AMC HTG 3, LLC
Petitioner,

VS.

FLORIDA HOUSING FINANCE CORPORATION.
Respondent.

AMENDED
FORMAL WRITTEN PROTEST AND PETITION
FOR ADMINISTRATIVE HEARING

Petitioner, AMC HTG 3, LLC, (the “Petitioner” or “AMC HTG”), pursuant to sections 120.57(1) and (3), Florida Statutes (“F.S.”) and Rules 28-110 and 67-60, Florida Administrative Code (“FAC”) hereby files this Amended Formal Written Protest and Petition (the “Petition”) regarding the scoring decisions of the Respondent, Florida Housing Finance Corporation (“Florida Housing”) to award funding to responsive Applicants pursuant to RFA 2018-111 - Housing Credit Financing for Affordable Housing Developments Located in Miami-Dade County (hereinafter the “RFA”)

Introduction

1. This Amended Petition is filed pursuant to sections 120.57(1) and (3), Florida Statutes, Rules 28-110 and 67-60, Florida Administrative Code.

Parties

2. Petitioner is a Florida limited liability company in the business of providing affordable housing. Petitioner’s address is 3225 Aviation Avenue, 6th Floor, Coconut Grove, Florida 33133.
Petitioner’s address, telephone number and email address are those of its undersigned counsel for purposes of this proceeding.

3. The affected agency is Florida Housing Finance Corporation. Florida Housing’s address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

**Notice**

4. On September 6, 2018, Florida Housing issued the RFA.

5. On October 4, 2018 and October 18, 2018, the RFA was modified by Florida Housing and Notices of Modification of RFA 2018-111 were issued.\(^1\)

6. Applications in response to the RFA were due on or before November 9, 2018.

7. Florida Housing received approximately 67 applications in response to the RFA.

8. Petitioner in response to the RFA requested an annual allocation of $1,939,520.00 in Housing Credit funding for its proposed eighty (80) unit affordable housing development in Miami-Dade County, Florida. Petitioner applied as a non-profit applicant and Petitioner’s application satisfied the required elements of the RFA and is eligible for a funding award.

9. Petitioner’s received notice of the preliminary RFA scoring and rankings through electronic posting on Friday, February 1, 2019 at 9:20 am. A copy of the notices posted on the Corporations website are attached hereto as Exhibit “A”. Petitioner was deemed eligible for funding but was not among those recommended for funding.

10. On Wednesday, February 6, 2019 at 8:08 am, Petitioner timely submitted their Notice of Intent to Protest Florida Housing’s intended decision. A copy of that Notice of Intent is attached hereto as Exhibit “B”.

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\(^1\)The Notices of Modification of Request For Applications (RFA) 2018-111 were posted on the Corporations website and sent via electronic mail to persons registered on the Corporation’s Multifamily Programs Registry.
11. This Petition is timely filed in accordance with the provisions of section 120. 57(3) (b), Florida Statutes, and rules 28-110.004 and 67-60.009, Fla. Admin. Code.

**Background**

12. Florida Housing is a public corporation created by section 420.504, Florida Statutes, to administer the governmental function of financing or refinancing affordable housing and related facilities in Florida. Florida Housing's statutory authority and mandates are set forth in Part V of Chapter 420, Florida Statutes. See, Sections 420.501-420.55, Fla. Stat.

13. Chapter 67-60, Fla. Admin. Code, which establishes “the procedures by which the Corporation shall . . . administer the competitive solicitation processes to implement the provisions of the Housing Credit (HC) Program authorized by Section 42 of the IRC and Section 420.5099, F.S. See rule, 67-60.001(2), Florida Admin. Code.

**RFA 2018-111**

14. Through the RFA process Florida Housing anticipated awarding up to an estimated $6,881,821 of Housing Credits to proposed Developments located in Miami-Dade County (RFA at p. 2)

15. Within the RFA the Corporation established the following funding goals,

a. The Corporation has a goal to fund one (1) proposed Development that (a) selected the Demographic Commitment of Family at question 2.a. of Exhibit A and (b) qualifies for the Geographic Areas of Opportunity/SDDA Goal as outlines in Section Four A. 10.

b. The Corporation has a goal to fund one (1) proposed Development that selected the Demographic Commitment of Elderly (ALF or Non-ALF) at question 2.a. of Exhibit A.

c. The Corporation has a goal to fund one (1) proposed Development wherein the Applicant applied and qualified as a Non-Profit Applicant.

(RFA at p. 69)
16. Review Committee members will independently evaluate and score their assigned portions of the submitted applications based on various mandatory and scored items. The maximum point total that an applicant can receive is 15 points. (RFA at p. 69) Failure to meet all eligibility items results in an application being deemed ineligible. (RFA at p. 65)

17. The RFA provides that all eligible Applications will be ranked by sorting the Applications from the highest scoring Application to the lowest, with any scores that are tied separated as follows:

1) First, by the Application’s eligibility for the Proximity Funding Preference (which is outlined in Section Four A.5.e of the RFA) with Applications that qualify for the preference listed above Applications that do not qualify for the preference;

2) Next, by the Application’s eligibility for the Per Unit Construction Funding Preference which is outlined in Section Four A.11.e of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);

3) Next, by the Application’s eligibility for the Development Category Funding Preference which is outlined in Section Four A.4(b)(4) of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);

4) Next, by the Application’s Leverage Classification, applying the multipliers outlined in Item 3 of Exhibit C of the RFA (with Applications having the Classification of A listed above Applications having the Classification of B);

5) Next, by the Application’s eligibility for the Florida Job Creation Funding Preference which is outlined in Item 4 of Exhibit C of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference); and

6) And finally, by lottery number, resulting in the lowest lottery number receiving preference.

RFA at p. 69-70.

18. The RFA mandates the Funding Selection Process (henceforth “Selection Process”), as follows,
1) The first Application selected for funding will be the highest-ranking eligible Family Application that qualifies for the Geographic Areas of Opportunity/SADD Goal.

2) The next Application selected for funding will be the highest-ranking eligible Application that qualifies as an Elderly (ALF or Non-ALF) Development.

3) The next Application selected for funding will be the highest-ranking Application wherein the Applicant applied and qualified as a Non-Profit Applicant.

4) If there are less than three (3) Applications selected for funding in (1), (2) and (3) above, the next Application(s) selected for funding will be the highest-ranking unfunded Application(s), regardless of Demographic Category until no more than three total Applications are selected for funding. If the third Application cannot be fully funded, it will be entitled to receive a Binding Commitment for the unfunded balance.

5) If funding remains after selecting the three (3) highest ranking eligible unfunded Applications as outlined above, or if funding remains because there are not three (3) eligible Applications that can be funded as outlined above, then no further Applications will be considered for funding and any remaining funding will be distributed as approved by the Board.

(RFA at p.70)

19. The selection process was carried out by the members of the Review Committee at a public meeting held on January 23, 2019.

20. The following applications were selected for funding by Review Committee members,

   -2019-045C- Lucida Apartments, Ltd.- Lottery Number 7
   -2019-073C- Las Brisas Trace, LP – Lottery Number 1

Of the three (3) applications selected for funding, Lucida Apartments, Ltd. was the highest ranked eligible family application that satisfied the Geographic Area of Opportunity goal. Las
Brisas Trace, LP, was selected as the highest ranked eligible elderly application. Lastly, Cannery Row at Redlands Crossing, LLLP was selected as the next highest ranked eligible non-profit application.

21. Cannery Row at Redlands Crossing, LLLP ("Cannery Row") should have been deemed ineligible and thus not selected for funding. The applicant which should have been funded as the next eligible non-profit application is AMC HTG 3, L.I.C., Application No. 2019-064C, lottery Number 6. Alternatively, if Cannery Row remains eligible as a result of the issues raised herein, both Las Brisas Trace, LP ("Las Brisas") and Ambar Riverview, Ltd., ("Ambar") an eligible but unfunded elderly application, Application No. 2019-035C 2, should have been deemed ineligible. The applicant which, in turn, should have been selected for funding as the highest ranked eligible non-profit application is AMC HTG 3, L.I.C.

**Cannery Row**
Principal Disclosure Form for the Applicant

22. Florida Housing requires Applicants to identify the Principals of both the Applicant and Developer entities using Florida Housing’s Principal Disclosure Form. This requirement is to ensure that Florida Housing is aware of the individuals that it is in business with 3. The procedure provides as follows,

**d. Principals Disclosure for the Applicant and for each Developer (5 points)**

(1) Eligibility Requirements

To meet the submission requirements, the Applicant must upload the Principals of the Applicant and Developer(s) Disclosure Form (Rev. 08-16) ("Principals Disclosure Form") with the Application and Development Cost

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2 Ambar is lottery number 2.
3 Florida Housing will use this information to screen the identified Principals to determine if any have been deficient to the Corporation on prior affordable housing deals, to identify bad actors and to determine if applications are related.
Pro Forma, as outlined in Section Three above.

The Principals Disclosure Form must identify the Principals of the Applicant and Developer(s) as of the Application Deadline and should include, for each applicable organizational structure, only the types of Principals required by Subsection 67-48.002, F.A.C. A Principals Disclosure Form should not include, for any organizational structure, any type of entity that is not specifically included in the Rule definition of Principals. (Emphasis supplied)

(R-A at p. 10-11)

23. The definition of "Principal" with respect to an applicant that is a Limited Partnership is defined at Rule 67-48.002(94)(a)(2), F.A.C. as follows.

2. A limited partnership, at the first principal disclosure level, any general partner or limited partner of the Applicant limited partnership, and, unless otherwise excluded at subsection 67-48.002(9), F.A.C., with respect to any general partner or limited partner of the Applicant limited partnership, at the second principal disclosure level, that is:

a. A corporation, any officer, director, executive director, or shareholder of the corporation.

b. A limited partnership, any general partner or limited partner of the limited partnership.

c. A limited liability company, any manager or member of the limited liability company. Or

d. A trust, any trustee of the trust and all beneficiaries of majority age ... as of the Application deadline, each of whom must be a natural person. Such trust shall be comprised only of trustee(s) and beneficiaries who are natural persons; and with respect to any entity identified at the second principal level that is:

e. A corporation, by the third principal disclosure level, any officer, director, executive director or shareholder of the corporation, each of whom must be a natural person.

f. A limited partnership, by the third principal disclosure level, any general partner or limited partner of the limited partnership each of whom must be a natural person.

g. A limited liability company, by the third principal disclosure level, any manager or member of the limited liability company, each of whom must be a natural person, or

h. A trust, any trustee of the trust and all beneficiaries of majority age ... as of the Application deadline, each of whom must be a natural person. Such trust shall be comprised only of trustee(s) and beneficiaries who are natural persons.

(Emphasis supplied)

24. On the Principal Disclosure for Applicant form Cannery Row identified their general partner, Cannery Row Redlands, LLC and Steven Kirk as Investor LP at the First Principal Disclosure Level. At the Second Principal disclosure level they disclosed the sole member of
their general partner, Everglades Housing Trust, Incorporated. At the third Principal Disclosure level, they listed the following Officers and Directors of Everglades Housing Trust, Incorporated:

- **Executive Director**: Kirk, Steven
- **Officer**: Lopez, Arturo
- **Officer**: Gonzalez, Diana
- **Officer**: Townsel, Al
- **Officer**: Vidales, Fabiola
- **Director**: Lopez, Arturo
- **Director**: Gonzalez, Diana
- **Director**: Townsel, Al
- **Director**: Rubio-Rivera, Susan

A copy of the Principal Disclosure Form for Applicant form submitted by Cannery Row is attached hereto as Exhibit C.

25. According to the 2018 Florida Not for Profit Corporation Annual Report filed Feb. 12, 2018 with the State of Florida, Office of the Secretary of State, the following individuals were disclosed as officers and directors of Everglades Housing Trust, Incorporated:

- **President**: Kirk, Steven
- **CD**: Jensen, Robert
- **D**: Rubio-Rivera, Susan
- **VD**: Gonzalez, Diana
- **STD**: Lopez, Arturo
- **AS**: Vidales, Fabiola

A copy of the 2018 Florida Not for Profit Corporation Annual Report for Everglades Housing Trust Incorporated is attached hereto as Exhibit D.

26. The Application Deadline for the RFA is November 9, 2018. If Robert Jensen remained the Chairman of and/or a Director of Everglades Housing Trust Incorporated as of November 9, 2018, he should have been disclosed by Cannery Row on the Principal Disclosure Form for the Applicant. Failure to do so renders Cannery Row’s application ineligible resulting in the Petitioner being funded as the next eligible non-profit entity.
Principal Disclosure Form for the Developer

27. The definition of “Principal” with respect to a developer that is a Corporation is defined at Rule 57-48.002(94)(b), F.A.C, as follows,

(b) With respect to a Developer that is:

1. A corporation, at the first principal disclosure level, any officer, director, or shareholder of the Development corporation...

28. The developer of Cannery Row is Rural Neighborhoods, Incorporated. At the First Principal Disclosure level, the applicant disclosed the following officers and directors,

<table>
<thead>
<tr>
<th>Officer</th>
<th>Kirk, Steven</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer</td>
<td>Lopez, Arturo</td>
</tr>
<tr>
<td>Officer</td>
<td>Gonzales, Diana</td>
</tr>
<tr>
<td>Officer</td>
<td>Townsel, Al</td>
</tr>
<tr>
<td>Officer</td>
<td>Rubio-Rivera, Susan</td>
</tr>
<tr>
<td>Officer</td>
<td>Vidal, Fabiola</td>
</tr>
<tr>
<td>Director</td>
<td>Lopez, Arturo</td>
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<tr>
<td>Director</td>
<td>Gonzales, Diana</td>
</tr>
<tr>
<td>Director</td>
<td>Townsel, Al</td>
</tr>
<tr>
<td>Director</td>
<td>Rubio-Rivera, Susan</td>
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<tr>
<td>Director</td>
<td>Polak, Matthew</td>
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<tr>
<td>Director</td>
<td>Ray, James</td>
</tr>
<tr>
<td>Director</td>
<td>Alegre, Pinaia</td>
</tr>
<tr>
<td>Director</td>
<td>Wright, Katrina</td>
</tr>
<tr>
<td>Director</td>
<td>McDougal, Peter</td>
</tr>
<tr>
<td>Director</td>
<td>Salgado, Carlos</td>
</tr>
</tbody>
</table>

A copy of the Principal Disclosure for Developer form submitted by Cannery Row is attached hereeto as Exhibit F.

29. According to the 2018 Florida Not for Profit Corporation Annual Report filed on February 12, 2018 with the State of Florida, Office of the Secretary of State, Robert Jensen was the Chairman/Director and Martina Borek and Fatima Echevarria were also Directors.

Additionally, Katrina Wright and Carlos Salgado were not identified as Directors. A copy of the
2018 Florida Not for Profit Corporation Annual Report filed on February 12, 2018 for Rural Neighborhoods, Incorporated is attached hereto as Exhibit F.

30. The Website for Rural Neighborhoods, Incorporated indicates the following as members of their Board of Directors:

<table>
<thead>
<tr>
<th>Chairperson</th>
<th>Robert Jensen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vice Chairperson</td>
<td>Diana Gonzalez</td>
</tr>
<tr>
<td>Treasurer</td>
<td>Arturo Lopez</td>
</tr>
<tr>
<td>Secretary</td>
<td>Susan Rubio-Rivera</td>
</tr>
<tr>
<td></td>
<td>Pinta Alegre</td>
</tr>
<tr>
<td></td>
<td>Martina Borek</td>
</tr>
<tr>
<td></td>
<td>Tom David</td>
</tr>
<tr>
<td></td>
<td>Steven Mainstar</td>
</tr>
<tr>
<td></td>
<td>David Peyton</td>
</tr>
<tr>
<td></td>
<td>Matthew Polak</td>
</tr>
<tr>
<td>Reverend Audrey Warren</td>
<td></td>
</tr>
</tbody>
</table>

Director Emeritus

Fernando “Chappy” Pro. Jr.

A copy of the website page is attached hereto as Exhibit G.

31. If any of the following individuals, Robert Jensen, Martina Borek, Fatima Echavarria, Tom David, Steven Mainstar, David Peyton or Reverend Audrey Warren were Officers or Directors of Rural Neighborhoods, Incorporated as of the Application Deadline, November 9, then they should have been disclosed on the Principal Disclosure for Developer form. Failure to have done so renders Cannery Row’s application ineligible resulting in the Petitioner being funded as the next eligible non-profit entity.

Las Brisas

Insufficient Density to support Proposed Units

32. In their application to the Corporation, Las Brisas committed to building 119 units on its proposed site which is made up of thirteen (13) separate parcels. One of the parcels is being sold by Kids on Point, L.L.C (“KOP”) and the remaining parcels are being sold by Pia S. Woodley as the Personal Representative of the Estate of Beatrice Boston (“Woodley”).
33. According to the Miami-Dade County Property Appraiser, the portion of the proposed site being sold by KOP is 34,185 square feet which is 0.78 acres. The portion of the proposed site being sold by Woodley is 22,500 square feet which converts to 0.58 acres.

34. Notwithstanding the foregoing, according to the Site Plan submitted by Las Brisas to Miami-Dade County the portion of the proposed site being sold by KOP is 50,113 square feet which converts to 1.15 acres and the Woodley site is 37,386 square feet which converts to 0.858 acres. The reason for the discrepancy between what is shown by the Miami-Dade County Property Appraiser and the Site Plan prepared for Las Brisas is that they are using the Net Lot Area Total. According to Article XXXI11(K) of Miami-Dade County’s Standard Urban Center District Regulations, Section 33-284.83, Uses. (A)(2)(c), “Minimum requirement and maximum permitted density shall be calculated based on the net lot area. For purposes of this article, net lot area shall include dedicated road right-of-way, which means the area between the existing or proposed lot right-of-way line and the street centerline.” Although Woodley satisfactorily meets the Net Lot Area represented on the Site Plan presented to Miami-Dade County for their Zoning Form, KOP does not. Las Brisas represented on their Site Plan that KOP’s parcels consists of 50,113 SF, when in fact the Net Lot Area consists of 44,114 SF. Las Brisas was calculating approximately 46 linear feet from the KOP property line to the metro-rail. As Miami-Dade County is owner of the metro-rail, the area between the existing or proposed lot right-of-way line and the street centerline as permitted for density calculation is only approximately 23 linear feet. Las Brisas took additional square feet that does not belong to KOP. The difference in square feet between what Las Brisas proposed in their Site Plan and what propery belongs to KOP per Miami-Dade County’s Standard Urban Center District Regulations is approximately 5,999 SF or the equivalent of 8 units.
35. The Miami-Dade County Zoning Code density for the proposed site is limited to 50 units per acre. Pursuant to the Site Plan submitted by the Applicant, they would be entitled to build 120 units. However, using the correct calculation for the Net Lot Area of the KOP site, the Applicant would be limited to approximately 112 units, eight units below what the Applicant has indicated in their application.

36. Las Brisas, as part of its Application, submitted the Florida Housing Finance Corporation Local Government Verification that Development is Consistent with Zoning and Land Use Regulations Form ("Zoning Form") executed by county staff. Petitioner believes that the Zoning Form was executed based on the Las Brisas Site Plan, which as stated above, incorrectly describes the proposed site as larger than it actually is. Using the correct calculations, the proposed site is not large enough to support 119 units under the Miami-Dade County Zoning Code. The Zoning Form submitted by Las Brisas should not be relied upon and Las Brisas should be deemed ineligible since the number of units proposed exceeds the applicable zoning allowance.

Ambar

Insufficient Density to Support Proposed Units

37. The Miami 21 Zoning Code provides for special benefits for developers of affordable housing within the City of Miami, if certain conditions are met. Specifically, it provides in part:

3.15 AFFORDABLE AND ATTAINABLE MIXED-INCOME HOUSING SPECIAL BENEFIT PROGRAM SUPPLEMENTAL REGULATIONS

The intent of the Affordable Housing special benefit program established in this section is to facilitate the development of high-quality Affordable Housing in the City by providing development incentives, including, but not limited to, modifications of architectural/design standards and parking reductions.
3.15.1 As a pre-requisite to qualify as an Affordable Housing Development eligible for any of the special benefits described in Section 3.15, an applicant shall submit to the Office of Zoning:

a. Certification by the City’s Community and Economic Development Department that the proposed Development will provide a minimum of eighty percent (80%) of the Dwelling Units (Multi-family or Elderly) as Affordable Housing serving residents at or below sixty percent (60%) of the area median income (AMI) as published by the United States Department of Housing and Urban Development annually, or that the proposed Development is a mixed-income building providing at least forty percent (40%) of the units as Affordable Housing serving residents at or below sixty (60%) of AMI or providing at least twenty percent (20%) of the units as Affordable Housing serving residents at or below fifty percent (50%) of AMI, is not restricted to elderly residents, and is located within a Residential Density Increase Area as set forth in Article 4, Diagram 9 of the Miami 21 Code;

b. A recorded covenant running with the land acceptable to the City of Miami, confirming the property will meet the criteria in subsection (a) above for a period of no less than thirty (30) years from the date of the issuance of a final Certificate of Occupancy.

(Emphasis supplied)

3.15.2 As a pre-requisite to qualify as an Attainable Mixed-Income Housing Development eligible for any of the special benefits described in Section 3.15, an applicant shall submit to the Office of Zoning:

a. Certification by the City’s Community and Economic Development Department that the proposed Development will provide a minimum of forty percent (40%) of the Dwelling Units as Affordable Housing serving residents at or below sixty percent (60%) of AMI and the remainder of the Dwelling Units as Workforce Housing; or certification by the City’s Community and Economic Development Department that the proposed Development will provide a minimum of twenty percent (20%) of the Dwelling Units as Affordable Housing serving residents at or below fifty percent (50%) of AMI and the remainder of the Dwelling Units as Workforce Housing.

b. Verification that the proposed Development is within a quarter (¼) mile of a Transit Corridor, a half (½) mile of a TOD.

c. A recorded covenant running with the land acceptable to the City of Miami, confirming the property will meet the criteria in subsection (a) above for a period of no less than thirty (30) years from the date of the issuance of a final Certificate of Occupancy, with two (2) automatic ten (10) year extensions that may be released by a vote of the City Commission.
3.15.3 Affordable and Attainable Mixed-income Housing Developments that are not eligible for the provisions in Section 3.15. Affordable and Attainable Mixed-Income Housing Developments that abut a T3 Zone shall require a Warrant for consideration under Section 3.15.

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3.15.6 In addition to the Development incentives listed above, Attainable Mixed-Income Housing projects shall be afforded Density bonuses as follows;

a. Any Development that meets the criteria in Subsection 3.15.2 (a) and 3.15.2 (b) and provides a minimum of ten percent (10%) of the Dwelling Units as Extremely Low Income as defined herein shall be provided one (1) additional unit of Density per Attainable-Workforce Housing unit provided. The Development after the Density bonus shall maintain the affordable and workforce housing mix described in 3.15.2 (a) and shall provide ten percent (10%) of the Dwelling Units as Extremely Low Income Housing for the entire Development.

b. Any Development that meets the criteria in Subsection 3.15.2 (a) and 3.15.2 (b) and provides a minimum of five percent (5%) of the Dwelling Units as Extremely Low Income as defined herein shall be provided one half (1/2) additional unit of Density Attainable-Workforce Housing unit provided. The Development after the Density bonus shall maintain the affordable and workforce housing mix described in 3.15.2 (a), and shall provide five percent (5%) of the Dwelling Units as Extremely Low Income Housing for the entire Development.

(Emphasis supplied)

38. Ambar's application proposes to build a 105-unit high rise in Miami, Florida. Ambar sought and filed an application with the City of Miami using the Affordable Housing Certification, under Article 3, Subsection 3.15.1 to allow for increased density for their proposed development, as their zoning as-of-right only allows 90 units to be developed.

39. On October 11, 2018, an affiliate, Ambar3 LLC submitted correspondence to Manuel Torrado, of the City of Miami, Department of Planning and Zoning. A copy of the letter is attached hereto as Exhibit H.

40. The letter indicates that the following items were attached to the correspondence:

1. Local Government Verification that the development is Consistent with Zoning and Land Use Regulations;
2. A copy of the verification forms submitted last year by a different developer for the same property. That project was known as Serenity Tower;

3. Miami-Dade Property Appraiser's Information Map Reports;

4. A copy of the Affordable Housing Certification that has been submitted to the Community Development Department for signature. We will supplement the package with the signed form as soon as we receive it from Charles McKinnon;

5. A copy of the Survey; and

6. A check for $1,000.00 in payment of the City of Miami's processing fees.

41. The Affordable Housing Certification, referenced in the October 11, 2018 correspondence above was submitted under Miami 21 Affordable Housing, Article 3, Subsection 3.15.1, certifying that of the 105 units 80% were for tenants at or below 60% AMI. The Project Description provided in part,

One residential building consisting of 105 units, 42-2 bedrooms/2 baths and 63-1 Bedroom/1 bath. The density is based on increase allowed due to units meeting the definition of Affordable Housing.

The Affordable Housing Certification form was executed by Elena Adams, the President of Ambar Riverview, LLC and dated October 3, 2018.

42. Also attached to the letter of October 11, 2018 was an executed copy of the Florida Housing Finance Corporation Local Government Verification that Development is Consistent with Zoning and Land Use Regulations Form ("Zoning Form"). The Zoning Form indicates approval for 105 units and is dated October 22, 2018.

43. There are three issues here: First, the Affordable Housing Certification form executed on October 3, 2018, under Miami 21 Affordable Housing, Article 3, Subsection 3.15.1, by Ambar and given to Mr. Torrado of the City of Miami committed to 80% of units for Tenants at or

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4 This was received in response to the Public Records Request and attached to the October 11, 2018 correspondence.
below 60% AMI. However, when the Affordable Housing Certification form was fully executed by Charles McKinnon and Alfredo Duran of the Department of Community & Economic Development on October 16, 2018, Ambar modified their form by submitting under Miami 21 Affordable Housing, Article 3, Subsection 3.15.2,\(^5\) certifying that of the 105 units being proposed, 40% of units will be for tenants at or below 60% AMI & 60% of the units will be for Workforce Housing. This contradicts Section 14 of FHFC’s Applicant Certification and Acknowledgement Form, whereby the applicant (i.e. Ambar) agrees and acknowledges that “in eliciting information from third parties required by and/or included in this Application, the Applicant has provided such parties information that accurately describes the Development as proposed in the Application”. The information provided to Mr. Torrado, the signatory of the Zoning Form, was materially different than what was eventually signed by the Department of Community & Economic Development. Second, this Affordable Housing Certification restriction on the property to develop Affordable and Attainable Mixed-Income can only be made by the rightful owner or seller of the property in question, not be Ambar. Third, as stated in Section 3.15.3, Affordable and Attainable Mixed Income Housing Developments that \(\text{abut a T3 Zone are not eligible}\) for the provisions in Section 3.15. Pursuant to Section 1.2 Definitions of terms, “Abutting” is defined as “To reach or touch; to touch at the end or be contiguous with; join at a border or boundary; terminate on. Abutting properties include properties across a street or alley”. Ambar’s development site \(\text{abuts a T3 Zone}\) and is therefore as stated in Section 3.15.3 \(\text{not eligible}\) for the special benefit provision in Section 3.15.

44. Without the Affordable Housing special benefit program, Ambar’s 33,170 DF or 0.76 acre development site per the as-of-right zoning code only allows 90 units to be developed.

\(^{5}\) Emphasis supplied.
Ambar is proposing a 105-unit high rise which is simply not feasible under the current zoning code and without the Affordable Housing special benefit program, which they are unable to avail themselves of.

45. The Zoning Form submitted by Ambar was wrongfully executed due to the information aforementioned and as such Ambar should be deemed ineligible.

Substantial Interests Affected

46. If Cannery Row had been deemed ineligible for failing to disclose all the Principals of both its Applicant and Developer entities then AMC HTG 3, LLC, would have been selected as the Non-Profit applicant. Alternatively, if Las Brisas had been deemed ineligible for submitting a Site Plan with inaccurate information resulting in a Zoning Form which should not have been executed by County Staff and Ambar had been deemed ineligible for submitting a Zoning Form even though additional requirements and a recorded covenant are required, AMC HTG 3, LLC would have been selected as the next eligible Non-Profit applicant.

47. Petitioner is substantially affected by the evaluation and scoring of the responses to the RFA. The results of the scoring have affected Petitioners ability to obtain funding through the RFA. Consequently, Petitioner has standing to initiate and participate in this and related proceedings.

48. Petitioner is entitled to a Formal Administrative Hearing pursuant to Sections 120.57(1) and 120.57(3), Florida statutes, to resolve the issues set forth in this Petition.

Disputed Issues of Material Fact and Law

49. Disputed issues of material fact and law exist and entitle Petitioners to a Formal Administrative Hearing pursuant to Section 120.57(1), Florida Statutes. The disputed issues of material fact and law include, but are not limited to, the following:
a. Whether Florida Housing's proposed award of funding to Cannery Row is consistent with the RFA;
b. Whether Florida Housing's proposed award of funding to Cannery Row is clearly erroneous;
c. Whether Cannery Row identified all the Principals of Everglades Housing Trust Incorporated as of the Application Deadline.
d. Whether Cannery Row identified all the Principals of Rural Neighborhoods Incorporated as of the Application Deadline.
e. Whether Cannery Row is entitled to the additional five (5) points under the RFA.
f. Whether the Site Plan submitted by Las Brisas accurately reflected the proposed development size.
g. Whether the Zoning Form submitted by Las Brisas was executed based on accurate information.
h. Whether Ambar had all necessary approvals and met all requirements at the time that the Zoning Form was executed.
i. Such other issues as may be revealed during the protest process.

Statutes and Rules Entitling Relief

50. Petitioner is entitled to relief pursuant to Section 120.569 and 120.57, Florida Statutes, Chapters 28-106, 28-110, and 67-60, Florida Administrative Code.

Concise Statement of Ultimate Fact and Law, Including the Specific Facts Warranting Reversal of the Agency's Intended Award

51. Petitioner participated in the RFA process to compete for an award of Housing Credit funds based upon the delineated scoring and ranking criteria in the RFA. Cannery Row's proposed development in Miami-Dade County, is ineligible for funding because it failed to accurately
identify the Principals of the Applicant and Developer entities. Las Brisas should be deemed ineligible for providing inaccurate information to Miami-Dade County which resulted in the wrongful execution of the Zoning Form and Ambar should be deemed ineligible because additional requirements are needed prior to obtaining the affordable housing density boost.

52. Unless the score and ranking are corrected, and the preliminary allocation revised, Petitioner will be excluded from funding and Cannery Row, Las Brisas and potentially Ambar will be awarded Housing Credit funds contrary to the provisions of the RFA and Florida Housing's governing statutes and rules.

53. A correct application of the eligibility, scoring and ranking criteria will result in funding for the Petitioner as a Non-Profit development.

Right to Amend the Petition

54. Petitioner reserves the right to amend this Amended Petition if additional disputed issues of material fact arc identified during the discovery process in this case.

WHEREFORE, pursuant to section 120.57(3), Florida Statutes, and rule 28-110.004, Florida Administrative Code, Petitioner's request the following relief:

a) An opportunity to resolve this protest by mutual agreement within seven days of the filing of this Petition as provided by Section 120.57(3)(d)(1), Florida Statutes.

b) If this protest cannot be resolved within seven days, that the matter be referred to the Division of Administrative Hearings for a formal hearing to be conducted before an Administrative Law Judge ("ALJ") pursuant to Section 120.57(1) and (3), Florida Statutes.

c) The ALJ enter a Recommended Order determining that the Corporation should have deemed Cannery Row’s application ineligible for funding pursuant to the terms of the
RFA and award funding to the Petitioner as the next eligible Non-Profit applicant. Alternatively enter a Recommended Order determining that the Corporation should have deemed the applications of Las Brisas and Ambar ineligible for funding pursuant to the terms of the RFA and award funding to Petitioner as the next eligible Non-Profit applicant.

d) That the Corporation adopt the Recommended Order of the AJJ.

Dated this 28th day of February 2019.

Respectfully Submitted

Maureen M. Daughton, Esq.
FBN 0635805
Maureen McCarthy Daughton, LLC
1725 Capital Circle NE, Ste 304
Tallahassee, Florida 32308

Counsel for AMC HTG 3, LLC

CERTIFICATE OF SERVICE

I CERTIFY that the original of this Formal Written Protest and Petition for Administrative Hearing was filed by electronic mail and U.S. Mail with the Corporation Clerk and Hugh Brown, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, on this 28th day of February 2019.

Maureen M. Daughton
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For 20.8.11: Board Approved Scoring Results
# RFA 2016-111

**Board Approved Preliminary Awards**

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<tr>
<th>Application #</th>
<th>Name of Applicant</th>
<th>Name of Principal Investigator</th>
<th>Name of Respondent</th>
<th>Thru Date</th>
<th>Recurring Amount</th>
<th>Eligibility For Funding Through SBA Combined IDA/IFA?</th>
<th>Qualifier for Non-Interior Project?</th>
<th>Total Value</th>
<th>Predatory Lending Exempt?</th>
<th>For Unit Construction Funding Preference</th>
<th>Employment Category Funding Preference</th>
<th>Development Category Funding Preference</th>
<th>Loan Lending Institution</th>
<th>Subsidy/Concessions</th>
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*Note: All Applicants that qualify for the Geographical Area of Opportunity are required to submit a 60-day project proposal to the Board before award.*

Any Individual Applicant that is not of professional labor interests is subject to review in accordance with Section 115.23(c), 5 U.S.C., Rule 1005.101(b), and 10CFR600. A.A.E. Failure to provide assurance that the proposed project will 2017M2044, that is an individual that is not of professional labor interests is subject to review in accordance with Section 115.23(c), 5 U.S.C., Rule 1005.101(b), and 10CFR600.
Maureen McCarthy Daughton, LLC

Via Hand Delivery and Email

February 6, 2019

Ms. Ana McGlamory (Ana.McGlamory@Floridahousing.org)
Corporation Clerk
Florida Housing Finance Corporation
227 North Bronough, Suite 5000
Tallahassee, Florida 32301

RE: Notice of Intent to Protest, Request for Applications (RFA) 2018-111 Proposed Funding Selections and Scoring

Dear Corporation Clerk:

On behalf of Applicant, AMC HTG 3, L.L.C, Application No. 2019-064C, we hereby give notice of our intent to protest the Award Notice and Scoring and Ranking of RFA 2018-111 posted by Florida Housing Finance Corporation on Feb. 1, 2019 at 9:20 a.m., concerning Housing Credit Financing for Affordable Housing Developments located in Miami-Dade County. (See Attached).

A formal written petition will be submitted within ten (10) days of this Notice as required by law.

Respectfully Submitted,

[Signature]

cc: Hugh Brown, General Counsel

- Exhibit B -
### Board Approved Preliminary Awards

#### Applicants and Woodland, Inc.

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Name of Psychologist</th>
<th>State</th>
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<th>Total Date</th>
<th>Total Amount Funding</th>
<th>Available Funding</th>
<th>Status</th>
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<td>William J. Smith</td>
<td>P</td>
<td>2/10</td>
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#### Non-Profit Applications

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<td>5/5</td>
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<td>J.L. Brown</td>
<td>John L. Brown</td>
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<td>6/6</td>
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<td>Y</td>
<td>V</td>
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### Summary

The Board of Directors of Green Woodland, Inc. approved the following Preliminary Awards and will make the following awards for the indicated period:

- J.B. Smith: $270,000
- J.O. Jones: $1,200,000
- J.R. Williams: $500,000
- J.S. Green: $300,000
- J.L. Brown: $200,000

**Note:** The Board reserves the right to make changes to the awards based on your organization's submission.

---

- [Florida Century, Inc.](https://www.flcentury.com) for further information and details regarding the Preliminary Awards program.

**Guidelines:**

- Applicants must submit a complete application by January 1, 2024.
- Applications must be submitted in accordance with Section 230.50, Florida Statutes, and the guidelines of the Florida Board of Governors.
- Applications must be received by the Board of Governors by January 1, 2024.
- Further information can be found at [Florida Century, Inc.](https://www.flcentury.com).

---

*This document is confidential and should not be distributed or shared without prior approval.*
<table>
<thead>
<tr>
<th>RFA 2018-111 Board Approved Scoring Results</th>
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<tbody>
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## RFA 2013-111 Board Approved Scoring Results

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<th># of Scored</th>
<th># of Funding Opportunities</th>
<th># of in Same-Field Applicants</th>
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## RFA 2013-111 Board Approved Scoring Results

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<th>Name of Applicant</th>
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<th>Funding Requested</th>
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<th>Final Score</th>
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<td>Sickle Cell</td>
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<tr>
<td>1210-102</td>
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<td>1210-102</td>
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### Ineligible Applications

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<th>Name of Development</th>
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<td>Y</td>
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</table>

*Requirement for a total award amount must include a Non-Profit. See application requirements in Section 2.12.1.1.*
**Principal Disclosures for Applicant**

Select the organizational structure for the Applicant entity:

The Applicant is: **Limited Partnership**

Provide the name of the Applicant Limited Partnership:

**Cannery Row at Redlands Crossing, LLP**

### First Principal Disclosure Level:

<table>
<thead>
<tr>
<th>First Level Principal</th>
<th>Select Type of Principal</th>
<th>Enter Name of First Level Principal</th>
<th>Select Organizational Structure of First Level Principal Identified</th>
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<tbody>
<tr>
<td>1. General Partner</td>
<td>Cannery Row Redlands, LLC</td>
<td>Stevan Arko</td>
<td>Limited Liability Company</td>
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<tr>
<td>2. General Partner</td>
<td>Cannery Row Redlands, LLC</td>
<td>Stevan Arko</td>
<td>Limited Liability Company</td>
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</table>

### Second Principal Disclosure Level:

Select the corresponding First Level Principal Entity from the list above for which the Second Level Principal Disclosure is required. Enter the name of the Second Level Principal and the corresponding First Level Principal Entity. Identify any organizational structure associated with the Second Level Principal or other relevant information.

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<th>Second Level Principal</th>
<th>Select Type of Principal</th>
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<tr>
<td>Cannery Row Redlands, LLC</td>
<td>Sole Member</td>
<td>Evangela Housing Trust, Inc.</td>
<td>Non-Profit Corporation</td>
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</table>

### Third Principal Disclosure Level:

Select the corresponding Second Level Principal Entity from above for which the Third Level Principal Disclosure is required. Enter the name of the Third Level Principal and the corresponding Second Level Principal Entity. Identify any organizational structure associated with the Third Level Principal or other relevant information.

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</tr>
<tr>
<td>Evangela Housing Trust, Inc.</td>
<td>Director</td>
<td>Lopez, Antonio</td>
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<tr>
<td>Evangela Housing Trust, Inc.</td>
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<td>Director</td>
<td>Tapiero, AI</td>
<td>Natural Person</td>
</tr>
<tr>
<td>Evangela Housing Trust, Inc.</td>
<td>Director</td>
<td>Robin-Harv, Susan</td>
<td>Natural Person</td>
</tr>
</tbody>
</table>

---

*Exhibit C*
2018 FLORIDA NON PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# N9S00004275
Entity Name: EVERGLADES HOUSING TRUST, INCORPORATED
Current Principal Place of Business:
18308 S.W. 388TH STREET
FLORIDA CITY, FL 33034

Current Mailing Address:
P.O. BOX 345329
FLORIDA CITY, FL 33034

FEIN Number: 65-0353425
Name and Address of Current Registered Agent:
KIRK, STEVEN
18308 SW 388TH ST
FLORIDA CITY, FL 33034 33034

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:
____________________
Electronic Signature of Registered Agent

Officer/Director Detail:

Title: P
Name: KIRK, STEVEN
Address: 18445 OLD CUTLER ROAD
City-State-Zip: PALMETTO BAY, FL 33157

Title: CEO
Name: JENSEN, ROBERT
Address: 18445 OLD CUTLER ROAD
City-State-Zip: PALMETTO BAY, FL 33157

Title: CFO
Name: RUBIO-RIVERA, SUSAN
Address: 27116 S. DKIF HWY
City-State-Zip: NARANJA, FL 33032

Title: VP
Name: SANCHEZ, DIANA
Address: 8235 SW 69TH COURT
City-State-Zip: SOUTH MIAMI, FL 33143

Title: COO
Name: LOPEZ, ARTURO
Address: 778 WEST PALM DRIVE
City-State-Zip: FLORIDA CITY, FL 33034

Title: CMO
Name: VIDA, FADJA
Address: 18308 S.W. 388TH STREET
City-State-Zip: FLORIDA CITY, FL 33034

I certify and declare that I have examined this report and supplemental report in form and contents and that my electronic signature shall have the same legal effect as if made under oath. I will have an officer, secretary or the corporation or its authorized officer empowered to execute this return as required by Chapter 82, Florida Statutes, and that my name appears above, or as an attachment with another like instrument.

SIGNATURE: STEVEN KIRK  PRESIDENT  02/12/2018
Electronic Signature of Signing Officer/Director Detail

- Exhibit A -
## Principal Disclosures for the Developer

How many Developers are part of this Application structure?

1

Select the organizational structure for the Developer(s):

- Non-Profit Corporation

Provide the name of the Developer Non-Profit Corporation:

Rural Neighborhoods, Incorporated

### First Principal Disclosure Level:

<table>
<thead>
<tr>
<th>Principal Development Officer</th>
<th>Select Type of Primary Contact</th>
<th>Enter Name of Primary Contact</th>
<th>Select Organizational Structure of Primary Contact</th>
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<tr>
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<td>2. Officer</td>
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<td>3. Officer</td>
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<td>4. Officer</td>
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<tr>
<td>5. Officer</td>
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<td></td>
</tr>
<tr>
<td>9. Officer</td>
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<td>Natural Person</td>
<td></td>
</tr>
<tr>
<td>10. Director</td>
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</tr>
<tr>
<td>11. Director</td>
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<td></td>
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<tr>
<td>12. Director</td>
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<td>14. Director</td>
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<td>16. Officer</td>
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- **Exhibit E**
2018 FLORIDA NOT FOR PROFIT CORPORATION ANNUAL REPORT

DOCUMENT#: NO1000011995

Entity Name: RURAL NEIGHBORHOODS, INCORPORATED

Current Principal Place of Business:
13445 SW 383RD STREET
FLORIDA CITY, FL 33034

Current Mailing Address:
PO BOX 343529
FLORIDA CITY, FL 33034

FEI Number: 66-1238417

Certificate of Status Desired: Yes

Name and Address of Current Registered Agent:
KIRK, STEVEN
18308 SW 362ND ST
FLORIDA CITY, FL 33034 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Office/Director Detail:

<table>
<thead>
<tr>
<th>Title</th>
<th>Name</th>
<th>Address</th>
<th>City-State-Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>TD</td>
<td>LOPEZ, ARTURO</td>
<td>18445 OLD OILER ROAD</td>
<td>VILLAGE OF PALMETO BAY FL 33157</td>
</tr>
<tr>
<td>AS</td>
<td>VICALE, FABIOLA</td>
<td>18008 SW 380TH ST</td>
<td>FLORIDA CITY FL 33034</td>
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<tr>
<td>DIRECTOR</td>
<td>ALEGRE, PINITA</td>
<td>18529 SW 37TH H LANE</td>
<td>FLORIDA CITY FL 33034</td>
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<tr>
<td>DIRECTOR</td>
<td>JENSEN, ROBERT</td>
<td>18640 SW 295TH TERRACE</td>
<td>HOMESTEAD FL 33030</td>
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<tr>
<td>SD</td>
<td>RUBIO-HERA, SUSAN</td>
<td>27112 S. DIXIE HWY</td>
<td>NARANJA FL 33062</td>
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<tr>
<td>DIRECTOR</td>
<td>GONZALEZ, DIANA</td>
<td>8235 SW BORCAL COURT</td>
<td>SOUTH MIAMI FL 33113</td>
</tr>
<tr>
<td>DIRECTOR</td>
<td>BOREK, MARTHA</td>
<td>19651 SW 147 AVE</td>
<td>MIAMI FL 33187</td>
</tr>
</tbody>
</table>

Continues on page 2

I hereby certify that the information included in this report is true and accurate, and that any statement submitted shall include the name, address, and a copy of the corporate or fiduciary or Trustee's signature. This report is required by Chapter 114, Florida Statutes, and is to be filed with the Secretary of State and to be marketed with the certificate. The name appears above or as an attachment with this certificate. The name appears above or as an attachment with this certificate.

SIGNATURE: STEVEN KIRK

PRESIDENT

Date: 02/12/2018
Officer/Director Detail Continued:

Title: DIRECTOR
Name: POLAK, MATT
Address: 4821 SW 74TH COURT
City-State-Zip: MIAMI FL 33155

Title: DIRECTOR
Name: ECHEVARRIA, FATIMA
Address: 37660 SW 192 PASSAGE
City-State-Zip: FLORIDA CITY FL 33034

Title: DIRECTOR
Name: HAY, JAMES C JR.
Address: 200 EAST LAS OLAS BLVD
Suite 1200 MD IN MIA
City-State-Zip: FT. LAUDERDALE FL 33301

Title: DIRECTOR
Name: TOWNSEL, AL
Address: 1175 NE 12TH STREET, SUITE 410
City-State-Zip: NORTH MIAMI FL 33161

Title: DIRECTOR
Name: McDUGAL, PETER
Address: 1532 TREYING AVENUE
City-State-Zip: CORAL GABLES FL 33134
RURAL NEIGHBORHOODS
(HTTP://WWW.RURALNEIGHBORHOODS.ORG)

Board of Directors

Rural Neighborhoods' board of directors ensures sound governance and clear policies in leading our charitable group in its mission to improve the lives of working families and the rural communities in which they reside. Directors serve without compensation and contribute a wealth of time, talent and commitment. Individual members bring a balance of skills and
best practices learned in business, law, nonprofit organizations, government and the military to each issue and decision. One-third of Rural Neighborhoods board of directors represents the low-income communities we serve.

Chairperson

Robert Jensen
Commander, United States Navy – Retired

Vice Chairperson

Diana Gonzalez
Former Director of Development and Facilities Management
Miami-Dade County, Florida

Treasurer

Arturo Lopez
Executive Director
Coalition of Florida Farmworker Organizations

Secretary

Susan Rubio-Rivera
Executive Director
Mujeres Unidos en Justicia, Educacion, y Reforma

Pinita Alogre
Rimlands Nursery

Martina Borek
President
Toona’s Pride CSA

Tom David
Former Assistant County Manager
Miami-Dade County, Florida
Steven Mainster
Former Executive Director
Centro Campesino-Farmworker Center

David Peyton
President
1st National Bank of South Florida

Matthew Polak, AIA LEED AP
President
R.E. Chishom Architects

Reverend Audrey Warren
Pastor
Branches United Methodist Church

Director Emeritus

Fernando "Chappy" Pro, Jr.

RURAL NEIGHBORHOODS

P.O. Box 343529
Florida City, FL 33034
305.242.2142

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Web Design by Relevanza (http://www.relevanza.com)
October 11, 2018

VIA FEDEX

Mr. Manuel Torrado
City of Miami
Department of Planning and Zoning
444 SW 2nd Avenue/24th Floor
Miami, FL 33130

RE: 2018-111 FLORIDA HOUSING FINANCE CORPORATION LOCAL GOVERNMENT VERIFICATION FORMS for property located at 12th Avenue and NW 36th Street, Miami, Florida to be known as The Ambar (the "Project")

Dear Manny:

This firm represents Ambar3, LLC, in connection with the above-captioned Project. The proposed Project will consist of a one hundred five (105) unit multi-family affordable housing development.

Enclosed please find the following materials:

1. Local Government Verification that Development is Consistent with Zoning and Land Use Regulations.
2. A copy of the verification forms submitted last year by a different developer for the same property. That project was to be known as Serenity Tower.
3. Miami-Dade County Property Appraiser's Information Map Reports.
4. A copy of the Affordable Housing Certification that has been submitted to the Community Development Department for signature. We will supplement the package with the signed form as soon as we receive it from Charles McElhinny.
5. A copy of the survey.
6. A check for $1,000.00 in payment of the City of Miami’s processing fees.

As you may know the FHFC filing deadline is on October 25th. I would appreciate it if you would process the enclosed forms for Devin’s signature as soon as possible.

- Exhibit #7 -

MIAMI • FORT LAUDERVDALE • TAMPA • TALLAHASSEE
Mr. Manuel Torrado  
October 11, 2018  
Page 2

If you have any questions, or require additional information, please let me know immediately.

Sincerely,

[Signature]

Linda Christian-Cruz  
Florida Registered Paralegal

cc: Ms. Elena Adames
FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS
CONSISTENT WITH ZONING AND LAND USE REGULATIONS

Name of Development: The Amber

Development Location: NW 36 Street, SW of the intersection of NW 36 Street and NW 12 Ave., Miami, FL

Number of Units in the Development: 105

The undersigned service provider confirms that, as of the date that this form was signed, the above referenced Development’s proposed number of units, density, and intended use are consistent with current land use regulations and zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use. To the best of my knowledge, there are no hearings or approvals required to obtain the appropriate zoning classification. Assuming compliance with the applicable land use regulations, there are no known conditions that would preclude construction or rehabilitation of the referenced Development on the proposed site.

CERTIFICATION

I certify that the City/County of City of Miami has vested in me the authority to verify (Name of City/County) consistency with local land use regulations and zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a “legally non-conforming use” and I further certify that the foregoing information is true and correct. In addition, if the proposed Development is in the Florida Keys Area as defined in Rule Chapter 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.

Signature: [Signature]

Date Signed: [Date]

Print or Type Name: [Print or Type Name]

Print or Type Title: [Print or Type Title]

This certification must be signed by the applicable City’s or County’s Director of Planning and Zoning, an appointed official (staff) responsible for determinations of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatures. If there are alterations made to this form that change the meaning of this form, the form will not be accepted.

(Form Rev. 8/10)
CITY OF MIAMI
AFFORDABLE HOUSING CERTIFICATION

PROJECT INFORMATION

PROJECT NAME:
AMBAR

APPRAISER/DEVELOPER
NAME:
AMBAR RIVERVIEW, LTD./AMBAR3, LLC

PROJECT ADDRESS:
1250 NW 36 STREET - 1250 NW 36 STREET - 1250 NW 36 STREET - 1250 NW 36 STREET
01=3126-039-0100
01=3126-039-0100
01=3126-039-0100
01=3126-039-0100

PURPOSE OF
CERTIFICATION (CHECK ALL THAT APPLY):

M1.1 AFFORDABLE HOUSING (ARTICLE3 SUBSECTION 3.15.1)
- 0% OF UNITS FOR TENANTS AT OR BELOW 60% AMI
- 0% OF UNITS FOR TENANTS AT OR BELOW 100% AMI IN RESIDENTIAL DENSITY INCREASE AREA
- 0% OF UNITS FOR TENANTS AT OR BELOW 100% AMI IN RESIDENTIAL DENSITY INCREASE AREA
- 0% OF UNITS FOR TENANTS AT OR BELOW 60% AMI & 0% OF UNITS FOR WORKFORCE HOUSING
- 0% OF UNITS FOR TENANTS AT OR BELOW 80% AMI & 0% OF UNITS FOR WORKFORCE HOUSING

M1.1 ATTACHABLE WORKFORCE HOUSING (ARTICLE3 SUBSECTION 3.16.1)
- 0% OF UNITS FOR TENANTS AT OR BELOW 60% AMI AND AT OR BELOW 80% AMI AND 0% OF THE UNITS FOR TENANTS ABOVE 60% AMI AND AT OR BELOW 100% AMI

M1.1 OTHER
- 0% OF UNITS FOR TENANTS AT OR BELOW 60% AMI AND AT OR BELOW 100% AMI

OTHER
- 0% OF UNITS FOR TENANTS AT OR BELOW 60% AMI AND AT OR BELOW 100% AMI

PROJECT DESCRIPTION:
ONE RESIDENTIAL BUILDING CONSISTING OF 105 UNITS, 42 2-BEDROOM/2 BATHS AND 63 1 BEDROOM/1 BATH. THE TOTAL DENSITY IS BASED ON INCREASE ALLOWED DUE TO UNITS MEETING THE DEFINITION OF AFFORDABLE HOUSING. TOTAL SIZE IS 21,018 SF, ZONED T-6-B-C, WHICH ALLOWS FOR UP TO 144 UNITS, BASED ON 300 UNITS PER ACRE WITH DUNA, AND AN ADDITIONAL 12, 152 SF, ZONED T-4-C, WHICH ALLOWS FOR ANOTHER 36 UNITS WITH DUNA.

THE DEVELOPMENT WILL BE FOR ELDERY INDIVIDUALS AND FAMILIES.

AFFORDABLE UNITS AND/OR WORKFORCE UNITS:

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<thead>
<tr>
<th>Unit Size</th>
<th>No. of Units</th>
<th>Median Income %</th>
<th>Adjusted Rent</th>
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<tbody>
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<td>2B</td>
<td>23</td>
<td>68%</td>
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<td>1B</td>
<td>24</td>
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<tr>
<td>1S</td>
<td>18</td>
<td>80%</td>
<td>3,183%</td>
</tr>
<tr>
<td>1D</td>
<td>10</td>
<td>90%</td>
<td>3,367</td>
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Version: 09/11/2013
**Targeted Clientele**
Low-to-Moderate Income
Persons Being Served: Optional
(if applicable)

**Number of Persons:**
(Neighbor, Gender of Persons Served, Race, Age, Income, Education, Employment, Ethnicity, Language, Any Other)

**Number of Persons Assisted—Projected: Up to 2 in 1 Bedroom and 4 in the 2 Bedroom Unit**

**Certification by Developer—Applicant**

**Certification by Community & Economic Development**

**G.A. HUD Income Levels FY 2018 by Number of Bedrooms:**

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Income Range</th>
<th>FY 2018 Income Levels</th>
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<td>40%</td>
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<td>$11,530 - $17,900 - $31,270</td>
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<tr>
<td>50%</td>
<td>Low Income</td>
<td>$27,350 - $31,500 - $33,450</td>
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<tr>
<td>60%</td>
<td>Very Low Income</td>
<td>$33,060 - $35,800 - $32,590</td>
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<tr>
<td>80%</td>
<td>Low Income</td>
<td>$44,100 - $50,400 - $40,700</td>
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<tr>
<td>120%</td>
<td>Moderate</td>
<td>$66,120 - $75,000 - $85,060</td>
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<td>140%</td>
<td>High Income</td>
<td>$77,140 - $88,200 - $99,260</td>
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**Total Project Development Costs:** $33,670,000

**Development Schedule:**
- Commencement of Construction: 09/2019
- 50% Completion: 04/2021
- Completion of Construction: 12/2021
- Lease-Up of Units/Sale of Units: 04/2022

**I hereby certify the information submitted on this application is true, accurate, and complete. I further certify that I have read the entire application and acknowledge building permits issued for this project are conditioned upon compliance with the specifications above.**

**Applicant's Signature:** [Signature]
**Date:** 10/3/19
**Applicant's printed name:** Elena M. Adams

**Contract Compliance Analyst:** Charles McKinnon
**Deputy Director:** Alfredo Dumas

**Date Reviewed:** [Date]

*This application is for Federal Agency approval. If approved, this project will be reviewed with Miami-Dade County's Office of Housing Services. If after 365 days applicant has failed to request a Notice of Determination with the Miami-Dade County Recorder's Office, they shall be treated as having withdrawn the request. Aobbyability verification at any time or Miami-Dade County approval are subject to this project.*

*G.A. Community Development Fund Agency*
### Property Information

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<th>Value</th>
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<td>Property Address</td>
<td>1250 NW 36 ST</td>
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<tr>
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<td>Miami, FL 33142-3554</td>
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<tr>
<td>Owner</td>
<td>3226 INVESTMENT INC</td>
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<tr>
<td>Mailing Address</td>
<td>6830 SW 8 ST</td>
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<tr>
<td></td>
<td>MIAMI, FL 33144-3514</td>
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### Assessment Information

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<tr>
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<td>$365,021</td>
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<th>2019</th>
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Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

### Short Legal Description

WESTEND PARK AND PL FD 6-142
LOTS 22 & 23 BLK 1
LOT SIZE 56.000 X 113
OR 16552-0495 0495 + (G)
OR 21885-4867 01 2204 + 2

### Taxable Value Information

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<td>$248,270</td>
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<td>School Board Exemption Value</td>
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<td>$248,270</td>
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### Sales Information

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Version: 10/1/2018
### Property Information

<table>
<thead>
<tr>
<th>Folio:</th>
<th>01-3126-039-0210</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Address:</td>
<td>1200 NW 35 ST Miami, FL 33142-5564</td>
</tr>
<tr>
<td>Owner</td>
<td>2256 INVESTMENT INC</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>2350 SW 5 ST MIAMI, FL 33144-3514</td>
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<tr>
<td>PA Primary Zone</td>
<td>6150 COMMERCIAL - NEIGHBORHOOD</td>
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<tr>
<td>Primary Land Use</td>
<td>2856 PARKING LOT/MOBILE HOME PARK : PARKING LOT</td>
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<tr>
<td>Beds / Baths / Half</td>
<td>0 / 1 / 0</td>
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<tr>
<td>Floors</td>
<td>0</td>
</tr>
<tr>
<td>Living Units</td>
<td>0</td>
</tr>
<tr>
<td>Actual Area</td>
<td>0 Sq.Ft</td>
</tr>
<tr>
<td>Living Area</td>
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<td>Adjusted Area</td>
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<td>Lot Size</td>
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### Assessment Information

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<th>Year</th>
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<th>2017</th>
<th>2018</th>
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<tbody>
<tr>
<td>Land Value</td>
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<td>$86,444</td>
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<tr>
<td>Building Value</td>
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<td>AF Value</td>
<td>$4,321</td>
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<td>Market Value</td>
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### Benefits Information

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<tbody>
<tr>
<td>Non-Homestead Cap</td>
<td>$30,075</td>
<td>$30,075</td>
<td>$30,075</td>
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</tbody>
</table>

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

### Short Legal Description

WESTEND PARK AND PL PB 4-142
LOT 24 LESS 100 FT FOR RAW BLK 1
LOT SIZE 40,000 X 1 1/3
OR 10366-3488 0494 4 (9)
OR 2-005-4887 01 2001 2

### Taxable Value Information

<table>
<thead>
<tr>
<th>County</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
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</thead>
<tbody>
<tr>
<td>Taxable Value</td>
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<td>71,360</td>
<td>71,444</td>
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### School Board

<table>
<thead>
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<th>2018</th>
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<tr>
<td>Taxable Value</td>
<td>$115,741</td>
<td>$71,160</td>
<td>$71,444</td>
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### City

<table>
<thead>
<tr>
<th>County</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
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<tbody>
<tr>
<td>Taxable Value</td>
<td>578,496</td>
<td>71,360</td>
<td>71,444</td>
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### Regional

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<tbody>
<tr>
<td>Taxable Value</td>
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<td>71,360</td>
<td>71,444</td>
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### Sales Information

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<tr>
<th>Previous</th>
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<td>04/10/1989</td>
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Property Information

Folio: 01-3126-033-0220
Property Address: 1220 NW 96 ST
Miami, FL 33142-5564
Owner: 3228 INVESTMENT INC
Mailing Address: 8300 SW 6 ST
MIAMI, FL 33144-2844
PA Primary Zone: 5100 COMMERCIAL - NEIGHBORHOOD
Primary Land Use: 2663 PARKING LOT/MOBILE HOME PARK : PARKING LOT
Basement / Baths / Half: 0 / 0 / 0
Floors: 0
Living Units: 0
Actual Area: 0 Sq.Ft
Living Area: 0 Sq.Ft
Adjusted Area: 0 Sq.Ft
Lot Size: 4,407 Sq.Ft
Year Built: 0

Assessment Information

Year 2016 2017 2018
Land Value $55,140 $52,584 $52,464
Building Value $0 $0 $0
XF Value $3,720 $3,720 $3,720
Market Value $58,860 $56,313 $56,613
Assessed Value $58,860 $56,313 $56,613

Benefit Information

Benefit Type 2016 2017 2018
Non-Homestead Cap Assessment Reduction $29,585

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

Short Legal Description

WESTERLY PARK AVE PL P3 3'-42
LOT 26 LESS RW BLK 1
LOT SIZE 30,000 X 118
OR 15663-3466 04104 3
GCC 21036-4857 3 2004 2

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Version:
https://www.miamidade.gov/propertysearch/ 10/1/2018
Property Search Application - Miami-Dade County

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 10/1/2018

Property Information

Folio: 01-3126-039-0090

Property Address: 1241 NW 35 ST
Miami, FL 33122-5545

Owner: NELIDA PILOTO & LUIS R PILOTO

Mailing Address: 1821 NW 35 ST
MIAMI, FL 33142-5545

PA Primary Zone: 6107 RESIDENTIAL-MEDIUM RETAIL

Primary Land Use: 0802 MULTIFAMILY 2-9 UNITS: 2 LIVING UNITS

Beds / Baths / Half: 2 / 2 / 0

Floors: 1

Living Units: 2

Actual Area: 1,224 Sq.Ft

Living Area: 1,224 Sq.Ft

Adjusted Area: 1,256 Sq.Ft

Lot Size: 6,125 Sq.Ft

Year Built: 1954

Taxable Information

Year: 2016  2017  2018

County
Exemption Value: $0  $0  $0
Taxable Value: $87,866  $79,879  $72,883

School Board
Exemption Value: $0  $0  $0
Taxable Value: $140,984  $125,904  $125,815

City
Exemption Value: $0  $0  $0
Taxable Value: $67,866  $79,879  $72,883

Regional
Exemption Value: $0  $0  $0
Taxable Value: $87,866  $79,879  $72,883

Benefits Information

Benefit Type: 2016  2017  2018

Non-Homestead Gap: $62,528  $46,028  $52,227

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

Short Legal Description
26 33 41

WESTEND PARK AND PL PR 8-142

LOT 9 BK 1

LOT SIZE 6125 SQUARE FEET

OR 15770-0251 04954

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Version

https://www.miamidade.gov/propertysearch/

10/1/2018
Property Information

Folio: 01-3126-C39-C100

Property Address: 1253 NW 36 ST
Miami, FL 33142-5545

Owner: COASTLINE VENTURES LLC

Mailing Address: 2348 MCDONALD ST
COCONUT GROVE, FL 33134-5135

PA Primary Zone: 8107 RESIDENTIAL-MEDIUM RETAIL

Primary Land Use: 0101 RESIDENTIAL - SINGLE FAMILY: 1 UNIT

Beds / Bathrooms / Half: 2 / 1 / 0

Floors: 1

Living Units: 1

Actual Area: 3,615 sq. ft.

Living Area: 2,785 sq. ft.

Adjusted Area: 2,785 sq. ft.

Lot Size: 6,027 sq. ft.

Year Built: 1925

Assessment Information

Year: 2016 2017 2018

Land Value: $50,270 $38,162 $36,162

Building Value: $1,000 $1,000 $1,000

XF Value: $0

Market Value: $61,270 $37,162 $37,162

Assessed Value: $40,878 $37,162 $37,162

Benefits Information

Benefit: Non-Homestead Cap

Type: Assessment Reduction

2018 2017 2016

$0

$0

$0

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

Short Legal Description

WESTEND PARK AND PT FB 6-142
LOT 10 BLK 1
LOT 822.00 SQUARE FEET
OR 11225-1678 02311 1
GOC 2556-6527 06 023 07

Taxable Value Information

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<tr>
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<tr>
<td>Taxable Value</td>
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<tr>
<td>Exemption Value</td>
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<td>Taxable Value</td>
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<tr>
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<tr>
<td>Taxable Value</td>
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Sale Information

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<td>Sales which are qualified</td>
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</tbody>
</table>

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Version:

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