee nor interest except upon affordability default.

No consideration or promise of consideration has been given with respect to the fee deferral. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This fee deferral is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution:

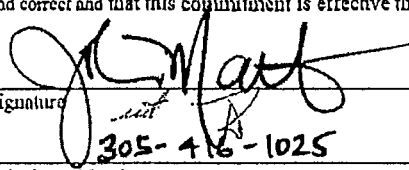
Name of Government Contact: Barnaby Min, Zoning Administrator
Address (street address and city): 444 S.W. 2nd Ave, Miami, FL 33130
Telephone Number: 305-416-2080

CERTIFICATION

I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through 09/30/2012

Date (mm/dd/yyyy)

Signature


305-416-1025

Telephone Number

Johnny Martinez, P.E.

Print or Type Name

City Manager

Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager /Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

This contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points.

Provide Behind a Tab Labeled "Exhibit 39"

Impact Fee Deferral Calculation

Assumptions

Discount Rate	6.49%
Interest Rate	0.00%
Number of Payments	50
Monthly Payment	\$0.00
Deferral Amount	\$154,372.40
Repayment Req'd?	Yes
NPV (Payment)	\$6,654.70
Net Deferral	\$147,717.70

Year	Accounting Pmt	Principle Red	Loan Balance	Actual Payment
1	\$0	\$0	\$154,372	\$0.00
2	\$0	\$0	\$154,372	\$0.00
3	\$0	\$0	\$154,372	\$0.00
4	\$0	\$0	\$154,372	\$0.00
5	\$0	\$0	\$154,372	\$0.00
6	\$0	\$0	\$154,372	\$0.00
7	\$0	\$0	\$154,372	\$0.00
8	\$0	\$0	\$154,372	\$0.00
9	\$0	\$0	\$154,372	\$0.00
10	\$0	\$0	\$154,372	\$0.00
11	\$0	\$0	\$154,372	\$0.00
12	\$0	\$0	\$154,372	\$0.00
13	\$0	\$0	\$154,372	\$0.00
14	\$0	\$0	\$154,372	\$0.00
15	\$0	\$0	\$154,372	\$0.00
16	\$0	\$0	\$154,372	\$0.00
17	\$0	\$0	\$154,372	\$0.00
18	\$0	\$0	\$154,372	\$0.00
19	\$0	\$0	\$154,372	\$0.00
20	\$0	\$0	\$154,372	\$0.00
21	\$0	\$0	\$154,372	\$0.00
22	\$0	\$0	\$154,372	\$0.00
23	\$0	\$0	\$154,372	\$0.00
24	\$0	\$0	\$154,372	\$0.00
25	\$0	\$0	\$154,372	\$0.00
26	\$0	\$0	\$154,372	\$0.00
27	\$0	\$0	\$154,372	\$0.00
28	\$0	\$0	\$154,372	\$0.00
29	\$0	\$0	\$154,372	\$0.00
30	\$0	\$0	\$154,372	\$0.00
31	\$0	\$0	\$154,372	\$0.00
32	\$0	\$0	\$154,372	\$0.00
33	\$0	\$0	\$154,372	\$0.00
34	\$0	\$0	\$154,372	\$0.00
35	\$0	\$0	\$154,372	\$0.00
36	\$0	\$0	\$154,372	\$0.00
37	\$0	\$0	\$154,372	\$0.00
38	\$0	\$0	\$154,372	\$0.00
39	\$0	\$0	\$154,372	\$0.00
40	\$0	\$0	\$154,372	\$0.00
41	\$0	\$0	\$154,372	\$0.00
42	\$0	\$0	\$154,372	\$0.00
43	\$0	\$0	\$154,372	\$0.00
44	\$0	\$0	\$154,372	\$0.00
45	\$0	\$0	\$154,372	\$0.00
46	\$0	\$0	\$154,372	\$0.00
47	\$0	\$0	\$154,372	\$0.00
48	\$0	\$0	\$154,372	\$0.00
49	\$0	\$0	\$154,372	\$0.00
50	\$0	\$0	\$154,372	\$154,372.40
Total	\$0	\$0	\$154,372	\$154,372.40

2011 CURE FORM

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

This Cure Form is being submitted with regard to **Application No. 2011-_____** and pertains to:

Part IV Section A Subsection 2 Exhibit No. _____ (if applicable)

The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

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

	2011 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Ability to Proceed Score Not Maxed	Item No. ____A	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed	Item No. ____P	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

2. Other changes are necessary to keep the Application consistent:

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

Brief Statement of Explanation regarding
Application 2011-208C

Provide a separate statement for each Cure

Part IV.A.2

In accordance with the instructions for filing Cures where revised or additional information creates an inconsistency with another item in the Application, the Applicant must make such other changes as necessary to keep the Application consistent as revised. Due to the cure required for Part IV.A.1.a.2 the Applicant has submitted an additional Local Government Contribution – Fee Deferral in response to scoring item 11S and have updated Part IV.A.2 of the online application (see attached).

Last Updated: 2/26/2012 2:39:22 PM | Form Key: 648

- b. The payment stream for all present value calculations (if contribution consists of a loan or deferred fee) and the calculations by which the total amount of each waiver is determined (if contribution consists of a fee waiver) must be provided behind the applicable exhibit tab.
2. For each Local Government contribution the Development will receive:
- a. Enter the type of contribution (grant, loan, fee waiver or fee deferral) and the value (net present value for loans and fee deferrals) of each contribution:

Type	Value
Fee Waiver	\$ 203,481.02
Fee Deferral	\$ 147,717.70
	\$
	\$
	\$

b. Enter the total value of the Local Government contribution(s):

\$ 351,198.72

B. Incentives

- If the Local Government provides an expedited permitting process for affordable housing, provide the Local Government Verification of Affordable Housing Incentives – Expedited Permitting Process for Affordable Housing form behind a tab labeled "Exhibit 40".
- If the Local Government has an on-going and current process for providing contributions to affordable housing properties or developments, provide the Local Government Verification of Affordable Housing Incentives – Contributions to Affordable Housing Properties or Developments form behind a tab labeled "Exhibit 41".
- If the Local Government currently makes available to affordable housing properties or developments the modification of fee requirements, including reduction or waiver of fees and alternative methods of fee payment, provide the Local Government Verification of Affordable Housing Incentives – Modification of Fee Requirements for Affordable Housing Properties or Developments form behind a tab labeled "Exhibit 42".
- If the Local Government currently has a process, established by ordinance, resolution, plan or policy, that requires consideration of the impact of proposed policies, ordinances, regulations, or plan provisions on the cost of affordable housing prior to adoption of such policies, ordinances, regulations, or plan provisions, provide the Local Government Verification of Affordable Housing Incentives – Impact of Policies, Ordinances, Regulations or Plan Provisions on Cost of Affordable Housing Properties or Developments form behind a tab labeled "Exhibit 43".

Part V. Financing

A. Funding:

1. Funding Request:

Tax-Exempt Multifamily Bonds	\$
Taxable Multifamily Bonds	\$
Competitive HC (annual amount)	\$ 2,288,607
Non-competitive HC (annual amount)	\$
HOME	\$

2. Other Funding:

EXHIBIT D

2011 NOTICE OF ALLEGED DEFICIENCIES (NOAD) SUMMARY FORM

This NOAD Summary Form is being submitted with regard to **Application No. 2011- 208 C** and pertains to the revisions/additions made to the Application parts, sections, subsections and exhibits listed below (please list the parts, sections, subsections, and exhibits in the order they appear in the most recent Scoring Summary Report with regard to the Application revisions/additions being challenged):

Part (I, II, III, IV, or V)	Section (A, B, C, D, etc.)	Subsection (1, 2, 3, etc. or 1.a., 2.a., etc.)	Exhibit (1, 2, 3, etc.)	Submitted in Response to:				Created by:			
				Reason Score Not Maxed (Provide Item No. from Application Scoring Summary)	Reason Ability to Proceed Score Not Maxed (Provide Item No. from Application Scoring Summary)	Reason Failed Threshold (Provide Item No. from Application Scoring Summary)	Proximity Scoring (Provide Item No. from Application Scoring Summary)	Additional Comment (Provide Item No. from Application Scoring Summary)	Mark this Column if Item No. indicated in "Submitted in Response to" column(s) resulted from Preliminary Scoring	Mark this Column if Item No. indicated in "Submitted in Response to" column(s) resulted from NOPSE scoring and state NOPSE Tracking No., if known	
IV	A	1.a.(2)	37	S	A	T	P	C			319
III	C	2	27	S	A	1 T	P	C	X		
III	C	2	27	S	A	3 T	P	C	X		
III	A	3.a.(2)(b)	23	S	A	5 T	P	C	X		
III	A	10.a.	25	S	A	T	1-8 P	C	X		
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			
				S	A	T	P	C			

2011 CURE FORM

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

This Cure Form is being submitted with regard to **Application No. 2011-208C** and pertains to:

Part IV Section A. Subsection 1.a.2 Exhibit No. 37 (if applicable)

The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

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

	2011 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input checked="" type="checkbox"/> Reason Score Not Maxed	Item No. 11S	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Reason Ability to Proceed Score Not Maxed	Item No. ____A	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed	Item No. ____P	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

2. Other changes are necessary to keep the Application consistent:

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

Brief Statement of Explanation regarding

Application 2011- 208C

Provide a separate brief statement for each NOAD

In Applicant's attempted cure for NOPSE scoring item 11S, Applicant attempts to justify that their original submission was correct and that the Local Government Contribution form (the "Form") exceeds the \$125,000 required by Florida Housing Finance Corporation ("FHFC"). Applicant fails in their attempt to justify that their original submission is correct and makes spurious arguments in a desperate attempt to convince FHFC that Applicant meets threshold and should earn five points for Local Government Contribution.

The Miami-Dade County Road Impact Fee Ordinance (the "Road Ordinance"), Sec. 33E-7 Road impact fee formula reads as follows:

"(b) In the case of development activity involving a change of use and/or magnitude of use in which a building permit is required, **the proposed development shall be required to pay an impact fee only for any increase in the development activity. The impact fee shall be the difference between the computed impact fee for the proposed development activity and the computed impact fee for the existing development activity** as defined in Section 33E-5. (emphasis added)"

The Road impact fee formula at Sec. 33E-7(b) makes two things abundantly clear: (i) the proposed development shall only be required to pay an impact fee on any **increase in the development activity**; and (ii) the impact fee is the **difference** between the computed impact fee for the **proposed development activity** and the computed impact fee for the **existing development activity**.

Existing development in Section 33E-5 of the Road Ordinance means:

"...the **lawful land use physically existing** at any time during the period from December 6, 1988 through June 4, 1989 and any development or additional development for

which the landowner holds a valid building permit as of June 4, 1989. Existing development shall also include the maximum level of development activity for which a previous impact fee was paid under the provisions of this chapter. (emphasis added)”

Applicant attempts to craft a misleading argument in which they claim, against all logic and the clear wording of the Road Ordinance, that because Applicant’s site was built in 1968, that they are not to be considered in the calculation of “existing development activity”. The purpose in the Road Ordinance, of both the timeframe and the building permit statement, is to ensure that structures existing between December 6, 1988 and June 4, 1989 and developments which had a valid building permit on the effective date of the Road Ordinance did NOT have to pay for impact fees in accordance with the Road Ordinance. This has been confirmed by our land use and zoning attorney Jeffrey Bercow, Esq., founding partner of respected land use and zoning firm Bercow Radell & Fernandez, P.A.

Additionally, two (2) other 2011 applications attempted to cure a NOPSE for failure to provide the Form in a totally different manner and both failed to interpret the Ordinance in the same curious manner as the Applicant.

Application 2011-243C attempted to cure their NOPSE with the documentation attached hereto as Exhibit “A”. Specifically, I direct your attention to the fourth (4th) page of the attachment in which Miami-Dade County Deputy Mayor Russell Benford states that there were changes to Application 2011-243C’s Form “due to impact fee credits due for existing dwelling units that are proposed to be demolished”. Please note that this existing development in Application 2011-243C was built prior to 1988.

Application 2011-047C cured their NOPSE with a new impact fee waiver based only on the net increase in development activity in accordance with the provisions of the Road Ordinance. Please note that this existing development in Application 2011-047C was also built prior to 1988 and please note on their cure, attached hereto as Exhibit “B” that their Miami-Dade County Impact Fee Waiver Calculation sheet includes the underlined words: “20 Net increase from existing”. This revised Form was signed by Deputy Mayor Russell Benford and it is now quite apparent that the Miami-Dade County Mayor’s Office disagrees with the instant Applicant’s spurious interpretation of the Road Ordinance.

It is abundantly clear from the above that Applicant's original submission of the Form is incorrect and Applicant has failed correctly submit the Form since impact fee are only due on the net increase in development activity. Applicant admits that the buildings on the site were in existence prior to 1989 and therefore, such buildings will serve as a credit on the net impact fee calculation.

Additionally, Applicant has now submitted Exhibit 39, Local Government Verification of Contribution – Fee Deferral from the City of Miami (the "Fee Deferral"). The Fee Deferral should not be considered a valid local government contribution since the Fee Deferral was signed by the City Manager on February 28, 2012.

Attached as Exhibit "C" is an email message from Barnaby L. Min, Esq., City of Miami Zoning Administrator (the "Email"). In the Email, Mr. Min states, with specificity, that the Fee Deferral "was signed by the City Manager on February 28, 2012". Mr. Min, in the Email, later goes on to say that the Fee Deferral is an amendment to a previously executed document signed "on or about December 5, 2011 by the City Manager" (emphasis added). This lack of specificity calls into question whether Applicant was in possession of any Fee Deferral prior to the Application deadline. Additionally, the records Mr. Min delivered in connection with the Applicant on January 24, 2012 did not contain any Fee Deferral. While a local government contribution form may be an amendment to a previously executed document, it is incumbent upon Applicant to conclusively prove that such original document was signed on or before the Application deadline of December 6, 2011. If the Fee Deferral was signed prior to the Application deadline on December 6, 2011, there is no reason why Applicant would not have provided it in their original submission. The statement by Mr. Min, that the original document was signed "on or about December 5, 2011 by the City Manager" is both inconsistent with Applicant having such Fee Deferral by the Application deadline and grossly inadequate to prove that Applicant was in possession of such Fee Deferral by the Application deadline.

Additionally, it is curious that Applicant so strenuously argues in the cure that the existing units on the Development site do not constitute an Existing development activity, and therefore are not eligible for a fee waiver, while at the same time submitting a Fee Deferral which is calculated based on a credit for existing units on the Development site.

In light of the above, Applicant is unable to receive the minimum amount of Local Government Contribution in Miami-Dade County, Florida and Applicant should receive zero points for Local Government Contribution.

EXHIBIT "A"

Ex. "A"

2011 CURE FORM

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

This Cure Form is being submitted with regard to **Application No. 2011-243C** and pertains to:

Part IV Section A Subsection _____ Exhibit No. 37 (if applicable)

The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

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

	2011 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input checked="" type="checkbox"/> Reason Score Not Maxed	Item No. 11S	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Reason Ability to Proceed Score Not Maxed	Item No. ____A	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed	Item No. ____P	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

2. Other changes are necessary to keep the Application consistent:

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

Ex "A"

Brief Statement of Explanation regarding
Application 2011 – 243C

Provide a separate brief statement for each Cure

ITEM # 11S:

As a result of a NOPSE submitted, it was determined that Applicant's Fee Waiver was incorrectly calculated. The NOPSE filed, incorrectly stated the amount of Impact Fee Credits because the Applicant is NOT seeking to redevelop the entire Public Housing Development known as Culmer Place.

Culmer Place Phase 2 will only affect four existing buildings containing a total of 29 existing Dwelling Units. Applicant has proposed 120 units of new construction, by applying the Impact Fee Credit (29 Units) the applicant will be eligible for a waiver in the amount of 91 Units. This calculation has been further verified by Miami-Dade County and attached is a revised Exhibit 37 which provides verification of fee waiver in the amount of \$210,417.87.

Based upon the change, Applicant's score should be updated to reflect the fact that Applicant has been awarded a Local Government Contribution that exceeds the minimum requirements of FHFC as set forth in FHFC's 2011 Universal Application Instructions.

Ex "A"

2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - FEE WAIVER

To be eligible to be considered for points, a sheet showing the computations by which the total amount of each fee waiver is determined must be attached to this verification form. Computations should include, where applicable, waived fee amount per set-aside unit.

Name of Development: Culmer Place Phase 2 (Part III.A.1. of the 2011 Universal Application)

SE Corner of NW 7th Avenue & NW 10th Street, Miami, FL 33136

Development Location: (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 (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

Amount of Fee Waiver: \$ 210,417.87. Is this amount based upon a per set-aside (affordable) unit computation? [X] yes [] no

On or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) the City/County of Miami-Dade, pursuant to Ordinance #88-112, waived the following fees: Impact Fees for Roads

No consideration or promise of consideration has been given with respect to the fee waiver. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This fee waiver is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution:

Name of Government Contact: Gregg Fortner, Director, PHCD Address (street address and city): 701 NW 1st Court, 16th Floor Miami, FL 33136 Telephone Number: 786-469-4106

CERTIFICATION

I certify that the foregoing information and the computations stated on the sheet attached to this form are true and correct and that this commitment is effective through 06/30/2012 Date (mm/dd/yyyy)

Signature Telephone Number (305) 375-3071 Russell Benford Deputy Mayor Print or Type Name Print or Type Title

NOTE TO LOCAL GOVERNMENT OFFICIAL: Waivers that are not specifically made for the benefit of this Development but are instead of general benefit to the area in which the Development is located will NOT qualify as a contribution to the Development. Further, the fact that no impact fees or other fees are levied by a local jurisdiction for ANY type of development DOES NOT constitute a "Local Government Contribution" to the proposed Development. Similarly, if such fees ARE levied by the local jurisdiction but the nature of the proposed Development exempts it (e.g., typically, a Rehabilitation Development is not subject to impact fees), for purposes of this form, no "Local Government Contribution" exists and no points will be awarded.

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

This contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points.

Provide Behind a Tab Labeled "Exhibit 37"

EX- "A"



CARLOS A. GIMENEZ
MAYOR

OFFICE OF THE MAYOR
MIAMI-DADE COUNTY, FLORIDA

February 27, 2012

Mr. Joe Chambers
The Michaels Development Company I, L.P.
3 East Slow Road Suite 100
Marlton, NJ 08053

RE: Applicant: Culmer Place Phase 2, LLC
Development: Culmer Place Phase 2
Location: Miami-Dade County

Dear Mr. Chambers:

This letter supersedes the previous letter I provided dated December 5, 2011, as there were changes required in the calculation of the local government contribution due to impact fee credits due for existing dwelling units that are proposed to be demolished

As part of the County's commitment to affordable housing, this letter is to confirm the local government contribution for the 2011 Universal Tax Credit Cycle, for the above referenced development. Pursuant to Miami-Dade County Ordinance #88-112, the waiver of Miami-Dade County Impact fees (roads) for this affordable housing development will result in a savings of \$210,417.87. This commitment is effective through June 30, 2012.

If you have any questions regarding this local government contribution, please contact Gregg Fortner, Director, Public Housing and Community Development (PHCD), at (786) 469-4106.

Sincerely,


Russell Benford
Deputy Mayor

C: Gregg Fortner, Director, PHCD

EXHIBIT "B"

Ex "B"

2011 CURE FORM

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

This Cure Form is being submitted with regard to **Application No. 2011-047C** and pertains to:

Part IV Section A Subsection 1.a.(2) Exhibit No. 37 (if applicable)

The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

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

	2011 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input checked="" type="checkbox"/> Reason Score Not Maxed	Item No. 11S	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Reason Ability to Proceed Score Not Maxed	Item No. ____A	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed	Item No. ____P	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Ex - "B"

Brief Statement of Explanation regarding Cure for Application No. 2011-047C

Provide a separate brief statement for each Cure

As a result of NOPSE Florida Housing has concluded that the Applicant has not obtained a Valid Local Government Verification of Contribution Fee Waiver form at Exhibit 37. Specifically based on the NOPSE the Applicant did not receive points for the Local Government Contribution for a Road Impact Fee Waiver based on 116 units. (Exhibit 37)

As a cure the Applicant has corrected and provided a revised and executed Local Government Verification of Contribution Fee Waiver form based on a 20 unit increase in the amount of **\$46,245.69** (Attachment A) including a calculation spreadsheet for the road impact fee waiver (Attachment B). The sum of the fee waiver from Miami Dade County and the fee deferral amount of **\$89,986.12** from the City of Miami (Attachment D) based on a 20 unit increase in development activity totals **\$136,231.81** in local government contribution. The minimum \$125,000 Value of Contribution required to achieve maximum points is satisfied. Therefore the Application passes threshold and should receive the maximum points.

- See Attached a Revised Exhibit 37 - Attachment A
- See Attached a Revised Miami Dade County Impact Fee Waiver Calculation – Attachment B
- See Attached a Signature Authorization Memorandum from Mayor Carlos A. Gimenez authorizing Deputy Mayor Russell Benford to sign the Exhibit 37. – Attachment C
- See Attached a Revised Valuation of Deferral Fee – Attachment D

Ex "B"

Attachment A

2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - FEE WAIVER

To be eligible to be considered for points, a sheet showing the computations by which the total amount of each fee waiver is determined must be attached to this verification form. Computations should include, where applicable, waived fee amount per set-aside unit.

Name of Development: Joe Moretti Preservation Phase One (Part III.A.1. of the 2011 Universal Application)

Development Location: 249, 255, 257, 265, 267, 275, 277, 285, 287 SW 10 St., Miami, Florida 33130 (At a minimum, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

Amount of Fee Waiver: \$ 46,245.69 Is this amount based upon a per set-aside (affordable) unit computation? [X] yes [] no

On or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) the City/County of Miami-Dade, pursuant to Ordinance #88-112, waived the (Name of City/County) (Reference Official Action, cite Ordinance or Resolution Number and Date)

following fees: Impact Fees for Roads

No consideration or promise of consideration has been given with respect to the fee waiver. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This fee waiver is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution:

Name of Government Contact: Gregg Fortner, Director, PHCD Address (street address and city): 701 NW 1st Court, 16th Floor Miami, FL 33136 Telephone Number: 786-469-4106

CERTIFICATION

I certify that the foregoing information and the computations stated on the sheet attached to this form are true and correct and that this commitment is effective through 06/30/2012 Date (mm/dd/yyyy)

Signature: [Handwritten Signature] Carlos A. Gimenez Print or Type Name Mayor Print or Type Title Telephone Number: (305) 375-5071

NOTE TO LOCAL GOVERNMENT OFFICIAL: Waivers that are not specifically made for the benefit of this Development but are instead of general benefit to the area in which the Development is located will NOT qualify as a contribution to the Development. Further, the fact that no impact fees or other fees are levied by a local jurisdiction for ANY type of development DOES NOT constitute a "Local Government Contribution" to the proposed Development. Similarly, if such fees ARE levied by the local jurisdiction but the nature of the proposed Development exempts it (e.g., typically, a Rehabilitation Development is not subject to impact fees), for purposes of this form, no "Local Government Contribution" exists and no points will be awarded.

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

This contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points.

Provide Behind a Tab Labeled "Exhibit 37"

Ex "B"
Attachment B

MIAMI-DADE COUNTY IMPACT FEE WAIVER CALCULATION

Joe Moretti Preservation Phase One

Address:

240 SW 9th St; 920, 924, 930,
934 SW 2nd Ave.; 211, 215,
217, 219, 225, 227, 233, 235,
239, 241, 247, 249, 255, 257,
265, 267, 275, 277, 285, 287
SW 10th St.
Miami, FL 33130

01-0206-090-1020
01-0206-090-1120

Units:

116 New Construction
20 Net increase from existing

Below amounts change according to set-a-side units for tax credit and/or municipality location.

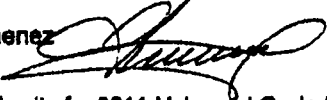
	Gross Impact Fee Per Unit Amount Per Unit Waived	Admin Factor for Admin Charge	Less Contribution For Admin Charge	Net Amount Per Unit Waived
Road (2%)	\$2,358.53	1.02	\$46.25	\$2,312.28
Fire (4%)	\$0.00	1.04	\$0.00	\$0.00
Police (5%)	\$0.00	1.05	\$0.00	\$0.00
Park (5%)	\$0.00	1.05	\$0.00	\$0.00
	\$2,358.53		\$46.25	\$2,312.28
20				
Total Waivers				\$46,245.69

The only number you enter is the total of set-a-side units in the highlighted portion. If its in the City of Miami, County only takes care of roads.

Ex. "B"
Attachment

Memorandum



Date: November 30, 2011
To: Russell Benford, Deputy Mayor
From: Carlos A. Gimenez
Mayor 
Subject: Signature Authority for 2011 Universal Cycle Forms

Effective September 6, 2011, you were given authorization to sign on my behalf for those items under your departmental purview. You are further authorized to sign all forms related to the Florida Housing Finance Corporation's 2011 Universal Cycle for Tax Credit on my behalf effective September 6, 2011. These forms may include but are not limited to the following:

1. 2011 Universal Cycle – Local Government Verification of Qualification as Urban In-Fill Development
2. 2011 Universal Cycle – Local Government Verification of Contribution – Fee Waiver
3. 2011 Universal Cycle – Local Government Verification of Contribution – Loan
4. 2011 Universal Cycle – Local Government Verification of Affordable Housing Incentive Expedited Permitting Process for Affordable Housing
5. 2011 Universal Cycle – Local Government Verification of Affordable Housing Incentives Contributions to Affordable Housing Properties or Developments
6. 2011 Universal Cycle – Local Government Verification of Affordable Housing Incentives Modification of Fee Requirements for Affordable Housing Properties or Developments
7. 2011 Universal Cycle – Local Government Verification of Affordable Housing Incentives Impact of Policies, Ordinances, Regulations, or Plan Provisions on Cost of Affordable Housing Properties or Developments



Russell Benford
Deputy Mayor

- c: Mary Lou Rizzo, Director, Human Resources Department
Jennifer Moon, Director, Office of Management and Budget
Angel Petisco, Director, Enterprise Technology Services Department
Office of the Mayor Senior Staff
Office of the Mayor Senior Secretaries

Ex "B"
Attachment D

2011 Universal Cycle
Valuation for Fee Deferral

	Master	EXISTING UNITS	Deferral based on Total Net Increase	Joe Moretti Preservation Phase One
# Units	316	96	220	20
Deferral per unit	4,702	4,702	4,702	4,702
	1,485,832.00	451,392.00	1,034,440.00	94,040.00
Deferral Amount - Phase One				94,040.00
NPV of payments	6.49%			4,053.88
VALUE				89,986.12

Period (Year #)	Interest	Principal	Total Payment
1	0.00	0.00	0.00
2	0.00	0.00	0.00
3	0.00	0.00	0.00
4	0.00	0.00	0.00
5	0.00	0.00	0.00
6	0.00	0.00	0.00
7	0.00	0.00	0.00
8	0.00	0.00	0.00
9	0.00	0.00	0.00
10	0.00	0.00	0.00
11	0.00	0.00	0.00
12	0.00	0.00	0.00
13	0.00	0.00	0.00
14	0.00	0.00	0.00
15	0.00	0.00	0.00
16	0.00	0.00	0.00
17	0.00	0.00	0.00
18	0.00	0.00	0.00
19	0.00	0.00	0.00
20	0.00	0.00	0.00
21	0.00	0.00	0.00
22	0.00	0.00	0.00
23	0.00	0.00	0.00
24	0.00	0.00	0.00
25	0.00	0.00	0.00
26	0.00	0.00	0.00
27	0.00	0.00	0.00
28	0.00	0.00	0.00
29	0.00	0.00	0.00
30	0.00	0.00	0.00
31	0.00	0.00	0.00
32	0.00	0.00	0.00
33	0.00	0.00	0.00
34	0.00	0.00	0.00
35	0.00	0.00	0.00
36	0.00	0.00	0.00
37	0.00	0.00	0.00
38	0.00	0.00	0.00
39	0.00	0.00	0.00
40	0.00	0.00	0.00
41	0.00	0.00	0.00
42	0.00	0.00	0.00
43	0.00	0.00	0.00
44	0.00	0.00	0.00
45	0.00	0.00	0.00
46	0.00	0.00	0.00
47	0.00	0.00	0.00
48	0.00	0.00	0.00
49	0.00	0.00	0.00
50	0.00	94,040.00	94,040.00

EXHIBIT "C"

Ex "C"

Adam Freeman

From: Min, Barnaby [bmin@miamigov.com]
Sent: Friday, March 02, 2012 3:28 PM
To: Adam Freeman; oscar@rocdevelopment.com
Cc: Torrado, Manuel
Subject: RE: Impact Fee Deferral Form

The originals were signed on or about December 5, 2011 by the City Manager.

Barnaby L. Min, Esq.
Zoning Administrator



City of Miami Office of Zoning
Telephone: 305-416-1491
Facsimile: 305-416-1490

bmin@miamigov.com



www.miami21.org

From: Torrado, Manuel
Sent: Friday, March 02, 2012 3:22 PM
To: Min, Barnaby
Subject: FW: Impact Fee Deferral Form

Thank you

From: Adam Freeman [mailto:adamf@htgf.com]
Sent: Friday, March 02, 2012 2:37 PM
To: Torrado, Manuel
Cc: oscar@rocdevelopment.com
Subject: FW: Impact Fee Deferral Form

Manny,

Can you please tell us when this original document was signed? It is very important.

Thank you for your help,

Adam Freeman
(305) 962-6900

From: oscar@rocdevelopment.com [mailto:oscar@rocdevelopment.com]
Sent: Friday, March 02, 2012 1:40 PM
To: Adam Freeman
Subject: Fw: Impact Fee Deferral Form

Call Manny for other doc!!! Thanks

Ex "C"

Sent via BlackBerry by AT&T

From: "Min, Barnaby" <bmin@miamigov.com>
Date: Fri, 2 Mar 2012 13:36:36 -0500
To: oscar@rocdevelopment.com<oscar@rocdevelopment.com>
Cc: Torrado, Manuel<mtorrado@miamigov.com>
Subject: RE: Impact Fee Deferral Form

This particular document was reviewed and signed by staff on February 28, 2012 and was likewise signed by the City Manager on February 28, 2012. This document was an amendment to a previously executed document. If you wish to know about the previously approved document, please contact Manny Torrado at (305) 416-1487.

Barnaby L. Min, Esq.
Zoning Administrator



City of Miami Office of Zoning
Telephone: 305-416-1491
Facsimile: 305-416-1490

bmin@miamigov.com



www.miami21.org

From: oscar@rocdevelopment.com [mailto:oscar@rocdevelopment.com]
Sent: Friday, March 02, 2012 12:54 PM
To: Min, Barnaby
Subject: Fw: Impact Fee Deferral Form

Barnaby,

As discussed, attached please find the "City Impact Fee Deferral" form for a potential project named Washington Square. Please confirm by email when this document was signed by the Manager and initialed by you. Thanks for your help!!!

Oscar

Sent via BlackBerry by AT&T

From: Adam Freeman <adamf@htgf.com>
Date: Fri, 2 Mar 2012 12:28:04 -0500
To: oscar@rocdevelopment.com<oscar@rocdevelopment.com>
Subject: Impact Fee Deferral Form

See attached.

EXHIBIT E

From: Jason Haun
Sent: Thursday, March 29, 2012 2:06 PM
To: Chris Peterson; Kenneth Naylor; Keith Franklin; Lindsay Lecour; Anthony Ceroy; Liz Wong
Subject: FW: FHFC: Signed Impact Fee Deferrals: 8 out of 15
Importance: High

Team,

Please see the email below and attached Exhibit 39 Fee Deferral form verifying that we had this form (for Washington Square) signed prior to the application deadline.

Jason Haun
Development Manager
Carlisle Development Group
2950 SW 27th Ave, Suite 200
Miami, FL 33133
Direct: 305-357-4717
Cellular: 954-829-6524
Fax: 305-476-1557

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From: Ryan Bailine [<mailto:rbailine@stearnsweaver.com>]
Sent: Tuesday, December 06, 2011 10:54 AM
To: Chris Peterson; Jason Haun; Anthony Ceroy; Melissa Brillhart
Cc: Kenneth Naylor
Subject: FHFC: Signed Impact Fee Deferrals: 8 out of 15
Importance: High

Attached are the following Impact Fee Deferrals signed by the City Manager:

City Center, City Center II, Washington Square, Washington Square, 7th Avenue Transit Village, Spring Garden, Brickell Gate, & The Nexus.

We are still waiting for 7 other forms; I have reached out to the City Manager's office and will keep following up over the next few hours.

Ryan

Ryan D. Bailine, Esq.
Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.
150 West Flagler Street, Suite 2200
Miami, Florida 33130
Direct: 305-789-4179
Main: 305-789-3200
Fax: 305-789-2635
rbailine@stearnsweaver.com
www.stearnsweaver.com

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2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - FEE DEFERRAL

To be eligible to be considered for points, a sheet showing the payment stream for which the net present value of the fee deferral was calculated must be attached to this verification form.

Name of Development: Washington Square Apartments
(Part III.A.1. of the 2011 Universal Cycle Application)

Development Location: 1146 NW 7 Court, Miami, FL
(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 (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

Complete the following:

On or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) the City/County of City of Miami committed to defer \$ 154,372.40 in fees for the proposed Development
(Name of City or County)

referenced above. The fee deferral will bear interest at a rate of 0.000 % per annum over a period of 50 years. The fee deferral repayment period, amortization period, payment frequency and other applicable terms are:

City of Miami impact fees are deferred for the 50-year affordability period with no repayment of the deferred fee nor interest except upon affordability default.

No consideration or promise of consideration has been given with respect to the fee deferral. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This fee deferral is provided specifically with respect to the proposed Development.

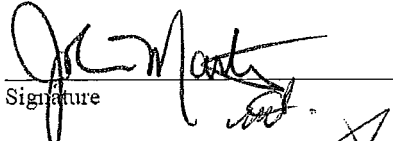
The following government point of contact can verify the above stated contribution:

Name of Government Contact: Barnaby Min, Zoning Administrator
Address (street address and city): 444 SW 2 Avenue, 2 Floor, Miami, FL 33130
Telephone Number: 305-416-2080

CERTIFICATION

I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through 06/30/2012.

Date (mm/dd/yyyy)


Signature
305-416-1025
Telephone Number

Johnny Martinez, P.E.

Print or Type Name

City Manager

Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager /Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

This contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points.

Provide Behind a Tab Labeled "Exhibit 39"

EXHIBIT F

Exhibit 25

2011 UNIVERSAL CYCLE - SURVEYOR CERTIFICATION FOR COMPETITIVE HC APPLICATIONS

Name of Development: Washington Square Apartments
(Part III.A.1. of the 2011 Universal Cycle Application)

Development Location*: See Attached

(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 (i) the street name, closest designated intersection and city or (ii) the street name, closest designated intersection and 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 Sites where the Tie-Breaker Measurement Point is located.)

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

State the Tie-Breaker Measurement Point ¹	N 25 Degrees	47 Minutes	6.1 Seconds (truncated after 1 decimal place)	W 80 Degrees	12 Minutes	28.5 Seconds (truncated after 1 decimal place)
------------------------------------------------------	-----------------	---------------	--------------------------------------------------	-----------------	---------------	---------------------------------------------------

If the Development consists of Scattered Sites, is a part of the boundary of each Scattered Site located within 1/2 mile of the Scattered Site with the most units?
 Yes or No (Must check one if Development consists of Scattered Sites.)²

To be eligible for proximity tie-breaker points, Degrees and Minutes must be stated as whole numbers and Seconds must be truncated after 1 decimal place. The Corporation will utilize Street Atlas USA 2010, published by DeLorme, to determine the proximity of an eligible service to the proposed Development's Tie-Breaker Measurement Point.

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

Public Bus Stop	Latitude			Longitude		
	N Degrees	Minutes	Seconds (truncated after 1 decimal place)	W Degrees	Minutes	Seconds (truncated after 1 decimal place)
Public Bus Transfer Stop or Public Bus Rapid Transit Stop	N Degrees	Minutes	Seconds (truncated after 1 decimal place)	W Degrees	Minutes	Seconds (truncated after 1 decimal place)
Public Rail Station	N 25 Degrees	47 Minutes	4.5 Seconds (truncated after 1 decimal place)	W 80 Degrees	12 Minutes	26.1 Seconds (truncated after 1 decimal place)

Tier 1 and Tier 2 Services - State the Name, Address and latitude and longitude coordinates of the closest service(s) on the chart below.³

Tier 1 Services:	Latitude			Longitude		
	N Degrees	Minutes	Seconds (truncated after 1 decimal place)	W Degrees	Minutes	Seconds (truncated after 1 decimal place)
Grocery Store: Name - <u>Winn Dixie</u> Address - <u>1155 NW 11th Street, Miami, FL</u>	N 25 Degrees	47 Minutes	5.2 Seconds (truncated after 1 decimal place)	W 80 Degrees	12 Minutes	46.8 Seconds (truncated after 1 decimal place)
Public School: Name - _____ Address - _____	N Degrees	Minutes	Seconds (truncated after 1 decimal place)	W Degrees	Minutes	Seconds (truncated after 1 decimal place)
Medical Facility: Name - <u>Jackson Memorial Hospital</u> Address - <u>1611 NW 12th Avenue, Miami, FL</u>	N 25 Degrees	47 Minutes	33.1 Seconds (truncated after 1 decimal place)	W 80 Degrees	12 Minutes	48.5 Seconds (truncated after 1 decimal place)
Senior Center: Name - <u>Jack Orr Senior Center</u> Address - <u>550 NW 5th Street, Miami, FL</u>	N 25 Degrees	46 Minutes	41.0 Seconds (truncated after 1 decimal place)	W 80 Degrees	12 Minutes	13.0 Seconds (truncated after 1 decimal place)
Tier 2 Services:	Latitude			Longitude		
Public Park: Name - <u>Henry Reeves Park</u> Address - <u>600 NW 10th Street, Miami, FL</u>	N 25 Degrees	46 Minutes	58.5 Seconds (truncated after 1 decimal place)	W 80 Degrees	12 Minutes	16.8 Seconds (truncated after 1 decimal place)
Community Center: Name - <u>Henry Reeves Community Center</u> Address - <u>600 NW 10th Street, Miami, FL</u>	N 25 Degrees	46 Minutes	59.5 Seconds (truncated after 1 decimal place)	W 80 Degrees	12 Minutes	18.2 Seconds (truncated after 1 decimal place)
Pharmacy: Name - <u>Winn Dixie Pharmacy</u> Address - <u>1155 NW 11th Street, Miami, FL</u>	N 25 Degrees	47 Minutes	5.2 Seconds (truncated after 1 decimal place)	W 80 Degrees	12 Minutes	46.8 Seconds (truncated after 1 decimal place)
Public Library: Name - <u>Culmer Overton Branch Library</u> Address - <u>330 NW 13th Street, Miami, FL</u>	N 25 Degrees	47 Minutes	11.8 Seconds (truncated after 1 decimal place)	W 80 Degrees	12 Minutes	2.5 Seconds (truncated after 1 decimal place)

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: [Signature] 12-5-11
Print or Type Name and Title of Signatory: William T. Sadler, PRESIDENT
Florida License Number: 5859
Name of Surveyor: Sea Diversified, Inc.
Address (street address, city, state): 310 North Swinton Avenue, Delray Beach, FL 33444
Telephone Number (including area code): 561-243-4920

UA1016 (Rev. 2-11) 57-48.004(X)(a); 67-21.003(X)(a), F.A.C. Provide Behind a Tab Labeled "Exhibit 25"
This certification consists of 2 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 tie-breaker points. If this certification contains corrections or "white-out", or if it is scanned, imaged, altered, or retyped, the Application will not be eligible to receive proximity tie-breaker points. The Application may still be eligible for automatic points. The certification may be photocopied. To be considered for scoring purposes, at least page 1 of this 2 page certification form must be provided by the Applicant.

¹ Tie-Breaker Measurement 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 one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units.

² If the proposed Development meets the definition of Scattered Sites, a part of the boundary of each Scattered Site must be located within 1/2 mile of the Scattered Site with the most units. "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. (See Rule 67-48.002, F.A.C.)

³ The latitude and longitude coordinates for all Proximity Services must represent a point as outlined 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 truncated after one decimal place. If the degrees and minutes are not stated as whole numbers and the seconds are not truncated after one decimal place, the Applicant will not be eligible for proximity tie-breaker points for that service.

The Corporation will utilize Street Atlas USA 2010, published by DeLorme, using the method described below, to determine the proximity of an eligible service to the proposed Development's Tie-Breaker Measurement Point.

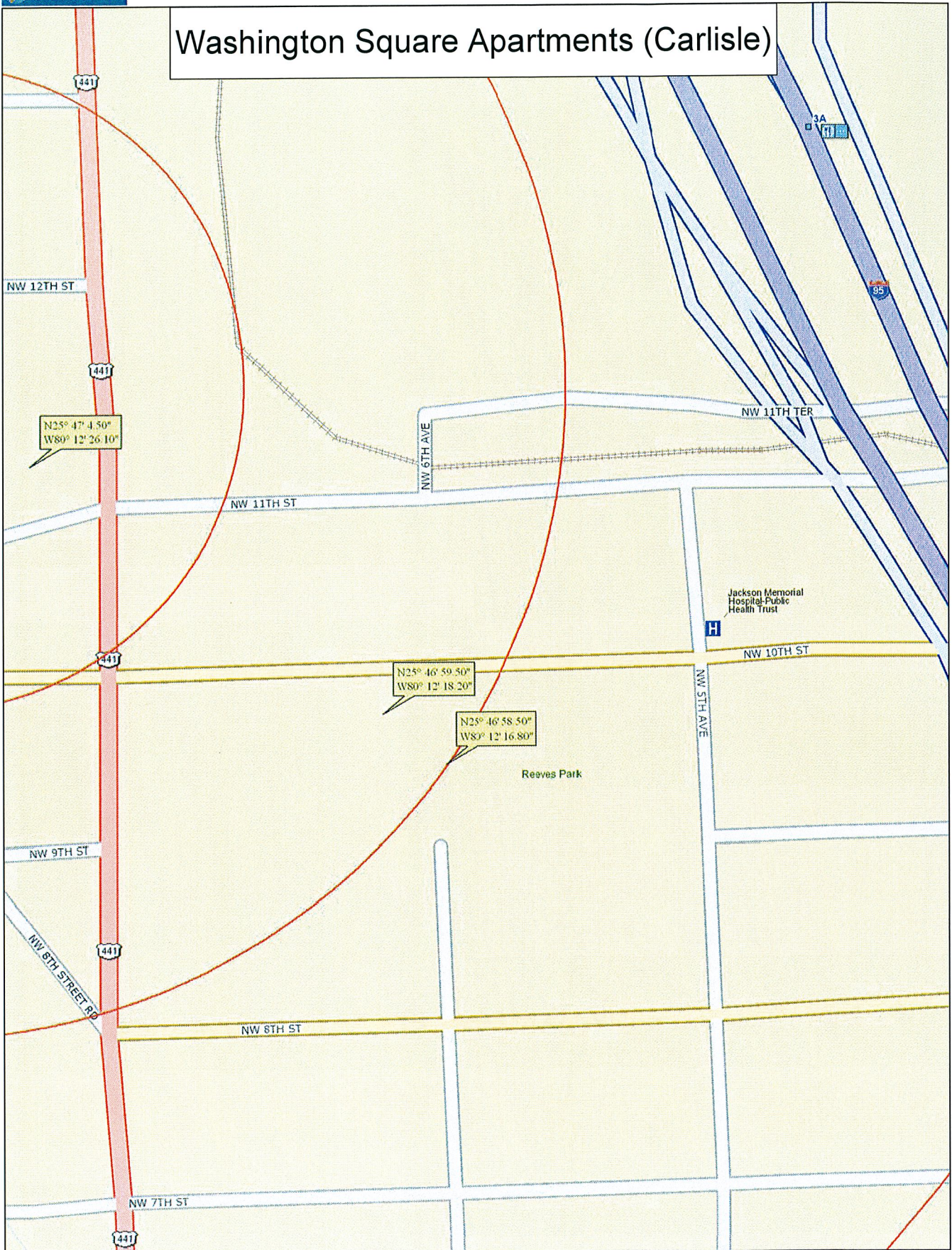
Service	Location where latitude and longitude coordinates must be obtained																										
Grocery Store, Public School, Medical Facility, Community Center, Senior Center, Public Library and Pharmacy	Coordinates must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located.																										
Public Park	Coordinates must represent a point that is on the premises; however, the point may not be located in the parking lot, street, or any area that is not intended for recreational activities. Additionally, if the area intended for recreational activities is enclosed, the coordinates must represent the public ingress/egress point of entry to the enclosed area.																										
Public Bus Stop, Public Bus Rapid Transit Stop, Public Bus Transfer Stop and Public Rail Station	With the exception of SunRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the bus or train. SunRail Rail Stations coordinates must represent the coordinates listed below: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Station Name</th> <th>Latitude/Longitude Coordinates</th> </tr> </thead> <tbody> <tr> <td>Altamonte Springs Station</td> <td>N 28 39 50.1, W 81 21 23.4</td> </tr> <tr> <td>Church Street Station</td> <td>N 28 32 20.3, W 81 22 50.6</td> </tr> <tr> <td>DeBary Station</td> <td>N 28 51 20.3, W 81 19 24.1</td> </tr> <tr> <td>Florida Hospital Station</td> <td>N 28 34 21.8, W 81 22 17.4</td> </tr> <tr> <td>Lake Mary Station</td> <td>N 28 45 31.8, W 81 19 04.3</td> </tr> <tr> <td>Longwood Station</td> <td>N 28 42 04.1, W 81 20 43.4</td> </tr> <tr> <td>LYNX Central Station</td> <td>N 28 32 52.2, W 81 22 51.0</td> </tr> <tr> <td>Maitland Station</td> <td>N 28 38 03.7, W 81 21 44.7</td> </tr> <tr> <td>Orlando Amtrak/ORMC Station</td> <td>N 28 31 39.5, W 81 22 55.6</td> </tr> <tr> <td>Sand Lake Road Station</td> <td>N 28 27 11.3, W 81 22 1.0</td> </tr> <tr> <td>Sanford/SR46 Station</td> <td>N 28 48 49.8, W 81 17 56.9</td> </tr> <tr> <td>Winter Park/Park Ave Station</td> <td>N 28 35 51.5, W 81 21 6.0</td> </tr> </tbody> </table>	Station Name	Latitude/Longitude Coordinates	Altamonte Springs Station	N 28 39 50.1, W 81 21 23.4	Church Street Station	N 28 32 20.3, W 81 22 50.6	DeBary Station	N 28 51 20.3, W 81 19 24.1	Florida Hospital Station	N 28 34 21.8, W 81 22 17.4	Lake Mary Station	N 28 45 31.8, W 81 19 04.3	Longwood Station	N 28 42 04.1, W 81 20 43.4	LYNX Central Station	N 28 32 52.2, W 81 22 51.0	Maitland Station	N 28 38 03.7, W 81 21 44.7	Orlando Amtrak/ORMC Station	N 28 31 39.5, W 81 22 55.6	Sand Lake Road Station	N 28 27 11.3, W 81 22 1.0	Sanford/SR46 Station	N 28 48 49.8, W 81 17 56.9	Winter Park/Park Ave Station	N 28 35 51.5, W 81 21 6.0
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If there is no exterior public entrance to the Tier 1 or Tier 2 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.

The Applicant may not use any other Tier 1 or Tier 2 Service for multiple point items unless they are separate functioning services that are housed at the same location. For instance, an Applicant may not use a Senior Center as both a Senior Center and a Community Center. However, 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 G

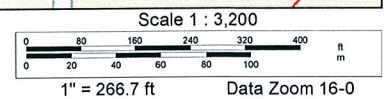
Washington Square Apartments (Carlisle)



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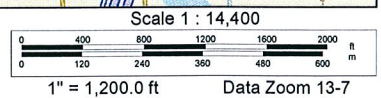
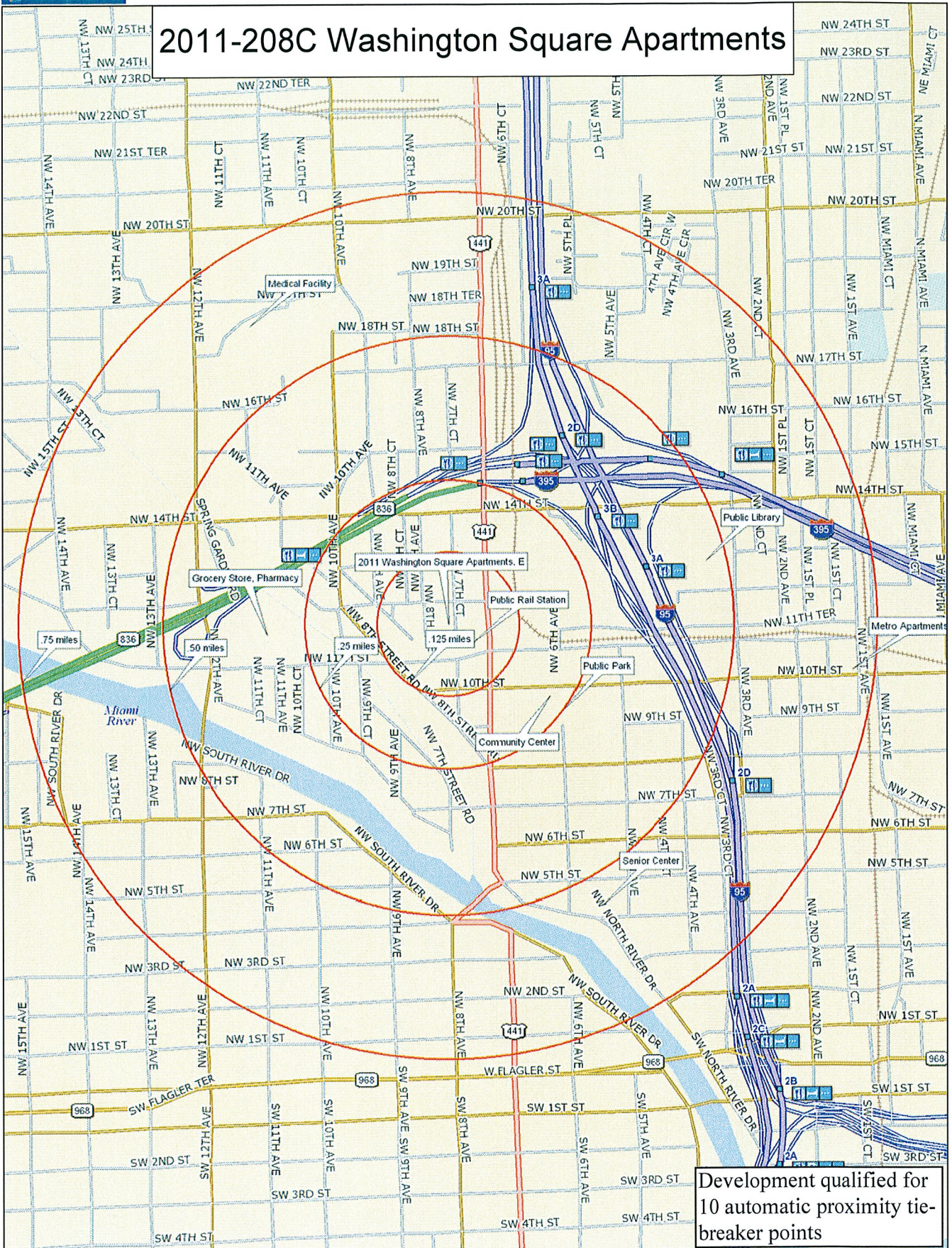


EXHIBIT H

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Development qualified for
10 automatic proximity tie-
breaker points

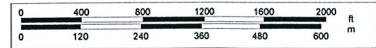
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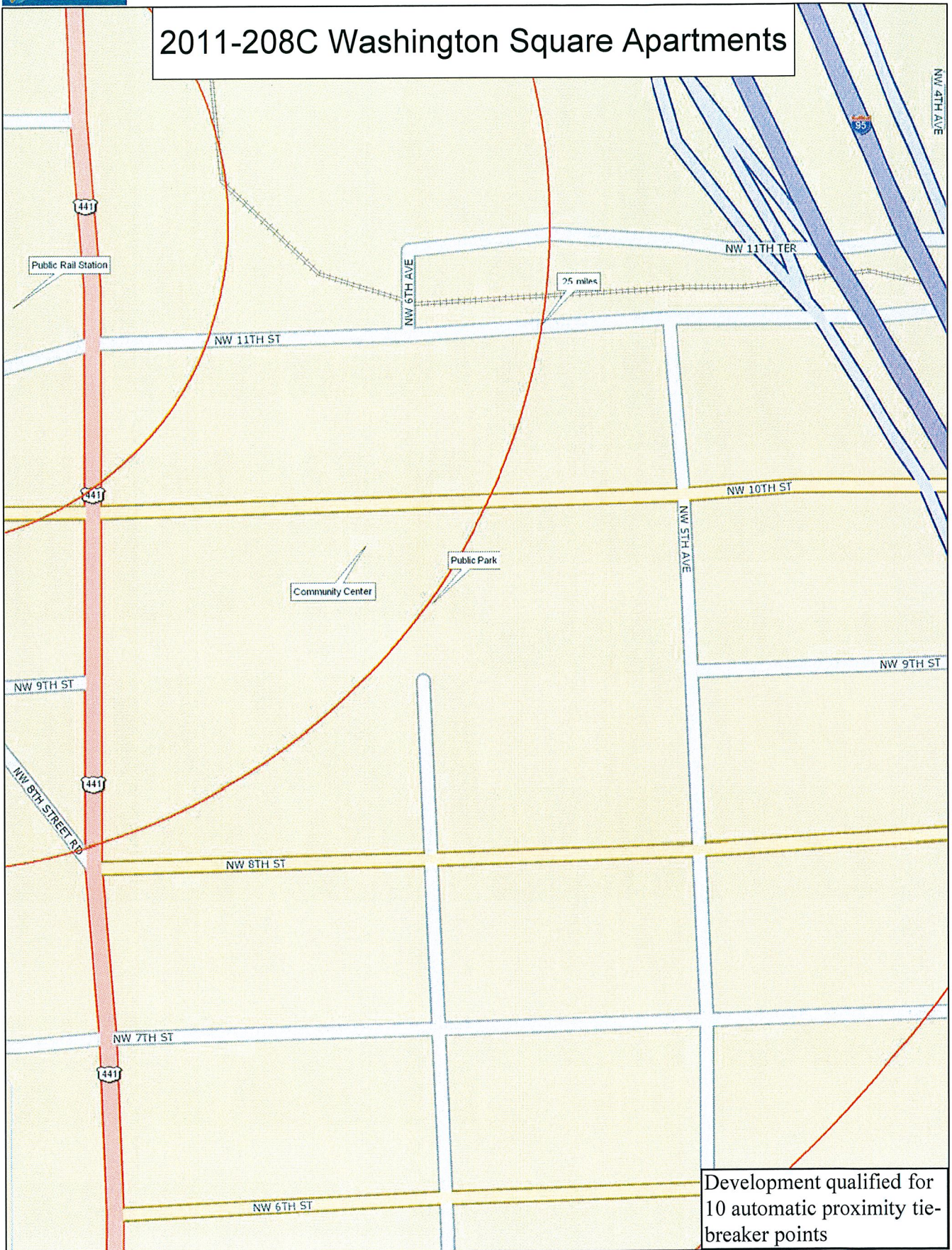
Scale 1 : 14,400



1" = 1,200.0 ft

Data Zoom 13-7

2011-208C Washington Square Apartments



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