

**BEFORE THE FLORIDA HOUSING FINANCE CORPORATION**

SP EDGE LLC and SOUTHPORT DEVELOPMENT, INC.,  
d/b/a SOUTHPORT DEVELOPMENT SERVICES, INC.,

Petitioners,

FHFC Case No. 2020-026BP  
RFA 2019-114

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

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

Petitioners SP Edge and Southport Development, Inc. d/b/a Southport Development Services, Inc. (collectively, “Petitioners” or “Southport”) file this Formal Written Protest and Petition for Formal Administrative Hearing (“Petition”) pursuant to section 120.57(3), Florida Statutes, Rules 28-110.004 and 67-60.009, Florida Administrative Code, and Section Six of Request for Applications 2019-114, Housing Credit Financing for Affordable Housing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties (the “RFA”). This Petition challenges the intended decision of Respondent, the Florida Housing Finance Corporation (“Florida Housing”), to award low-income housing tax credits (“Housing Credits”) in response to the RFA. In support, Petitioners state as follows:

**Parties**

1. Petitioner SP Edge LLC is a Florida limited liability company. It is named in and submitted the application for the Edgewater Apartments development (Application No. 2020-375C).

2. Petitioner Southport Development, Inc. is a Washington corporation doing business in Florida as Southport Development Services, Inc. It is also named as the developer in and submitted the application for the Edgewater Apartments development (along with SP Edge LLC).

3. Petitioners have an address at 2430 Estancia Blvd., Suite 101, Clearwater, Florida 33761. For purposes of this proceeding, Petitioners' address, email address, fax number, and telephone number are those of their undersigned counsel.

4. Florida Housing is the agency affected by this Petition. Florida Housing's address is 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301.

### **Statement of Ultimate Facts**

#### **Background**

5. On August 20, 2019, Florida Housing issued the RFA<sup>1</sup> seeking to award up to an estimated \$18,104,643 in Housing Credits for proposed multi-family, affordable housing developments in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas counties. [RFA § 1, p. 2].

6. Section 5 of the RFA describes the process by which applications are evaluated and scored by a review committee. [RFA § 5, pp. 66-72]. Applications were initially eligible for a total of 10 points upon the submission of a Principal Disclosure Form stamped by Florida Housing as "pre-approved" and compliance with the Development Experience Withdrawal Disincentive. [RFA § 5.A.2, p. 70].

7. The application sorting order is set forth in Section 5.B.2 of the RFA. Developments eligible for funding are limited to those that meet certain eligibility requirements

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<sup>1</sup> Florida Housing modified the RFA once, on September 20, 2019. The modification does not affect the issues raised in this Petition.

described throughout the RFA. Those eligible applications are then sorted and ranked from highest score to lowest score, with any ties separated as follows:

- a. First, by the application's eligibility for the Proximity Funding Preference with applications that qualify for the preference listed above applications not qualifying for the preference;
- b. Next, by the application's eligibility for the Per Unit Construction Funding Preference (with applications that qualify for the preference listed above applications not qualifying for the preference);
- c. Next, by the application's eligibility for the Development Category Funding Preference (with applications that qualify for the preference listed above applications not qualifying for that preference);
- d. Next, by the application's Leveraging Classification (with applications having the Classification of A listed above applications having the Classification of B);
- e. Next, by the application's eligibility for the Florida Job Creation Funding Preference (with applications that qualify for the preference listed above applications that do not qualify for the preference); and
- f. Finally, by lottery number, resulting in the lowest lottery number receiving preference.

[RFA § 5.B.2, pp. 70-71].

8. Once the applications were sorted and ranked, Florida Housing would select applications for funding in the following order:

- a. The first application selected for funding would be the highest ranking eligible Family Application located in Duval County that meets the Geographic Areas of Opportunity/SADDA funding goal. If no eligible application met those criteria, the highest ranking eligible Duval County application would be selected.
- b. The next application selected for funding would be the highest ranking eligible Family Application located in Palm Beach County that meets the Geographic Areas of Opportunity/SADDA funding goal. If no eligible application met those criteria, the highest ranking eligible Palm Beach County application would be selected.
- c. The next application selected for funding would be the highest ranking eligible application that meets the Local Government Areas of Opportunity Funding Goal in Broward County. If no eligible application met those criteria, the highest ranking eligible application in Broward County would be selected.
- d. The next application selected for funding would be the highest ranking eligible application that meets the Local Government Areas of Opportunity Funding Goal in Hillsborough County. If no eligible application met those criteria, the highest ranking eligible application in Hillsborough County would be selected.
- e. The next application selected for funding would be the highest ranking eligible application that meets the Local Government Areas of Opportunity Funding Goal in Orange County. If no eligible application met those

criteria, the highest ranking eligible application in Orange County would be selected.

- f. The next application selected for funding would be the highest ranking eligible application that meets the Local Government Areas of Opportunity Funding Goal in Pinellas County. If no eligible application met those criteria, the highest ranking eligible application in Pinellas County would be selected.
- g. If funding still remained, and if the Broward County application selected in subsection c. is a for profit application, the next application selected for funding would be the highest ranking eligible unfunded application in Broward County wherein the applicant applies and qualifies as a Non-Profit. If the Broward County application selected for funding in subsection c. is a Non-Profit Application, or if there are no Broward County Non-Profit applications, the highest ranking eligible application in Broward County would be selected. If the selected application cannot be fully funded, it would be entitled to receive a Binding Commitment for the unfunded balance. If funding remains after selecting the highest ranking eligible unfunded Broward County application, or if there is no eligible unfunded application located in Broward County, no additional applications from any county will be selected for funding and any remaining funding will be distributed as approved by the Florida Housing Board of Directors (the “Board”).

[RFA § 5.B.3., pp. 71-72].

9. The deadline for receipt of applications was 3:00 p.m. on November 7, 2019. [RFA § 3.A.1, p. 2].

10. Florida Housing received 26 applications in response to the RFA, including Petitioners' application.

11. Florida Housing's review committee for the RFA met to discuss the applications and to issue their funding recommendations to be presented to the Board.

12. At the Board's March 6, 2020 meeting, the Board approved the review committee's scoring results and the recommended preliminary awards. As shown in the recommended awards, Petitioners' application, which sought funding for a development in Palm Beach County, was deemed eligible but was not selected for funding. The application submitted by Wells Landing Apartments LLC for the Wells Landing Apartments development (Application No. 2020-369C), which also sought funding for a Palm Beach County project, was selected for funding.

13. At 9:35 a.m. on March 6, 2020, Florida Housing posted on its website its notice of its intended decision ("Intended Decision"), consisting of two documents: (1) RFA 2019-114 Board Approved Preliminary Awards; and (2) RFA 2019-114 Board Approved Scoring Results. A copy of the Intended Decision is attached as **Exhibit A**.

14. On March 10, 2020, Petitioners timely filed a notice of protest of the Intended Decision. A copy of Petitioners' notice of protest is attached as **Exhibit B**. Petitioners also timely filed this Petition within 10 days of the date on which the notice of protest was filed.

***Wells Landing Failed to Demonstrate Site Control***

15. Under Section 4.A.7.a of the RFA, an applicant must demonstrate site control by providing certain documentation as Attachment 8 to its application. [RFA § 4.A.7.a., pp. 33-34]. To satisfy this requirement, the applicant must attach an eligible contract, deed or certificate of

title, or lease, showing that the applicant has authority to use the property proposed in the project for which funding is requested. [*Id.*]. Under Section 5.A.1. of the RFA, only applications that meet all of the eligibility requirements—including the requirement that “[e]vidence of Site Control [is] provided”—are eligible for funding and considered for funding selection. [RFA § 5.A.1., pp. 66-67]. Thus, “the demonstration of site control is a mandatory element of the RFA that cannot be waived.” *See* Recommended Order, *Clearlake Vill., L.P. v. Fla. Hous. Fin. Corp.*, No. 15-2394BID, 2015 WL 3966051, ¶ 54 (DOAH June 25, 2015; FHFC Aug. 17, 2015). Notably too, site control must be demonstrated for all scattered sites. [RFA § 4.A.5.c.(2), p. 18; RFA § 4.A.7.a., p. 33].

16. In Application No. 2020-369C, applicant Wells Landing Apartments LLC sought Housing Credits for Wells Landing Apartments, a scattered sites development in Palm Beach County (hereinafter referred to as “Wells Landing”).

17. Notably, Wells Landing applied for and obtained qualification as a Local Government Area of Opportunity by obtaining a local government contribution from the City of Boynton Beach. To qualify, an applicant “must demonstrate a high level of Local Government interest in the project via an increased amount of Local Government contributions in the form of cash loans and/or cash grants.” [RFA § 4.10.c(2)(b), p. 57]. Pursuant to Section 4.A.5. of the RFA, an application for a proposed development that qualifies as a Local Government Area of Opportunity automatically qualifies for the Proximity Funding Preference, without having to satisfy other proximity requirements for transit service and community services applicable to developments that do not qualify as a Local Government Area of Opportunity. [RFA § 4.A.5.e, p. 19]. Thus, Wells Landing’s purported qualification as a Local Government Area of Opportunity allowed it to avoid meeting the proximity requirements of the RFA.

18. As part of its efforts to qualify as a Local Government Area of Opportunity, Wells Landing's management company, Centennial Management Corp., made a presentation to the Boynton Beach Community Redevelopment Agency (the "CRA"). A copy of that presentation is attached as **Exhibit C**. Wells Landing noted that it intended to, among other things, develop plus or minus 40 units along Ninth Avenue (south of E. Martin Luther King, Jr. Boulevard). [Ex. C at 6].

19. Slide 5 of Wells Landing's presentation to the CRA shows the various parcels proposed for development in the project and their associated owners. This slide shows that parcels along Ninth Avenue proposed to be developed as part of the Wells Landing project were owned by DJ Management LLC and Larann, LLC, in addition to the CRA. [Ex. C at 5].

20. Wells Landing provided its evidence of site control with respect to the project in Attachment 8 to its application. A copy of Attachment 8 to Wells Landing's application is attached as **Exhibit D**. Wells Landing included a November 4, 2019 special warranty deed between the CRA and Wells Landing, in which the CRA transferred ownership of the parcels it once owned to Wells Landing. Wells Landing also included a November 4, 2019 special warranty deed between Larann, LLC and Wells Landing, similarly transferring to Wells Landing ownership for the parcels once owned by Larann, LLC. But Wells Landing included *no* document illustrating site control with respect to the parcel owned by DJ Management LLC. Site control was not demonstrated for the site used to obtain the required financial contribution to qualify as a Local Government Area of Opportunity.

21. As a result, Wells Landing failed to demonstrate site control in its application and should have been deemed ineligible for funding by Florida Housing. For the foregoing reasons,



the decision of Florida Housing to award funding to Wells Landing is contrary to the RFA's explicit provisions, clearly erroneous, arbitrary and capricious, and contrary to competition.

**Disputed Issues of Material Fact and Law**

22. The disputed issues of material fact and law of which Petitioners are aware at this time include but are not limited to:<sup>2</sup>

- a. Whether the Wells Landing application complies with Section 4.A.7.a. of the RFA requiring evidence of site control;
- b. Whether the Wells Landing application demonstrated site control for each of its scattered sites;
- c. Whether the Wells Landing application was erroneously deemed eligible for funding under the RFA;
- d. Whether Petitioners' application should have been selected for funding to meet the Palm Beach County goal;
- e. Whether Petitioners' application should have been selected for funding with any remaining funds after Wells Landing's application is correctly deemed ineligible;
- f. Whether Florida Housing's Intended Decision is contrary to the RFA; and
- g. Whether Florida Housing's Intended Decision is clearly erroneous, contrary to competition, arbitrary, and/or capricious.

**Notice of Florida Housing's Proposed Action**

23. The Notice of Intended Decision was posted on Florida Housing's website at 9:35

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<sup>2</sup> Petitioners reserve the right to amend or supplement this Petition, including but not limited to the disputed issues of material fact and law.

a.m. on March 6, 2020.

**Substantial Interests Affected**

24. Petitioners are substantially affected by Florida Housing's Intended Decision, including but not limited to the determination that Wells Landing's application is eligible for funding. Petitioners' application complied with all of the RFA's requirements and would have met the RFA's goal to fund a project in Palm Beach County. Because Wells Landing was erroneously deemed eligible and selected for funding under the Palm Beach County goal, Petitioners were not. If Florida Housing had correctly deemed Wells Landing ineligible, additional funding would have been available under the RFA to fund Petitioners' application. As such, Petitioners' substantial interests are and will be affected by Florida Housing's Intended Decision.

**Statutes and Rules that Entitle Petitioners to Relief**

25. Petitioners are entitled to relief pursuant to sections 120.569 and 120.57, Florida Statutes, Chapters 28-106, 28-110, 67-48, and 67-60, Florida Administrative Code, Section 6 of the RFA, and the established decisional law of Florida courts, the Division of Administrative Hearings, and Florida administrative agencies.

**Demand for Relief**

WHEREFORE, Petitioners respectfully request that Florida Housing:

- a. Provide an opportunity to resolve this Petition by mutual agreement within seven business days, as provided in section 120.57(3), Florida Statutes;
- b. If not resolved by mutual agreement, transfer this Petition to the Division of Administrative Hearings for a formal hearing conducted before an Administrative Law Judge pursuant to sections 120.569 and 120.57, Florida Statutes; and

- c. ultimately issue a final order finding that Wells Landing's application failed to demonstrate site control and was ineligible for funding, and that Petitioners' application is entitled to funding under the RFA.

Respectfully submitted on March 23, 2020.



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*Attorneys for Petitioners*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing Formal Written Protest and Petition for Formal Administrative Hearing was filed by email with Ana McGlamory, Agency Clerk, at [ana.mcglamory@floridahousing.org](mailto:ana.mcglamory@floridahousing.org) and [CorporationClerk@floridahousing.org](mailto:CorporationClerk@floridahousing.org), and Hugh Brown, General Counsel, at [hugh.brown@floridahousing.org](mailto:hugh.brown@floridahousing.org), both of whom work at the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, on March 23, 2020.

  
Tiffany A. Roddenberry

RFA 2019-114 Board Approved Preliminary Awards

Total HC Available for RFA	18,104,643.00
Total HC Allocated	15,077,000.00
Total HC Remaining	3,027,643.00

Application Number	Name of Development	County	Name of Authorized Principal Representative	Developers	Demo. Commitment	Total Units	HC Funding Amount	Eligible For Funding?	Development is in Duval County or Palm Beach County and serves the Family Demographic Commitment, and qualifies for the Geographic Area of Opportunity Funding/SADDA Goal	Qualifies for the Local Government Area of Opportunity	Qualifies as a Non-Profit Applicant?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Leveraging Classification	Florida Job Creation Preference	Lottery Number
<b>Duval County Application (with a preference for Application that it serves the Family Demographic Commitment and qualifies for the Geographic Area of Opportunity/SADDA Funding Goal)</b>																		
2020-372C*	Lofts at Murray Hill	Duval	James R. Hoover	TVC Development, Inc.	F	117	1,868,000	Y	Y	N	N	10	Y	Y	Y	A	Y	19
<b>Palm Beach County Application (with a preference for Application that it serves the Family Demographic Commitment and qualifies for the Geographic Area of Opportunity/SADDA Funding Goal)</b>																		
2020-369C	Wells Landing	Palm Beach	Lewis V. Swezy	RS Development Corp; Lewis V. Swezy	F	124	1,980,000	Y	Y	Y	N	10	Y	Y	Y	A	Y	1
<b>Broward County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)</b>																		
2020-371C	Sonata	Broward	Mara S. Mades	Cornerstone Group Partners, LLC; The PCC Community Development, LLC	F	121	2,882,000	Y	N	Y	Y	10	Y	Y	Y	A	Y	3
<b>Hillsborough County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)</b>																		
2020-366C	Madison Highlands	Hillsborough	Patrick E. Law	ARC 2019, LLC; New South Residential, LLC	E, Non-ALF	102	2,180,000.00	Y	N	Y	N	10	Y	Y	Y	A	Y	2
<b>Orange County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)</b>																		
2020-367C	Madison Landing	Orange	Patrick E. Law	ARC 2019, LLC; New South Residential, LLC	E, Non-ALF	110	2,375,000.00	Y	N	Y	N	10	Y	Y	Y	A	Y	7
<b>Pinellas County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)</b>																		
2020-353C	The Shores	Pinellas	William Todd Fabbri	The Richman Group of Florida, Inc.	F	51	910,000	Y	N	Y	N	10	Y	Y	Y	A	Y	23
<b>Broward County Application (with a preference for Application from a Non-Profit Applicant, if not already met above)</b>																		
2020-363C	Casa Sant'Angelo Apartments	Broward	Kenneth Naylor	Casa Sant'Angelo Development, LLC	E, Non-ALF	113	2,882,000	Y	N	N	Y	10	Y	Y	Y	A	Y	5

On March 6, 2020, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion and staff recommendation to select the above Applications for funding and invite the Applicants to enter credit underwriting.

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

**EXHIBIT A**

RFA 2019-114 Board Approved Scoring Results

Application Number	Name of Development	County	Name of Authorized Principal Representative	Developers	Demo	Total Units	HC Funding Amount	Eligible For Funding?	Development is in Duval County or Palm Beach County and serves the Family Demographic Commitment, and qualifies for the Geographic Area of Opportunity Funding/SADDA Goal	Qualifies for the Local Government Area of Opportunity	Qualifies as a Non-Profit Applicant?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Development Category	Total Corp Funding Per Set-Aside	Leveraging Classification	Florida Job Creation Preference	Lottery Number
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Eligible Applications

2020-350C	Solaris Apartments	Broward	Mara S. Mades	Cornerstone Group Partners, LLC; Residential Options of	F	78	2,270,000	Y	N	Y	Y	10	Y	Y	Y	NC	150,402.05	A	Y	11
2020-352C	Pinnacle at La Cabaña	Broward	David O. Deutch	Pinnacle Communities, LLC	E, Non-ALF	110	2,882,000	Y	N	Y	N	10	Y	Y	Y	NC	142,171.68	A	Y	13
2020-353C	The Shores	Pinellas	William Todd Fabbri	The Richman Group of Florida, Inc.	F	51	910,000	Y	N	Y	N	10	Y	Y	Y	NC	135,607.84	A	Y	23
2020-354C***	Taylor Place	Broward	Matthew A. Rieger	University Station II Developer, LLC	E, Non-ALF	110	2,882,000	Y	N	Y	Y	10	Y	Y	Y	NC	146,021.33	A	Y	21
2020-356C	Mount Hermon Apartments	Broward	Matthew A. Rieger	HTG Mount Hermon Developer, LLC	E, Non-ALF	100	2,882,000	Y	N	N	N	10	Y	Y	Y	NC	148,941.76	A	Y	26
2020-357C	Blanche Ely Estates	Broward	Matthew A. Rieger	HTG Blanche Ely Developer, LLC; Blanche Ely HAPB, LLC	E, Non-ALF	102	2,608,680	Y	N	N	Y	10	Y	Y	Y	NC	151,999.09	A	Y	25
2020-358C	FAT Live	Broward	Brian Poulin	FAT Live Developer LLC	F	125	\$2,882,000	Y	N	Y	N	10	Y	Y	Y	NC	158,448.68	B	Y	14
2020-359C	Blue Dolphin Tower	Pinellas	Shawn Wilson	Blue Sky Developer, LLC	F	81	1,868,000	Y	N	Y	N	10	Y	Y	Y	NC	140,215.31	A	Y	24
2020-360C	Evoke Living at Kirkman Phase I	Orange	Timothy B. Sittema	New Affordable Housing Partners, LLC; CSE	F	144	2,375,000	Y	N	Y	N	10	Y	Y	Y	NC	173,285.66	B	Y	20
2020-361C	Island Cove Apartments	Palm Beach	Darren Smith	SHAG Island Cove, LLC; Delay Housing Group, Inc.	F	54	1,177,774	Y	Y	N	Y	10	Y	Y	Y	NC	152,499.92	B	Y	9
2020-362C	Northwest Gardens VI	Broward	Kenneth Naylor	APC Northwest Properties VI Development, LLC; HEF	F	114	2,882,000	Y	N	N	Y	10	Y	Y	Y	NC	150,248.27	A	Y	12
2020-363C	Casa Sant'Angelo Apartments	Broward	Kenneth Naylor	Casa Sant'Angelo Development, LLC	E, Non-ALF	113	2,882,000	Y	N	N	Y	10	Y	Y	Y	NC	138,397.21	A	Y	5
2020-364C	Saratoga Crossings III	Broward	Anne Castro	APC Saratoga Crossings III Development, LLC; Dania	F	75	1,945,000	Y	N	Y	Y	10	Y	Y	Y	NC	129,466.67	A	Y	10
2020-365C	Cypress Preserve	Broward	Matthew A. Rieger	HTG Preserve Developer, LLC	F	80	1,935,308	Y	N	N	Y	10	Y	Y	Y	NC	151,999.09	A	Y	8
2020-366C	Madison Highlands	Hillsborough	Patrick E. Law	ARC 2019, LLC; New South Residential, LLC	E, Non-ALF	102	2,180,000.00	Y	N	Y	N	10	Y	Y	Y	NC	136,442.35	A	Y	2
2020-367C	Madison Landing	Orange	Patrick E. Law	ARC 2019, LLC; New South Residential, LLC	E, Non-ALF	110	2,375,000.00	Y	N	Y	N	10	Y	Y	Y	NC	131,272.73	A	Y	7
2020-368C	Brandon Preserve	Hillsborough	James R. Hoover	TVC Development, Inc.	F	200	2,375,000	Y	N	Y	N	10	Y	Y	Y	NC	125,632.10	A	Y	16
2020-369C	Wells Landing	Palm Beach	Lewis V. Swezy	RS Development Corp; Lewis V. Swezy	F	124	1,980,000	Y	Y	Y	N	10	Y	Y	Y	NC	121,354.84	A	Y	1
2020-370C	Pembroke Tower II	Broward	J. David Page	Southport Development, Inc., a WA Corporation doing	E, Non-ALF	88	2,160,000	Y	N	N	N	10	Y	Y	Y	NC	133,193.45	A	Y	6
2020-371C	Sonata	Broward	Mara S. Mades	Cornerstone Group Partners, LLC; The PCC Community	F	121	2,882,000	Y	N	Y	Y	10	Y	Y	Y	NC	140,511.09	A	Y	3
2020-372C*	Lofts at Murray Hill	Duval	James R. Hoover	TVC Development, Inc.	F	117	1,868,000	Y	Y	N	N	10	Y	Y	Y	NC	132,981.92	A	Y	19
2020-373C**	Cedar Station	Duval	J. David Page	Southport Development, Inc., a WA Corporation doing	F	120	1,868,000	Y	N	N	N	10	Y	Y	Y	NC	131,750.61	A	Y	22
2020-374C	The Arbors at Valhalla Pond	Hillsborough	J. David Page	Southport Development, Inc., a WA Corporation doing	E, Non-ALF	100	1,620,000	Y	N	N	N	10	Y	Y	Y	NC	137,110.91	A	Y	18
2020-375C	Edgewater Apartments	Palm Beach	J. David Page	Southport Development, Inc., a WA Corporation doing	F	148	2,360,000	Y	Y	N	N	10	Y	Y	Y	NC	134,960.69	A	Y	4

Ineligible Applications

2020-351C	Pinnacle 441	Broward	David O. Deutch	Pinnacle Communities, LLC; Rural Neighborhoods,	F	100	2,882,000	N	N	N	Y	10	Y	Y	Y	NC	148,941.76		Y	17
2020-355C	Durham Place	Orange	Jonathan L. Wolf	Durham Place Developer, LLC	E, Non-ALF	116	2,375,000	N	N	N	Y	10	Y	Y	Y	NC	155,603.45		Y	15

\*Mid-Rise 4 story multiplier was applied at the review committee meeting which affects the Corporation Funding Per Set-Aside Amount. Additionally, the number of set-asides was incorrectly calculated in the Application Submitted Report. This affected the Corporation Funding Per Set-Aside Amount.

\*\*Housing Credit Request Amount was adjusted during scoring which affects the Corporation Funding Per Set-Aside Amount.

\*\*\*The number of set-asides was incorrectly calculated in the Application Submitted Report. This affected the Corporation Funding Per Set-Aside Amount.

On March 6, 2020, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion to adopt the scoring results above.

**RFA 2019-114 Board Approved Scoring Results**

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

# Holland & Knight

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Holland & Knight LLP | www.hklaw.com

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March 10, 2020

Via Electronic Mail: [ana.mcglamory@floridahousing.org](mailto:ana.mcglamory@floridahousing.org)  
[corporationclerk@floridahousing.org](mailto:corporationclerk@floridahousing.org)

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

Re: Notice of Protest - Request for Applications 2019-114, Housing Credit Financing for Affordable Housing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties (the "RFA").

Dear Ms. McGlamory:

On behalf of SP Edge LLC and Southport Development, Inc., a Washington corporation doing business in Florida as Southport Development Services, Inc., application number 2020-375C (for Edgewater Apartments), this letter constitutes the notice of intent to protest the intended decision of the Florida Housing Finance Corporation relating to the referenced RFA. This notice is filed pursuant to Section 120.57(3), Florida Statutes, Rules 28-110.003 and 67-60.009, Florida Administrative Code, and Section Six of the referenced RFA.

This notice of intent to protest is being filed within 72 hours (not including weekends) of the posting of the intended decision on the Corporation's website on Friday, March 6, 2020.

Please acknowledge receipt of this filing by stamping the date and time on a copy of this letter and returning it to us. Thank you very much.

RECEIVED  
20 MAR 11 AM 8:00  
FLORIDA HOUSING  
FINANCE CORPORATION

# EXHIBIT B



Ana McGlamory  
Page 2

Very truly yours,

HOLLAND & KNIGHT LLP

A handwritten signature in blue ink, appearing to read "LES", with a long horizontal flourish extending to the right.

Lawrence E. Sellers, Jr.  
Tiffany Roddenberry

cc: Hugh Brown, General Counsel

# MLK Corridor Redevelopment Project

*A Mixed-Use Apartment & Retail Development*

- 
- ◇ Martin Luther King Jr. Blvd.  
Boynton Beach, Florida



# Overall Development Vision

Florida Housing Finance Corporation  
FILED 03/23/2020 3:41 P.M.



1. Mixed Use urban redevelopment Community with some *Floribbean* design style.
2. 124 affordable apartments
3. Approx. 8,000 sq. ft. of retail space
4. 3,250 sq. ft. approximately of covered open air space/breezeway
5. 2,500 sq. ft. of leasing office/clubhouse for the residences
6. 6 ft. Paver sidewalks, on street parking, street and parking lot lights, beautiful landscaping
7. Art wall for local artist to participate in “Art in Public Places”
8. A pedestrian friendly atmosphere with a coffee shop and outdoor seating
9. If permitted, assist in designing a new façade to the adjacent grocery store through CRA Façade Grant program.

# Integration of the History and Culture

We have done this by:

1. Reviewed the BBCRA Redevelopment Plan
2. Added Urban Design Concepts in keeping with the History of MLK Blvd “Old Florida” and “Caribbean influence”, the new design concept labeled “Floribbean”
3. Front porches, metal roofs, beautiful pastel colors, retail catering to local residents
4. Create an Art Wall of Local Artists to participate in “Art in Public Places”
5. Architecture of the buildings is tropical in nature and incorporates elements of period derived architectural elements reminiscent of the turn of the century South Florida life

# Revitalize Retail on MLK

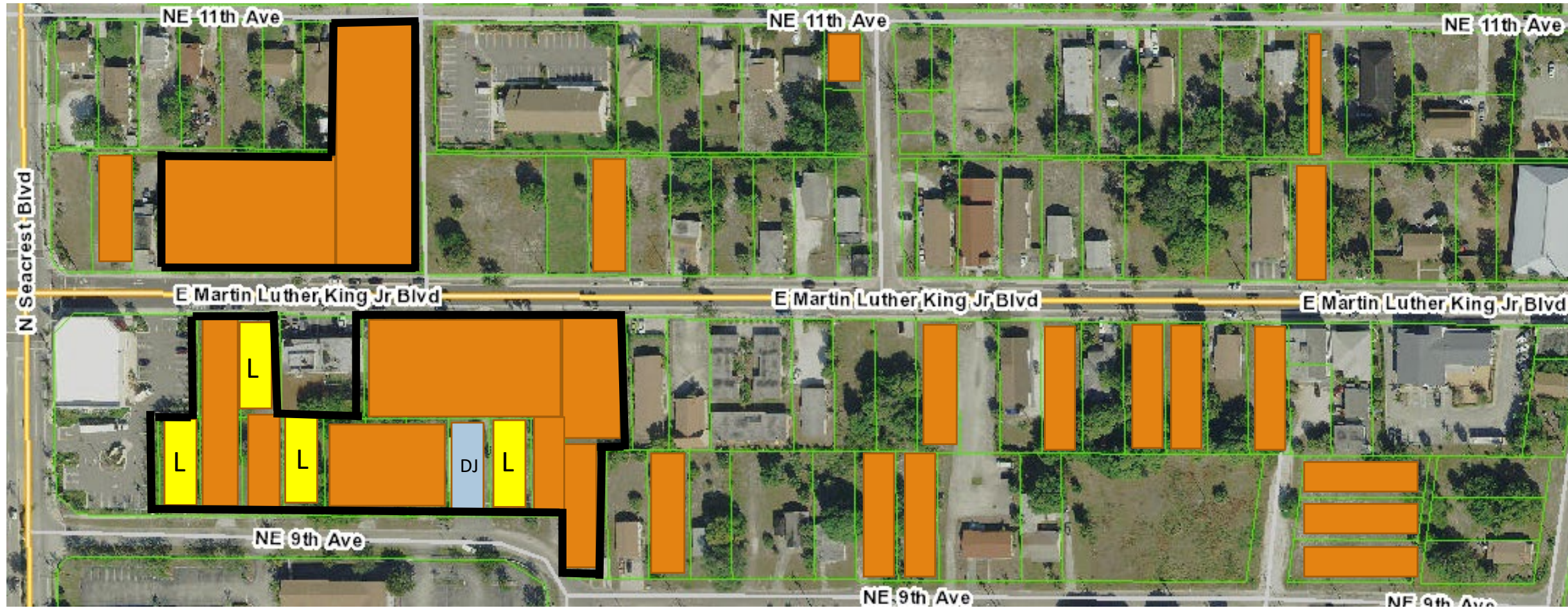
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- Our plan will contribute to the goal of revitalization of the MLK Corridor through a design of residential and commercial use targeted to benefit local neighbors
- Approx. 8,000 square feet of retail space.
- Possible tenants may include a barbershop, a ice-cream shop, a medical care facility, casual dining or a trendy coffee shop, etc.
- We plan to hire a local artist to paint murals on some of the buildings' walls reflective of the community's culture and history.
- We plan to hold a job fair on site to hire local subcontractors.





# Project Aerial



 CRA Lots

 DJ Management LLC Lot

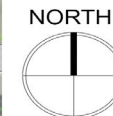
 Larann LLC Lots



BOYNTON BEACH, FL



SITE CALCULATIONS	SPACES
<b>NORTH PARCEL</b>	<b>85</b>
5,000 S.F. COMMERCIAL RETAIL (1/250 S.F.)	20
2,500 S.F. COMMERCIAL CENTER (1/100 S.F.)	25
24 RESIDENTIAL UNITS (1.66 per D.U.)	40
<b>SOUTH PARCEL</b>	<b>153</b>
<b>BUILDING 1</b> 60 UNITS (1.66 per D.U.)	100
<b>BUILDING 2</b> 40 UNITS (1.33 per D.U.)	53
<b>TOTAL PARKING REQUIRED:</b>	<b>238</b>
<b>PARKING PROVIDED:</b>	
NORTH PARCEL (OFF STREET)	85
SOUTH PARCEL (OFF STREET)	127
NE 9TH AVE (ON STREET)	16
DR. MARTIN LUTHER KING JR. BLVD.	28
<b>TOTAL PARKING PROVIDED:</b>	<b>256</b>





# Street View: Conceptual











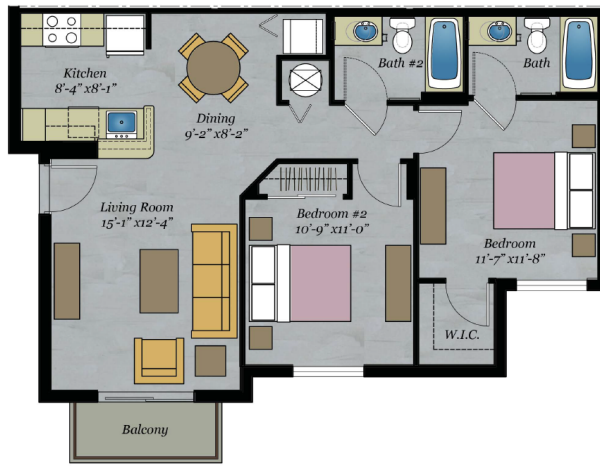






# Unit Floor Plans

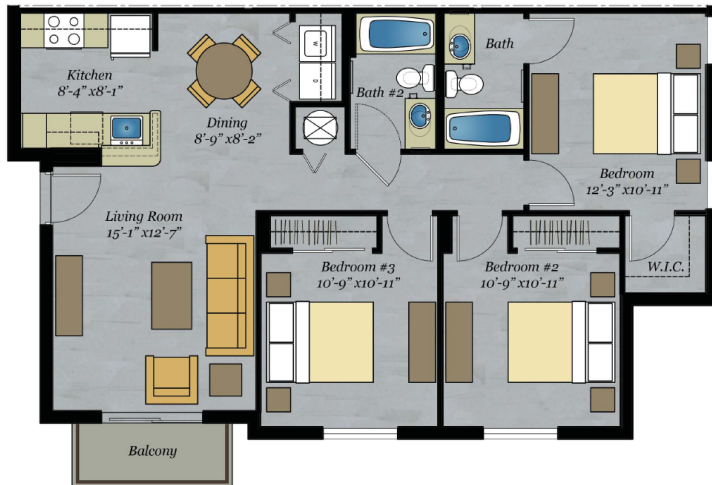
## 1/1's, 2/2's, 3/2's



Two Bedroom / Two Bathroom Unit Plan - 910 sf

Boynton Beach, FL

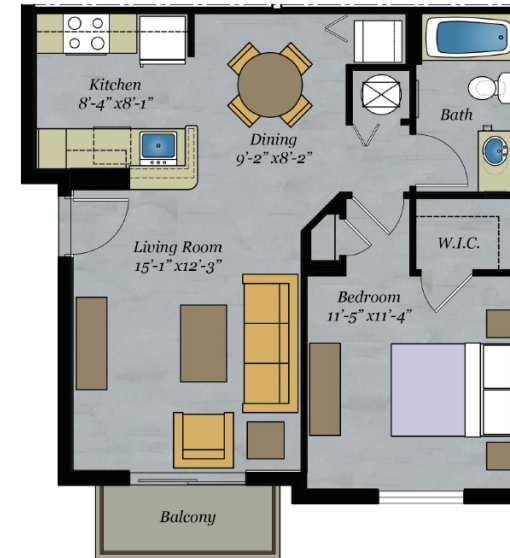
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Three Bedroom / Two Bathroom Unit Plan - 1,105 sf

Boynton Beach, FL

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One Bedroom / One Bathroom Unit Plan - 709 sf

Boynton Beach, FL

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# MLK Corridor



## Proposed Features:

### GREEN CERTIFICATION

- High Efficiency 15 SEER AC Units
- Energy Star Appliance Packages
- Water Sense Plumbing Fixtures
- Energy Star Lighting Fixtures
- Energy Efficient Hurricane Impact Windows & Sliding Glass Doors
- Programmable Thermostats

### UNIT FEATURES

- Balconies/Patios in all Units
- Wood Cabinets
- Granite Countertops
- Tile Flooring
- Large Walk-In Closets
- Washer & Dryer in all Units
- Window Treatments

# Financial Structure

## SUMMARY OF OPTIONS CRA OWNED PROPERTY AND 5 PRIVATE LOTS

### #1 TIRF

<i>Units</i>	<i>Private Land</i>	<i>CRA Land</i>	<i>CRA Grant</i>	<i>CRA TIR Funds 15 Years</i>	<i>Rents</i>	<i>Financing Contingency</i>
124	\$\$\$	0	1,200,000	873,000	TBA by CRA	No

### #2 9% Tax Credits

<i>Units</i>	<i>Private Land</i>	<i>CRA Land</i>	<i>CRA Grant</i>	<i>CRA TIR Funds 15 Years</i>	<i>Rents</i>	<i>Financing Contingency</i>
124	\$\$\$	2,000,000	1,200,000	0	30%-80% AMI	Yes

### #3 SAIL and TIRF

<i>Units</i>	<i>Private Land</i>	<i>CRA Land</i>	<i>CRA Grant</i>	<i>CRA TIR Funds 15 Years</i>	<i>Rents</i>	<i>Financing Contingency</i>
124	\$\$\$	0	1,200,000	266,000	30%-80% AMI	Yes



# Income/Rent Limits

HUD release: 3/30/2018  
Implement on or before 5/13/2018  
FHFC Posted : 4/6/2018  
Effective: 4/1/2018

## 2018 Income Limits and Rent Limits Florida Housing Finance Corporation Multifamily Rental Programs (except HOME and SHIP) and CWHIP Homeownership Program

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Palm Beach County (West Palm Beach- Boca Raton HMFA; Miami-Fort Lauderdale- Pompano Beach MSA)	25%	13,475	15,400	17,325	19,225	20,775	22,325	23,850	25,400	26,915	28,453	336	360	433	500	558	615
	28%	15,092	17,248	19,404	21,532	23,268	25,004	26,712	28,448	30,145	31,867	377	404	485	560	625	689
	30%	16,170	18,480	20,790	23,070	24,930	26,790	28,620	30,480	32,298	34,144	404	433	519	600	669	738
	33%	17,787	20,328	22,869	25,377	27,423	29,469	31,482	33,528	35,528	37,558	444	476	571	660	736	812
	35%	18,865	21,560	24,255	26,915	29,085	31,255	33,390	35,560	37,681	39,834	471	505	606	700	781	861
	40%	21,560	24,640	27,720	30,760	33,240	35,720	38,160	40,640	43,064	45,525	539	577	693	800	893	985
	45%	24,255	27,720	31,185	34,605	37,395	40,185	42,930	45,720	48,447	51,215	606	649	779	900	1,004	1,108
	50%	26,950	30,800	34,650	38,450	41,550	44,650	47,700	50,800	53,830	56,906	673	721	866	1,000	1,116	1,231
	60%	32,340	36,960	41,580	46,140	49,860	53,580	57,240	60,960	64,596	68,287	808	866	1,039	1,200	1,339	1,477
	80%	43,120	49,280	55,440	61,520	66,480	71,440	76,320	81,280	86,128	91,050	1,078	1,155	1,386	1,600	1,786	1,970
120%	64,680	73,920	83,160	92,280	99,720	107,160	114,480	121,920	129,192	136,574	1,617	1,732	2,079	2,400	2,679	2,955	
140%	75,460	86,240	97,020	107,660	116,340	125,020	133,560	142,240	150,724	159,337	1,886	2,021	2,425	2,800	3,125	3,447	
Median: 74,300																	



# Future Phases Townhouse Ownership

- Opportunity for Home-ownership
- Use of CRAs scattered lots
- We intend to build townhouses in partnership with the CRA
- Apply our experience in utilizing creative financing





# MLK Corridor

---

We at Centennial Management Corp already have a vested interest in this neighborhood as a property owner and we are very excited about the opportunity to continue to work together with the CRA to achieve CRA goals and contribute to the best possible redevelopment of the MLK Corridor.

Thank you for the opportunity and your time!

# Attachment 8

**FLORIDA HOUSING FINANCE CORPORATION**  
**Site Control Certification Form**

As of the Application Deadline for this RFA, the Applicant entity \_\_\_\_\_  
Wells Landing Apartments LLC

has control of the Development site and all Scattered Sites, if applicable. Control of the site means that by Application Deadline the Applicant can establish one or more of the following requirements that include the terms set forth in Section Four A.7.a. of the RFA:

- Eligible Contract
- Deed or Certificate of Title
- Lease

To be considered complete, documents demonstrating that site control pursuant to the terms set forth in Section Four A.7.a. of the RFA are attached.

Under the penalties of perjury pursuant to Section 92.525, F.S., and of material misrepresentation pursuant to Section 420.508(35), Fla. Statutes, and Fla. Admin. Code Section 67-21.003(6) and/or 67-48.004(2), I declare and certify that I have read the foregoing and that the information is true, correct and complete.

\_\_\_\_\_  
Signature of Authorized Principal Representative

Manager

\_\_\_\_\_  
Title (typed or printed)

Lewis V. Swezy

\_\_\_\_\_  
Name (typed or printed)

This form must be signed by the Authorized Principal Representative stated in Exhibit A.

(Form Rev. 08-18)

CFN 20190407136

OR BK 31009 PG 1515  
RECORDED 11/05/2019 15:23:30  
AMT 10.00  
Doc Stamp 0.70  
Palm Beach County, Florida  
Sharon R. Bock, CLERK & COMPTROLLER  
Pgs 1515 - 1517 (3pgs)

Prepared by and return to:

Kenneth W. Dodge, Esquire  
Lewis, Longman & Walker, P.A.  
515 North Flagler Drive, Suite 1500  
West Palm Beach, FL 33401  
Telephone: 561-640-0820

[Space Above This Line For Recording Data]

## Special Warranty Deed

This Special Warranty Deed made this 4 day of November, 2019, between Boynton Beach Community Redevelopment Agency, a public agency created pursuant to Chapter 163, Part III, of Florida Statutes, whose post office address is 710 N. Federal Highway, Boynton Beach, FL 33435, grantor, and Wells Landing Apartments, LLC, a Florida limited liability company, whose post office address is 7735 NW 146 Street, Suite 306, Miami Lakes, FL 33016, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Palm Beach County, Florida, to-wit:

Lots 6 and 7, in Block 1, of The FRANK WEBER ADDITION TO THE TOWN OF BOYNTON BEACH., according to the Plat thereof recorded in Plat Book 9, Page 3, of the Public Records of Palm Beach County, Florida.

Lots 4, 5, 8 and 9, Less the South 10 feet thereof, in Block 1, of The FRANK WEBER ADDITION TO THE TOWN OF BOYNTON BEACH., according to the Plat thereof recorded in Plat Book 9, Page 3, of the Public Records of Palm Beach County, Florida.

Lots 5, 6, 8, 9, 10, and 13 in Block 4, of PALM BEACH COUNTY CLUB ESTATES, according to the Pat thereof recorded in Plat Book 11, Page 43, of the Public Records of Palm Beach County, Florida.

Lots 5, 9, 10, 11, 12, and 13 in Block 5, of PALM BEACH COUNTY CLUB ESTATES, according to the Pat thereof recorded in Plat Book 11, Page 43, of the Public Records of Palm Beach County, Florida.

Lot 1, of MEEKS ADDITION TO BOYNTON, according to the Plat thereof as recorded in Plat Book 9, Page 54, of the Public Records of Palm Beach County, Florida.

01202130-1

DoubleTime®

Lot 172, of ARDEN PARK ADDITION TO BOYNTON FLA., according to the Plat thereof as recorded in Plat Book 2, Page 96, of the Public Records of Palm Beach County, Florida.

The South 100 feet of the West 5 feet of Lot 20, and all of Lots 21 and 22, of ROBERT WELLS' SUBDIVISION, according to the Plat thereof, recorded in Plat book 11, Page 66, of the Public Records of Palm Beach County, Florida, LESS the North 10 feet of Lots 21 and 22, for road right-of-way purposes conveyed to Palm Beach County, Florida by Right-of-way Deed recorded November 2, 1982, in Official Records Book 3817, Page 1155.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Boynton Beach Community Redevelopment Agency,  
a public agency created pursuant to Chapter 163, Part  
III, of Florida Statutes

By: Steven B. Grant  
Steven B. Grant, Chair

Thuy T. Shon  
Witness Name: THUY T-SHON

Michael Simon  
Witness Name: Michael Simon

(Corporate Seal)

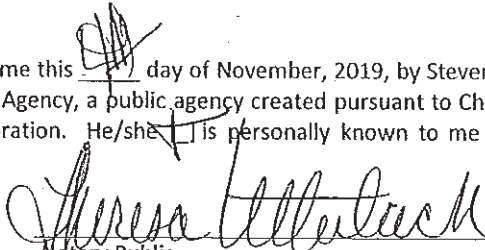




State of Florida  
County of Palm Beach

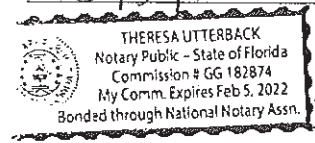
The foregoing instrument was acknowledged before me this 5 day of November, 2019, by Steven B. Grant, Chair of Boynton Beach Community Redevelopment Agency, a public agency created pursuant to Chapter 163, Part III, of Florida Statutes, on behalf of the corporation. He/she  is personally known to me or  has produced a driver's license as identification.

[Notary Seal]

  
Notary Public

Printed Name: Theresa Utterback

My Commission Expires: 2/5/22



01202130-1

Special Warranty Deed - Page 3

DoubleTime®



STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office with redactions if any as required by law.

THIS 5 DAY OF Nov., 2019

SHARON R. BOCK  
CLERK & COMPTROLLER

By [Signature]  
DEPUTY CLERK

CFN 20190407097

Prepared by  
James J. Hurchalla & Associates, P.A.  
1700 East Las Olas Boulevard, Ste 206  
Fort Lauderdale, FL 33301  
(954) 462-6776

DR BK 31005 PG 1412  
RECORDED 11/05/2019 15:17:19  
AMT \$75,000.00  
Doc Stamp \$:125.00  
Palm Beach County, Florida  
Sharon K. Bock, CLERK & COMPTROLLER  
Pgs 1412 - 1413 (2pgs)

Return to: Grantee

File No.: 19-2-223

**SPECIAL WARRANTY DEED**

State of Florida  
County of Brevard

THIS SPECIAL WARRANTY DEED is made November 4, 2019, between

LARANN, LLC, a Florida limited liability company  
having a business address at: PO Box 362042, Melbourne, FL 32936  
("Grantor"), and

WELLS LANDING APARTMENTS LLC, a Florida limited liability company  
having a mailing address of: 7735 NW 146th Street Suite 306, Miami Lakes, FL 33016  
("Grantee"),

WITNESSETH, that the said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, remised, released, conveyed and confirmed unto said "Grantee", it's successors and assigns forever, following described land, situate, lying and being in the County of Palm Beach, State of Florida, to-wit:

PARCEL 1:

Lot 4, Block 4, PALM BEACH COUNTRY CLUB ESTATES, according to the plat thereof, as recorded in Plat Book 11, Page 43, of the Public Records of Palm Beach County, Florida.

PARCEL 2:

Lot 6, Block 5, PALM BEACH COUNTRY CLUB ESTATES, according to the plat thereof, as recorded in Plat Book 11, Page 43, of the Public Records of Palm Beach County, Florida.

PARCEL 3:

Lot 7, Block 4, PALM BEACH COUNTRY CLUB ESTATES, according to the plat thereof, as recorded in Plat Book 11, Page 43, of the Public Records of Palm Beach County, Florida.

PARCEL 4:

Lot 12, Block 4, PALM BEACH COUNTRY CLUB ESTATES, according to the plat thereof, as recorded in Plat Book 11, Page 43, of the Public Records of Palm Beach County, Florida.

FL FA DEED-Warranty Corporate Special



Tax Parcel Identification Number: 08-43-45-21-10-004-0040, 08-43-45-21-10-005-0060, 08-43-45-21-10-004-0070, 08-43-45-21-10-004-0120

SUBJECT, however, to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions or requirements imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

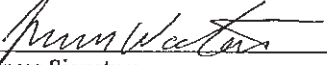
AND Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2018. That it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

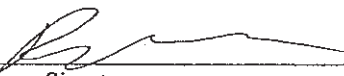
IN WITNESS WHEREOF, Grantor has signed and sealed these presents on the date first above written.

LARANN, LLC, a Florida limited liability company

  
Larry Finkelstein  
Managing Member

Signed, sealed and delivered in our presence:

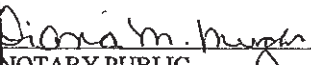
  
Witness Signature  
Print Name: Jason Wootch

  
Witness Signature  
Print Name: Brittnee Rooney

State of Florida  
County of Brevard

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me on November \_\_, 2019, by Larry Finkelstein, as Managing Member, on behalf of LARANN, LLC, a Florida limited liability company, who is personally known to me or who has/have produced a valid drivers license as identification.



  
NOTARY PUBLIC  
Diana m mugar  
Printed Name of Notary  
My Commission Expires: Feb. 12, 2023



STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.

THIS 5 DAY OF NOV. 20 19  
SHARON R. BOCK  
CLERK & COMPTROLLER

By   
DEPUTY CLERK