

September 8, 2022

The Honorable Lauren Poe  
Mayor, City of Gainesville  
City Hall  
200 East University Avenue  
Gainesville, Florida 32601

Dear Mayor Poe:

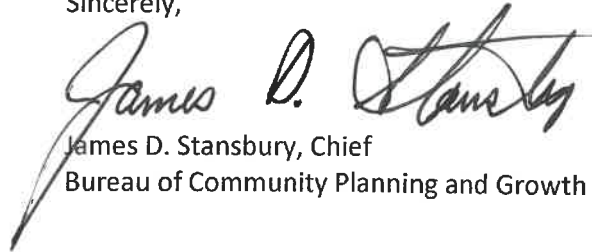
The Department of Economic Opportunity (“Department”) has reviewed the City of Gainesville’s proposed comprehensive plan amendment (Amendment No. 22-03ESR), received on August 11, 2022, pursuant to the expedited state review process in section 163.3184(2) - (3), Florida Statutes (F.S.). We have identified a comment related to adverse impacts to important state resources and facilities within the Department’s authorized scope of review. The Agency’s comment regarding these amendments is attached to this letter.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.
- The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, must be held within 180 days of your receipt of agency comments or the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to section 163.3184(3)(c)1., F.S.
- The adopted amendment must be rendered to the Department. Under section 163.3184(3)(c)2. and 4., F.S., the amendment effective date is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Barbara Powell, Regional Planning Administrator, by telephone at (850) 717-8504 or by email at [barbara.powell@deo.myflorida.com](mailto:barbara.powell@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/ bp

Enclosure(s): Procedures for Adoption

cc: Andrew Persons, Director, City of Gainesville, Sustainable Development  
Scott Koons, Executive Director, North Central Florida Regional Planning Council

**Comment 1:** The proposed amendment is internally inconsistent with the City's comprehensive plan pursuant to section 163.3177 (2), F.S. This inconsistency is of such a manner as to adversely impact the provision of affordable housing for all current and anticipated future residents of the City as required in section 163.3177(6), (f), 3., F.S. Affordable housing is an important state resource. Through the inconsistent planning approach in the City's comprehensive plan, the creation and preservation of this state resource is adversely impacted. The proposed amendment is inconsistent with Housing Element Policies 1.1.5. and 3.1.4. With the inconsistent policies resulting from this amendment, the comprehensive plan does not provide clear principles, guidelines, standards, and strategies that will create and preserve affordable housing within the City. The amendment's contradiction in policies will adversely impact the provision of adequate affordable housing in the City through countervailing planning policies. If adopted, the comprehensive plan will not provide cohesive, clear, meaningful, and predictable planning principles, guidelines, standards, and strategies that reflect, as needed, the creation and preservation of affordable housing. The amendment may endanger the elimination of substandard housing conditions, the provision of adequate sites, and the distribution of housing for a range of incomes and types, including mobile and manufactured homes.

The reliance on this ineffective approach to providing affordable housing in the community is a detriment to the City's overall efforts in this matter. This approach will distract from the City's need to address affordable housing in its comprehensive plan through a directed and focused planning strategy that will provide well-planned access to affordable housing in proximity to employment centers where jobs are available but, in some cases, unfilled because of a lack of accessible affordable housing. The amendment assumes that the allowance of denser development will provide access to affordable housing. However, the scattered location of this denser development is in no way guaranteeing efficient, effective, and directed access to affordable housing. Further, the City's Housing Element Policy 1.1.5 requires the University of Florida (UF) and the private sector be responsible for providing housing for college students. However, data provided by the City indicates that student renters have been the primary beneficiaries of new rental housing built since 2000. Solely increasing the amount of land available for additional density and multifamily housing does not ensure that the ever-increasing student population does not absorb the newly created rental housing rather than providing affordable housing for the City's workforce.

Housing Element Policy 3.1.4. requires the City to help neighborhoods develop plans that address neighborhood character, stability, housing, safety, infrastructure, and historic resources. The City failed to analyze whether the addition of multifamily housing in existing stable neighborhoods is consistent with the plans developed pursuant to the Housing Element policy.

The City did not adequately identify the magnitude of the impact of increasing density from 8 units per acre to 15 units per acre on every parcel currently designated Single-Family. The provision of public facilities such as transportation, schools, potable water, wastewater, stormwater, etc., are connected to the quantity and type of housing. Section 163.3177(3)(a)2., F.S., requires the City's capital improvement element to estimate public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities. Allowing a density of 15 units per acre on numerous scattered parcels across the entirety of the City with no minimum density renders planning for future public facilities challenging. Moreover, increasing density on numerous vacant

lots throughout the City creates the possibility of incremental increases on the needs for services on scattered sites across the City and further complicates planning for public facilities. The proposed plan amendment is not meaningful and predictable as required in section 163.3177(1) F.S.

Section 163.31771, F.S., encourages local governments to adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use if that unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons. The amendment does not address the alternative for addressing affordable housing by allowing accessory units that are affordable, in character, and compatible with single-family uses without the need for construction of denser development that may not be in character.

All the above planning considerations were not addressed with the proposed amendment. The amendment results in a scattered, unplanned, unfocused, and untenable approach to providing affordable housing. This approach may result in fewer opportunities for providing access to affordable housing by strategic properties located near employment opportunities being used for a denser residential use that is still not affordable. Furthermore, the unplanned location of these denser uses throughout the city has made planning for other public facilities, including water, sewer, roads, and schools untenable based on the lack of predictability of the density of the land use.

**Recommendation:** The amendment must be withdrawn while the City continues to consider a sound planning approach to providing access to affordable housing in a manner that will be strategic, and focused, and based upon sound planning principles that will actually provide guaranteed affordable housing that is accessible from the City's employment centers and not in such a careless way that will result in the opposite effect then the purpose it was proposed for.

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit electronically using the Department’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**”

(<https://floridajobs.secure.force.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

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"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.