

GAINESVILLE NEIGHBORHOOD VOICES, INC.

August 15, 2022

Mr. Dane Eagle
Secretary
Florida Department of Economic Opportunity
107 East Madison Street
Caldwell Bldg.
MSC 160 Tallahassee, FL 32399

Re: Transmittal of Comprehensive Plan Amendment under Expedited State Review (DEO Ref. No. Gainesville 22-3ESR) City of Gainesville, Comprehensive Plan Amendment (Ordinance 211357)

Dear Secretary Eagle:

On August 4, 2022, despite overwhelming public opposition, the Gainesville City Commission voted 4-3 to approve a Comprehensive Plan amendment that allows for elimination of single-family zoning city-wide in Gainesville, Florida. The amendment increases the maximum allowable density from 8 to 15 dwelling units per acre. A companion Ordinance (211358) also adopted on a 4-3 vote that specifically addresses zoning classifications, will allow construction of triplexes and quadrplexes on very small lots with only minimal setbacks. Even a less radical version of 211357 was formally opposed by the City's own Historic Preservation Board, Affordable Housing Advisory Committee and City Plan Board. The adopted version was never fully discussed by the City Plan Board, Gainesville's designated Local Planning Agency. 1000 Friends of Florida and a unanimous Alachua County Board of County Commissioners are on record opposing the amendment.

While the nearly 4,000 people who signed petitions in opposition had a variety of reasons for opposing the elimination of single-family zoning, a common theme ran through many expressed opinions: The City's proposal is completely untested, nationally; no one knows what might transpire once this change is implemented, although it will likely be destructive to stable neighborhoods. Making matters more uncertain, the City did not provide credible data, analysis, or modeling of the potential but entirely random changes in land use patterns that might ensue.

Indeed, the City's own consultants, in the only report presented as evidence, and still labeled "Draft, for discussion only" stated, "The City of Gainesville should complete in-depth land use

analyses [plural] to consider the following changes to exclusionary land use controls.” (HR&A DRAFT report, December 2021, p. 55, emphasis added). No such analyses were presented to the City Commission or to the citizens.

We hope you and your agency will give careful consideration to the state and regional resources that will be impacted by this comprehensive plan amendment. Attached to this letter are the following documents:

- 1) Letter to Ray Eubanks, DOE
- 2) Letter to DEP re: water quality and quantity concerns, and potential issues related to state-owned conservation lands
- 3) Letter to DOT re: transportation concerns
- 4) Letter to the Department of State re: historic resources concerns
- 5) Letter to the St. Johns and Suwannee River WMDs re: water quality and quantity concerns
- 6) Letter to North Central Florida Regional Planning Council re: the proposed amendment
- 7) Letter to Alachua County Growth Management re: the proposed amendment
- 8) Letter from 1000 Friends of Florida assessing the proposed amendment
- 9) Letter from Charles Gauthier, FAICP, assessing the proposed amendment

In addition to these documents, we share with you three additional areas of concern: lack of adequate data collection and analysis, housing concerns, and a list of administrative irregularities that surround the passage of this ordinance.

Lack of Adequate Data Collection and Analysis

We believe the City has failed to present sufficient data related to the proposed ordinance. They have not modeled the potential increase in dwelling units that might result from the amendment. Since a significant land area of the City is affected by this change, the number could be staggering. Obviously that calculation will affect infrastructure of every sort including transportation.

Housing Concerns

- a) A primary justification the City has used for this amendment is the positive impact it will have on access to affordable housing, yet they have not provided sound data on the current supply of affordable housing and have not done any modeling about the possible increase in affordable housing the amendment will generate.
- b) The City has not determined how much the local affordability problem has to do with low wages and excessively high utility costs, as compared to a lack of housing units. Most credible evidence suggests that the City’s primary problem is not a lack of housing inventory per se.

- c) Given that Gainesville is a college town with at least 70,000 students attending Santa Fe College and the University of Florida, the City has done no analysis of student housing supply and demand and how it influences access to affordable housing for permanent residents
- d) Because most of the City-identified vacant land is in the central, older part of the City, there will be a disproportionate impact on lower income neighborhoods, historic neighborhoods, and those close to the University of Florida and Santa Fe College.
- e) The City fails to acknowledge that the Gainesville Housing Market Area (HUD, January 2021) includes not just the municipal boundaries but all of Alachua and Gilchrist Counties. Gainesville's challenges cannot be addressed without considering this regional context.
- f) There are glaring inconsistencies between the proposed comprehensive plan amendment and the Housing Element in the existing comprehensive plan. Just to mention two, the following goals are found in the Housing Element:

Goal 3: The City, with the assistance of private and non-profit organizations, shall maintain sound viable neighborhoods and revitalize those that have suffered disrepair and neglect.

Goal 4: Ensure housing development does not negatively affect the Gainesville environment.

Administrative Irregularities

- a) We question the validity of the vote taken on Ordinance 211357 because there were two alternative ordinances provided in the August 4 meeting back-up when the vote was taken. The wording of the ordinance was never made clear.
- b) Public comment was held at the beginning of the August 4 meeting, after the staff presentation. The public did not have the opportunity to comment on each of the three complex ordinances after motions were made and before the votes. This was particularly important given there were 3 alternative ordinances considered for 211357, and two alternative ordinances considered for both 211358 and 2111359.
- c) Instructions about public comment at the August 4 meeting included on the posted legistar agenda were inconsistent with the notice on the City's website. The agenda suggested that public comment would be allowed on each ordinance.
- d) Two times were advertised for the August 4 meeting. The advertisement that appeared in the Gainesville Sun on 20 July stated the meeting was to be held at 5:00 pm. The agenda posted on the City's legistar site, and the notice on the City's website listed the meeting time at 5:30.
- e) The 4 August agenda was only posted on the legistar site on 29 July, just 6 days in advance. Commissioner Saco's proposed amendment only appeared on Aug 3. When a member of the public attempted to get a copy of the ordinances at the City Clerk's office on July 20, the day they were advertised in the Gainesville Sun, accurate copies were not available.

- f) There were a number of specifics in the three ordinances that were been adopted on August 4 that were never discussed or acted upon by the City Plan Board, ignoring the legal requirement for participation by the Local Land Planning Agency.
- g) An inaccurate advertisement for Ordinance 211359 in the Gainesville Sun on 18 July. A corrected version was posted on 20 July. That advertisement said the Ordinance was to be heard at 10:00 am. It was instead heard in the 5:30 session, rendering the 20 July advertisement inaccurate.

We believe it is important that your agency give this completely untested proposal an extremely thorough review, considering both its impacts on State resources under your supervision and, importantly, the precedent this proposal will set state-wide.

Thank you for your most scrupulous consideration.

With best personal regards,



Casey Fitzgerald
President, Gainesville Neighborhood Voices, Inc.
gmv.voices@gmail.com
386-937-0528

Cc:

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Chuck Clemons, Florida Representative District 21
Ray Eubanks, DEO, Division of Community Planning and Development
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Jane West, Esq., 1000 Friends of Florida
Charles Gauthier, FAICP
Ralf Brookes, Esq.
Suzanne McGuire, Aide to Senator Perry

Anthony Serge, Aide to Senator Perry
Mike Murtha, Aide to Representative Clemons
Robin Steele, Aide to Representative Clemons
Meredith Ivey, Department of Economic Opportunity
John Schrader, Department of Economic Opportunity

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Ray Eubanks
Plan Processing Administrator
Florida Department of Economic Opportunity
Division of Community Planning and Development
107 East Madison Street, Caldwell Bldg, MSC 160
Tallahassee, FL 32399

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Dear Mr. Eubanks:

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analyses [plural] to consider the following changes to exclusionary land use controls.” (HR&A DRAFT report, December 2021, p. 55, emphasis added). No such analyses were presented to the City Commission or to the citizens.

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Plan Review

Florida Department of Environmental Protection

Office of Intergovernmental Programs

3900 Commonwealth Blvd., MS 47

Tallahassee, FL 32399-2400

Plan.review@floridadep.gov

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Indeed, the City's own consultants, in the only report presented as evidence, and still labeled "Draft, for discussion only" stated, "The City of Gainesville should complete in-depth land use analyses [plural] to consider the following changes to exclusionary land use controls." (HR&A

DRAFT report, December 2021, p. 55, emphasis added). No such analyses were presented to the City Commission or to the citizens.

The City delivered a 580 page document dated August 6, 2022 in support of the proposed land use change, from single family residential to neighborhood residential. The City stated on page 118 of 580 that the proposed land use change is “not expected to have an adverse impact [on] street, drainage, [or] flood control services currently provided by the City.” The City does not provide technical information to support this claim. The City also stated on page 118 that the City “currently charges a stormwater management utility fee. Any increase in impervious surfaces, without onsite mitigation, in accordance with ordinances, policies and regulations in effect at that time, will cause the stormwater management utility fee to be charged for the area that increases the total impervious surface.” The City did not determine whether the present stormwater utility fee structure is sufficient to fund infrastructure improvements necessary to manage additional stormwater associated with increases in impervious areas, caused by the proposed land use change.

Several complex stormwater management systems and policies that affect **water quality** exist in Gainesville, which may be adversely impacted by the proposed land use change. We briefly detail the following three systems or policies:

- The State of Florida environmental resource permit program regulates activities that alter surface water flows, including new activities that generate stormwater runoff. The State of Florida requires specific technical analyses to issue a permit. Typically, these permits are issued for specific projects. Some communities develop stormwater management plans to better understand infrastructure needs associated with future development. Stormwater management plans typically include both water quantity and water quality elements. The City of Gainesville has not assessed water quality issues associated with the proposed replacement of single-family land use with neighborhood residential land use, by quantifying pollutant loads to Gainesville’s creeks and the Floridan aquifer system. Consequently, the City of Gainesville does not possess projections necessary to plan for future infrastructure needs, such as regional stormwater management facilities in the Hogtown Creek watershed, similar to Depot Park or the Sweetwater Wetlands Park. The City has not ensured that proper and adequate stormwater management facilities are provided to meet future needs, as required by objective 1.3 of the comprehensive plan.
- About two thirds of the City of Gainesville’s stormwater and associated pollutants drains through the Hogtown Creek watershed to Haile Sink. Stormwater and pollutants in Haile Sink drain into the Floridan aquifer. Haile Sink is located in the Split Rock

Conservation Area, outside the city limits, in unincorporated Alachua County. United States Geological Survey potentiometric surface maps of the Upper Floridan aquifer show that groundwater in the Upper Floridan aquifer near Haile Sink may flow to the north, toward the Santa Fe River; or to the northeast, toward Gainesville Regional Utilities drinking water supply wells. These maps are at a regional scale, and not sufficient to determine precise groundwater flow paths. Karst geology in the Floridan aquifer system contains hyperconductive groundwater flow conduits that can transport groundwater and pollutants miles or tens of miles. Several ecologically sensitive springs—protected by Florida law—are located on or near the Santa Fe River, near Gainesville. Objectives 1.6 and 1.8 of the comprehensive plan require effective groundwater recharge. The City of Gainesville has not conducted sufficient investigations to determine whether an increase in land use density constitutes effective groundwater recharge, or whether the proposed density will pollute the Floridan aquifer system, the City water supply, or ecologically sensitive springs protected by Florida law.

- Part of the City of Gainesville wastewater collection network consists of old pipes aligned with major creeks, such as Hogtown Creek and Possum Creek. Creeks align with topographic minima; the City of Gainesville wastewater collection network drains wastewater by gravity along these topographic minima. Historically, at some locations, the City of Gainesville wastewater collection network leaked wastewater into major creeks. These creeks drain to the Floridan aquifer. The proposed increase in land use density will generate more wastewater. Objective 1.7 of the comprehensive plan requires the preservation and protection of existing drainage features. The City of Gainesville has not conducted sufficient investigations to determine the proposed land use will harm drainage features, including creeks, or whether the wastewater collection network can convey more wastewater, without leaking wastewater into major creeks and the Floridan aquifer.

As with the water quality issues described above, several complex stormwater management systems and policies that affect **water quantity**, may be adversely impacted by the proposed land use change. We briefly detail the following four systems or policies:

- The Florida Department of Transportation constructed sediment sumps in Hogtown Creek, near the intersection of State Road 121 (northwest 34th Street) and State Road 26 (University Avenue). The Department periodically removes sediment, transported in Hogtown Creek by episodic stormwater flows that are greater than historic flows that would have occurred in the absence of development. These sumps are expensive to operate. These sumps are also necessary to ensure that sedimentation creates neither a flood hazard nor a transportation safety hazard at these state roads. The proposed land

use change from single-family residential to neighborhood residential will generate more stormwater. In apparent conformance with comprehensive plan policy 1.2.1, the City of Gainesville has prepared master stormwater basin plans. However, these plans are incomplete and do not fully satisfy the details required by policy 1.2.1, with respect to the effect of the proposed land use change on the sump; specifically, the City has not fully quantified the potential for infill development; the efficacy of this regional stormwater sedimentation basin to operate as intended; or an assessment of this stormwater sedimentation management facility with regard to deficiencies in storage and rate capacity. In addition, objective 1.6 of the comprehensive plan requires that the City coordinate with other agencies to protect and preserve the quality of discharges from stormwater management facilities to natural surface waters and aquifers. The City has not worked with the Florida Department of Transportation to protect and preserve the quality of discharges from this facility to Hogtown Creek, Haile Sink, or the Floridan aquifer.

- In 2017, Hurricane Irma flooded several homes along Hogtown Creek, in Florida Park and Mason Manor. A levee in Florida Park failed during Hurricane Irma. The failed levee caused several homes to flood. Following Hurricane Irma, the City of Gainesville spent several hundred thousand dollars to assess flood hazards in Florida Park, Mason Manor, and elsewhere in the Hogtown Creek watershed. The City began a process to better understand the failed levee; and possible, eventual Federal certification of a re-built levee. Objective 1.2 of the comprehensive plan requires that the City address existing deficiencies and identified needs associated with encroachment of existing developed areas in the 100-year floodplain. The 100-year floodplain is an area inundated by a flood with a one-percent chance of being exceeded in any given year. The City has tools to quantify the effect of the proposed land use change on the 100-year floodplain; however, the City has not used these tools to quantify this effect. Federal levee certification requires coordination with the United States Army Corps of Engineers. The city has not coordinated with the Corps to determine the effect of the proposed land use change on this levee.
- Comprehensive plan policy 1.3.1 requires that the City assess, as needed, the performance of design standards and stormwater management projects with regard to maintaining and/or reducing the elevation of the 10-year flood channel and 100-year floodplain. Policy 1.3.1 explicitly directs the City to conduct as needed assessments where elevations indicate inundation of existing developed areas, such as Mason Manor and Florida Park. Policy 1.3.1 further requires that if the assessment indicates that the flood potential will increase, new development be restricted until such time as

additional standards are implemented and/or stormwater management improvements are provided to meet the impact of such development. The City has not assessed, as needed, the performance of design standards or stormwater management facilities with regard to maintaining and/or reducing the elevation of the 10-year flood channel or the 100-year floodplain, associated with this proposed land use change. Because the assessment was not done, the City cannot articulate the effect of the proposed land use change on inundation of existing developed areas, or determine whether flood potential will increase.

- Comprehensive plan policy 1.3.5 requires that the City coordinate with Alachua County and other governmental entities to maintain the existing capacity and function of shared watersheds at or below the 10-year flood channel and 100-year floodplain, as established on the most recent Flood Insurance Rate Map of the Federal Emergency Management Agency, or as established by a local study that uses FEMA-approved analyses and that is reviewed and approved by the City of Gainesville Public Works Department. The City has not coordinated with Alachua County or other governmental entities to show that the proposed land use change will maintain the existing capacity and function of shared watersheds at or below the 10-year flood channel and 100-year floodplain.

Several additional complex stormwater management systems and policies also exist in Gainesville, which may be adversely impacted by the proposed land use change. The seven systems or policies that we detail above are sufficient for other governmental entities to require further technical support for the proposed land use change.

In addressing the proposed amendment's environmental impacts, the City of Gainesville asserts "The proposed land use amendment is not expected to have an adverse impact on the environment. Studies show that density reduces the energy required to build, operate, and service residential units by consolidating resources such as roads, public transportation, street lighting, water pipes, and sewage treatment, thus increasing the efficiency of these resources. Furthermore, small-scale multifamily development helps reduce housing carbon footprint. Studies show that single family homes require more energy with higher cost for heating, cooling, and water heating as compared to smaller scaled multi-family development. Lastly, by requiring a smaller land footprint, small scale multi-family development helps preserve open space and natural amenities as well as helping reduce sprawl and inefficient development." (City submittal, p, 84)

These assertions are overly broad and do not take into account Gainesville's 150 years of increasingly suburban settlement, which is spread over 64 square miles, with three primary watersheds within two different water management districts.

In addition, the Mayor has paradoxically repeatedly said that either 1) the City cannot predict where future development will occur or, in opposition, that 2) new small multi-family housing will be built primarily in northwest Gainesville.

If the former prediction is accurate, development will occur in random, developer-driven locations. It is as likely there will be increased car trips and therefore an *increase* in the City's carbon footprint. Infrastructure—much of it over 100 years old--will be stressed in unknowable ways, and open space and natural amenities within established neighborhoods will be eliminated in favor of buildings and other impermeable surfaces.

If the latter prediction is accurate, new multi-family housing will be built primarily in suburban northwest Gainesville. This area is not located close to job centers or shopping, and it is very poorly served by public transit. Therefore, car trips and the City's carbon footprint will unquestionably expand. This area straddles the Hogtown Creek watershed, so stormwater runoff and wastewater spills into the already compromised creek system will increase, and the City's urban habitats will be fragmented.

Finally, with regard to important state resources, the City of Gainesville failed to evaluate potential impacts from elevated pollution levels associated with increased stormwater runoff into Paynes Prairie Preserve State Park, San Felasco Hammock State Preserve, Devil's Millhopper Geological State Park and into Florida's most important natural resource - the Floridan Aquifer - that serves as the drinking water source for over 90% of Florida's citizens.

We believe it is important that your agency give this completely untested proposal an extremely thorough review, considering both its impacts on State resources under your supervision and, importantly, the precedent this proposal will set state-wide.

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Brian Austin
Transportation Planner
FDOT District Two
Jacksonville Urban Office
2198 Edison Avenue MS 2806
Jacksonville, Florida 32204
Office: (904) 360-5664
brian.austin@dot.state.fl.us

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Indeed, the City's own consultants, in the only report presented as evidence, and still labeled "Draft, for discussion only" stated, "The City of Gainesville should complete in-depth land use analyses [plural] to consider the following changes to exclusionary land use controls." (HR&A DRAFT report, December 2021, p. 55, emphasis added). No such analyses were presented to the City Commission or to the citizens.

The City delivered a 580-page document dated August 6, 2022 in support of the proposed land use change, from single family residential to neighborhood residential. The City stated on page 117 of 580 that the City does "not reasonably [expect] traffic circulation to be negatively impacted as a result of the adoption of the proposed amendments ... The City's current transportation facilities are regulated [within] Transportation Mobility Program Areas (TMPA). New developments are required to mitigate... transportation needs by meeting requirements [in] each TMPA ... and paying ... appropriate fees ... TMPA funds associated with each development [ensure] adequate transportation facilities ..." The City did not determine additional transportation needs or whether the TMPA fee structure is sufficient to fund transportation improvements necessary to manage additional transportation system demands, caused by the proposed land use change.

Several complex transportation systems and policies exist in Gainesville, which may be adversely impacted by the proposed land use change. We briefly detail the following four systems or policies:

- The City of Gainesville is a member of the Metropolitan Transportation Planning Organization (MTPO) for the Gainesville Urbanized Area. The MTPO is responsible for the continuing, comprehensive, and cooperative urban transportation planning program for the Gainesville Metropolitan Area. This planning program is required in order to receive Federal and State funds for transportation projects. The City did not provide documentation that the City coordinated with the MTPO on the proposed land use change. The City did not provide documentation that the MTPO concurs with the proposed land use change.
- The MTPO maintains a sophisticated computer model of the Gainesville urbanized area. The MTPO can use this model to predict future transportation needs associated with the proposed land use change. The City of Gainesville maintains sophisticated computer models of the Gainesville stormwater drainage network of creeks, storm drains, wetlands, ponds, culverts, and other water conveyance and storage features. The City can use this model to predict future stormwater flows associated with the proposed land use change, and the possible adverse impact of these future flows on roadway flooding.

The City has not used these models to quantify the effect of the proposed land use change on the transportation system.

- Comprehensive plan policy 10.6.1 requires that “[p]arking in excess of that required by the Land Development Code shall be prohibited within the TMPA.” The proposed neighborhood residential land use specifically limits off-street parking to two parking spots in front of a building, between the right of way and front building facade. Additional parking spaces may be located in the rear (proposed section 30-5.20 paragraph D on page 89 of 580). The City did not conduct a sufficient parking study to justify the proposed land use change. The City discussed traffic circulation in their summary, on page 117, but fails to detail parking needs. The City submitted several general studies of the elimination of exclusionary zoning, relevant to cities other than Gainesville—such as a study related to the elimination of exclusionary zoning in New York City. The City of Gainesville submitted these studies in support of the proposed land use change in Gainesville. The City included these studies in the report, beginning on page 324 of 580. Several of these studies of other communities acknowledge challenges with parking associated with elimination of exclusionary zoning. Andrew Persons, AICP, LEED GA, Interim Director, Department of Sustainable Development, City of Gainesville, acknowledged in an August 6 town hall workshop at the Mt. Pleasant United Methodist Church the proposed land use change will require on-street parking. The City has not determined whether the proposed land use change will adversely impact the transportation system by overloading secondary and tertiary streets with on-street parking, in a manner that will not permit the safe passage of other vehicles, pedestrians, bicyclists, people riding motorized scooters, or emergency vehicles.
- The Florida Department of Transportation constructed sediment sumps in Hogtown Creek, near the intersection of State Road 121 (northwest 34th Street) and State Road 26 (University Avenue). The Department periodically removes sediment, transported in Hogtown Creek by episodic stormwater flows, which are greater than historic flows that would have occurred in the absence of development. These sumps are expensive to operate. These sumps are also necessary to ensure that sedimentation does not create a transportation safety hazard or undermine bridges and other infrastructure at these state roads. The proposed land use change will generate more stormwater. In apparent conformance with comprehensive plan policy 1.2.1, the City of Gainesville has prepared master stormwater basin plans. However, these plans are incomplete and do not fully satisfy the details required by policy 1.2.1, with respect to the effect of the proposed land use change on the sump; specifically, the City has not fully quantified the potential for infill development; the efficacy of this regional stormwater sedimentation basin to

operate as intended; or an assessment of this stormwater sedimentation management facility with regard to deficiencies in storage and rate capacity. In addition, objective 1.6 of the comprehensive plan requires that the City coordinate with other agencies to protect and preserve the quality of discharges from stormwater management facilities to natural surface waters and aquifers. The City has not worked with the Florida Department of Transportation to protect and preserve the quality of discharges from this facility to Hogtown Creek, Haile Sink, or the Floridan aquifer.

Several additional complex transportation systems and policies also exist in Gainesville, which may be adversely impacted by the proposed land use change. For example, several issues associated with water quality and water quantity detailed in the associated letter to the St. Johns River Water Management District may also adversely impact flooding of state roads. The four systems or policies detailed above are sufficient for other governmental entities to require further technical support for the proposed land use change.

We believe it is important that your agency give this completely untested proposal an extremely thorough review, considering both its impacts on State resources under your supervision and, importantly, the precedent this proposal will set state-wide.

Thank you for your most scrupulous consideration.

With best personal regards,



Casey Fitzgerald
President, Gainesville Neighborhood Voices, Inc.
gnv.voices@gmail.com
386-937-0528

Cc:

Keith Perry, Florida Senator District 8
Chuck Clemons, Florida Representative District 21
Dane Eagle, Secretary, Department of Economic Opportunity
Ray Eubanks, DEO, Division of Community Planning and Development
Scott Koons, North Central Florida Regional Planning Council
Marihelen Wheeler, Chair, Alachua County Commission
Ben Chumley, Alachua County Commission, Growth Management,

GAINESVILLE NEIGHBORHOOD VOICES, INC.

August 15, 2022

Jennifer Tobias
Historic Preservationist
Compliance and Review Section
Florida Department of State
Bureau of Historic Resources
R.A. Gray Bldg., Room 423
500 South Bronough Street
Tallahassee, FL 32399—0250
CompliancePermits@dos.myflorida.com

Re: Transmittal of Comprehensive Plan Amendment under Expedited State Review (DEO Ref. No. Gainesville 22-3ESR) City of Gainesville, Comprehensive Plan Amendment (Ordinance 211357)

Dear Ms. Tobias:

On August 4, 2022, despite overwhelming public opposition, the Gainesville City Commission voted 4-3 to approve a Comprehensive Plan amendment that allows for elimination of single-family zoning city-wide in Gainesville, Florida. The amendment increases the maximum allowable density from 8 to 15 dwelling units per acre. A companion Ordinance (211358) also adopted on a 4-3 vote that specifically addresses zoning classifications, will allow construction of triplexes and quadraplexes on very small lots with only minimal setbacks. Even a less radical version of 211357 was formally opposed by the City's own Historic Preservation Board, Affordable Housing Advisory Committee and City Plan Board. The adopted version was never fully discussed by the City Plan Board, Gainesville's designated Local Planning Agency. 1000 Friends of Florida and a unanimous Alachua County Board of County Commissioners are on record opposing the amendment.

While the nearly 4,000 people who signed petitions in opposition had a variety of reasons for opposing the elimination of single-family zoning, a common theme ran through many expressed opinions: The City's proposal is completely untested, nationally; no one knows what might transpire once this change is implemented, although it will likely be destructive to stable neighborhoods. Making matters more uncertain, the City did not provide credible data,

analysis, or modeling of the potential but entirely random changes in land use patterns that might ensue.

Indeed, the City's own consultants, in the only report presented as evidence, and still labeled "Draft, for discussion only" stated, "The City of Gainesville should complete in-depth land use analyses [plural] to consider the following changes to exclusionary land use controls." (HR&A DRAFT report, December 2021, p. 55, emphasis added). No such analyses were presented to the City Commission or to the citizens.

We hope you and your agency will give careful consideration to Gainesville's historic resources of national and state significance that will be impacted by the City's transmitted comprehensive plan amendment. Should the proposal be adopted it has the potential to alter the character of single-family neighborhoods designated as historic districts, and individual structures that have been used and appreciated in the context of a single-family neighborhood. The addition of multi-family housing and the increase in allowable density could well change the spatial rhythm of the streets, building setbacks, traditional architectural detailing, colors and finishes, and the presence of shade trees that add to the urban context Gainesville is known for. The specific districts and structures of concern are appended to this letter.

Of particular concern are African American neighborhoods that are close to the University of Florida. Already these neighborhoods have been severely impacted by gentrification, mostly to accommodate student housing. One of these neighborhoods, Pleasant Street, was the State's first predominantly African-American neighborhood to be added to the National Register. Other highly vulnerable African-American neighborhoods include Fifth Avenue, Porters Quarters, Springhill and Sugarhill.

The Historic Preservation Element of the City's existing comprehensive plan, contains the following objectives and policies that are inconsistent with the City's proposed comprehensive plan amendment:

Goal 1 – Preserve, protect, enhance and support the historic, archaeological and cultural resources within the City of Gainesville.

Objective 1.3 The City shall reduce the number of historic resources in need of stabilization and rehabilitation on an annual basis.

Policy 1.3.1 The City shall continue to study and, where necessary, amend its land development regulations to include incentives that encourage historic preservation.

Policy 1.3.4 The City shall continue to ensure enforcement of the Historic Preservation/Conservation Ordinance which is adopted in the Land Development Code.

Policy 1.3.5 The City shall prepare a conservation district overlay ordinance and identify distinctive neighborhoods in Gainesville for inclusion. The conservation overlay shall seek to preserve those neighborhoods from significant alternations of architectural features through adoption and implementation of policies to be placed in the Land Development Regulations.

We believe it is important that your agency give this completely untested proposal an extremely thorough review, considering both its impacts on State resources under your supervision and, importantly, the precedent this proposal will set state-wide.

Thank you for your most scrupulous consideration.

With best personal regards,



Casey Fitzgerald
President, Gainesville Neighborhood Voices, Inc.
gnv.voices@gmail.com
386-937-0528

Cc:

Keith Perry, Florida Senator District 8
Chuck Clemons, Florida Representative District 21
Dane Eagle, Secretary, Department of Economic Opportunity
Ray Eubanks, Florida DEO, Division of Community Planning and Development
Scott Koons, Northeast Florida Regional Planning Council
Marihelen Wheeler, Chair, Alachua County Commission
Ben Chumley, Alachua County, Growth Management

Attachments:

Letter to Secretary Dane Eagle, Department of Economic Opportunity
Letter to City of Gainesville from 1000 Friends of Florida
Letter to City of Gainesville from Charles Gauthier, FAICP
List of Federally Designated Districts and Places Threatened by the City of Gainesville's
Proposed Comprehensive Plan Amendment

GAINESVILLE NEIGHBORHOOD VOICES, INC.

August 15, 2022

Steven Fitzgibbons, AICP
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Ben Glass
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Re: Transmittal of Comprehensive Plan Amendment under Expedited State Review (DEO Ref. No. Gainesville 22-3ESR) City of Gainesville, Comprehensive Plan Amendment (Ordinance 211357)

Dear Mr. Fitzgibbons and Mr. Glass:

On August 4, 2022, despite overwhelming public opposition, the Gainesville City Commission voted 4-3 to approve a Comprehensive Plan amendment that allows for elimination of single-family zoning city-wide in Gainesville, Florida. The amendment increases the maximum allowable density from 8 to 15 dwelling units per acre. A companion Ordinance (211358) also adopted on a 4-3 vote that specifically addresses zoning classifications, will allow construction of triplexes and quadraplexes on very small lots with only minimal setbacks. Even a less radical version of 211357 was formally opposed by the City's own Historic Preservation Board, Affordable Housing Advisory Committee and City Plan Board. The adopted version was never fully discussed by the City Plan Board, Gainesville's designated Local Planning Agency. 1000 Friends of Florida and a unanimous Alachua County Board of County Commissioners are on record opposing the amendment.

While the nearly 4,000 people who signed petitions in opposition had a variety of reasons for opposing the elimination of single-family zoning, a common theme ran through many expressed opinions: The City's proposal is completely untested, nationally; no one knows what

might transpire once this change is implemented, although it will likely be destructive to stable neighborhoods. Making matters more uncertain, the City did not provide credible data, analysis, or modeling of the potential but entirely random changes in land use patterns that might ensue.

Indeed, the City's own consultants, in the only report presented as evidence, and still labeled "Draft, for discussion only" stated, "The City of Gainesville should complete in-depth land use analyses [plural] to consider the following changes to exclusionary land use controls." (HR&A DRAFT report, December 2021, p. 55, emphasis added). No such analyses were presented to the City Commission or to the citizens.

The City delivered a 580 page document dated August 6, 2022 in support of the proposed land use change, from single family residential to neighborhood residential. The City stated on page 118 of 580 that the proposed land use change is "not expected to have an adverse impact [on] street, drainage, [or] flood control services currently provided by the City." The City does not provide technical information to support this claim. The City also stated on page 118 that the City "currently charges a stormwater management utility fee. Any increase in impervious surfaces, without onsite mitigation, in accordance with ordinances, policies and regulations in effect at that time, will cause the stormwater management utility fee to be charged for the area that increases the total impervious surface." The City did not determine whether the present stormwater utility fee structure is sufficient to fund infrastructure improvements necessary to manage additional stormwater associated with increases in impervious areas, caused by the proposed land use change.

Several complex stormwater management systems and policies that affect **water quality** exist in Gainesville, which may be adversely impacted by the proposed land use change. We briefly detail the following three systems or policies:

- The State of Florida environmental resource permit program regulates activities that alter surface water flows, including new activities that generate stormwater runoff. The State of Florida requires specific technical analyses to issue a permit. Typically, these permits are issued for specific projects. Some communities develop stormwater management plans to better understand infrastructure needs associated with future development. Stormwater management plans typically include both water quantity and water quality elements. The City of Gainesville has not assessed water quality issues associated with the proposed replacement of single-family land use with neighborhood residential land use, by quantifying pollutant loads to Gainesville's creeks and the Floridan aquifer system. Consequently, the City of Gainesville does not possess projections necessary to plan for future infrastructure needs, such as regional

stormwater management facilities in the Hogtown Creek watershed, similar to Depot Park or the Sweetwater Wetlands Park. The City has not ensured that proper and adequate stormwater management facilities are provided to meet future needs, as required by objective 1.3 of the comprehensive plan.

- About two thirds of the City of Gainesville’s stormwater and associated pollutants drains through the Hogtown Creek watershed to Haile Sink. Stormwater and pollutants in Haile Sink drain into the Floridan aquifer. Haile Sink is located in the Split Rock Conservation Area, outside the city limits, in unincorporated Alachua County. United States Geological Survey potentiometric surface maps of the Upper Floridan aquifer show that groundwater in the Upper Floridan aquifer near Haile Sink may flow to the north, toward the Santa Fe River; or to the northeast, toward Gainesville Regional Utilities drinking water supply wells. These maps are at a regional scale, and not sufficient to determine precise groundwater flow paths. Karst geology in the Floridan aquifer system contains hyperconductive groundwater flow conduits that can transport groundwater and pollutants miles or tens of miles. Several ecologically sensitive springs—protected by Florida law—are located on or near the Santa Fe River, near Gainesville. Objectives 1.6 and 1.8 of the comprehensive plan require effective groundwater recharge. The City of Gainesville has not conducted sufficient investigations to determine whether an increase in land use density constitutes effective groundwater recharge, or whether the proposed density will pollute the Floridan aquifer system, the City water supply, or ecologically sensitive springs protected by Florida law.
- Part of the City of Gainesville wastewater collection network consists of old pipes aligned with major creeks, such as Hogtown Creek and Possum Creek. Creeks align with topographic minima; the City of Gainesville wastewater collection network drains wastewater by gravity along these topographic minima. Historically, at some locations, the City of Gainesville wastewater collection network leaked wastewater into major creeks. These creeks drain to the Floridan aquifer. The proposed increase in land use density will generate more wastewater. Objective 1.7 of the comprehensive plan requires the preservation and protection of existing drainage features. The City of Gainesville has not conducted sufficient investigations to determine the proposed land use will harm drainage features, including creeks, or whether the wastewater collection network can convey more wastewater, without leaking wastewater into major creeks and the Floridan aquifer.

As with the water quality issues described above, several complex stormwater management systems and policies that affect **water quantity**, may be adversely impacted by the proposed land use change. We briefly detail the following four systems or policies:

- The Florida Department of Transportation constructed sediment sumps in Hogtown Creek, near the intersection of State Road 121 (northwest 34th Street) and State Road 26 (University Avenue). The Department periodically removes sediment, transported in Hogtown Creek by episodic stormwater flows that are greater than historic flows that would have occurred in the absence of development. These sumps are expensive to operate. These sumps are also necessary to ensure that sedimentation creates neither a flood hazard nor a transportation safety hazard at these state roads. The proposed land use change from single-family residential to neighborhood residential will generate more stormwater. In apparent conformance with comprehensive plan policy 1.2.1, the City of Gainesville has prepared master stormwater basin plans. However, these plans are incomplete and do not fully satisfy the details required by policy 1.2.1, with respect to the effect of the proposed land use change on the sump; specifically, the City has not fully quantified the potential for infill development; the efficacy of this regional stormwater sedimentation basin to operate as intended; or an assessment of this stormwater sedimentation management facility with regard to deficiencies in storage and rate capacity. In addition, objective 1.6 of the comprehensive plan requires that the City coordinate with other agencies to protect and preserve the quality of discharges from stormwater management facilities to natural surface waters and aquifers. The City has not worked with the Florida Department of Transportation to protect and preserve the quality of discharges from this facility to Hogtown Creek, Haile Sink, or the Floridan aquifer.
- In 2017, Hurricane Irma flooded several homes along Hogtown Creek, in Florida Park and Mason Manor. A levee in Florida Park failed during Hurricane Irma. The failed levee caused several homes to flood. Following Hurricane Irma, the City of Gainesville spent several hundred thousand dollars to assess flood hazards in Florida Park, Mason Manor, and elsewhere in the Hogtown Creek watershed. The City began a process to better understand the failed levee; and possible, eventual Federal certification of a re-built levee. Objective 1.2 of the comprehensive plan requires that the City address existing deficiencies and identified needs associated with encroachment of existing developed areas in the 100-year floodplain. The 100-year floodplain is an area inundated by a flood with a one-percent chance of being exceeded in any given year. The City has tools to quantify the effect of the proposed land use change on the 100-year floodplain; however, the City has not used these tools to quantify this effect. Federal levee certification requires coordination with the United States Army Corps of Engineers. The city has not

coordinated with the Corps to determine the effect of the proposed land use change on this levee.

- Comprehensive plan policy 1.3.1 requires that the City assess, as needed, the performance of design standards and stormwater management projects with regard to maintaining and/or reducing the elevation of the 10-year flood channel and 100-year floodplain. Policy 1.3.1 explicitly directs the City to conduct as needed assessments where elevations indicate inundation of existing developed areas, such as Mason Manor and Florida Park. Policy 1.3.1 further requires that if the assessment indicates that the flood potential will increase, new development be restricted until such time as additional standards are implemented and/or stormwater management improvements are provided to meet the impact of such development. The City has not assessed, as needed, the performance of design standards or stormwater management facilities with regard to maintaining and/or reducing the elevation of the 10-year flood channel or the 100-year floodplain, associated with this proposed land use change. Because the assessment was not done, the City cannot articulate the effect of the proposed land use change on inundation of existing developed areas, or determine whether flood potential will increase.
- Comprehensive plan policy 1.3.5 requires that the City coordinate with Alachua County and other governmental entities to maintain the existing capacity and function of shared watersheds at or below the 10-year flood channel and 100-year floodplain, as established on the most recent Flood Insurance Rate Map of the Federal Emergency Management Agency, or as established by a local study that uses FEMA-approved analyses and that is reviewed and approved by the City of Gainesville Public Works Department. The City has not coordinated with Alachua County or other governmental entities to show that the proposed land use change will maintain the existing capacity and function of shared watersheds at or below the 10-year flood channel and 100-year floodplain.

Several additional complex stormwater management systems and policies also exist in Gainesville, which may be adversely impacted by the proposed land use change. The seven systems or policies that we detail above are sufficient for other governmental entities to require further technical support for the proposed land use change.

Finally, with regard to important state resources, the City of Gainesville failed to evaluate potential impacts from elevated pollution levels associated with increased stormwater runoff

into Paynes Prairie Preserve State Park, San Felasco Hammock State Preserve, Devil's Millhopper Geological State Park and into Florida's most important natural resource - the Floridan Aquifer - that serves as the drinking water source for over 90% of Florida's citizens.

We believe it is important that your agency give this completely untested proposal an extremely thorough review, considering both its impacts on State resources under your supervision and, importantly, the precedent this proposal will set state-wide.

Thank you for your most scrupulous consideration.

With best personal regards,



Casey Fitzgerald
President, Gainesville Neighborhood Voices, Inc.
gmv.voices@gmail.com
386-937-0528

Cc:

Keith Perry, Florida Senator District 8
Chuck Clemons, Florida Representative District 21
Dane Eagle, Secretary, Department of Economic Opportunity
Ray Eubanks, Florida DEO, Division of Community Planning and Development
Scott Koons, North Central Florida Regional Planning Council
Marihelen Wheeler, Chair, Alachua County Commission
Ben Chumley, Alachua County, Growth Management

GAINESVILLE NEIGHBORHOOD VOICES, INC.

August 15, 2022

Mr. Scott R. Koons, AICP
Executive Planner IV
North Central Florida Regional Planning Council
2009 N.W. 67th Place, Suite A
Gainesville, FL 32653-1608

Re: Transmittal of Comprehensive Plan Amendment under Expedited State Review (DEO Ref. No. Gainesville 22-3ESR) City of Gainesville, Comprehensive Plan Amendment (Ordinance 211357)

Dear Mr. Koons,

On August 4, 2022, despite overwhelming public opposition, the Gainesville City Commission voted 4-3 to approve a Comprehensive Plan amendment that allows for elimination of single-family zoning city-wide in Gainesville, Florida. The amendment increases the maximum allowable density from 8 to 15 dwelling units per acre. A companion Ordinance (211358) also adopted on a 4-3 vote that specifically addresses zoning classifications, will allow construction of triplexes and quadrplexes on very small lots with only minimal setbacks. Even a less radical version of 211357 was formally opposed by the City's own Historic Preservation Board, Affordable Housing Advisory Committee and City Plan Board. The adopted version was never fully discussed by the City Plan Board, Gainesville's designated Local Planning Agency. 1000 Friends of Florida and a unanimous Alachua County Board of County Commissioners are on record opposing the amendment.

While the nearly 4,000 people who signed petitions in opposition had a variety of reasons for opposing the elimination of single-family zoning, a common theme ran through many expressed opinions: The City's proposal is completely untested, nationally; no one knows what might transpire once this change is implemented, although it will likely be destructive to stable neighborhoods. Making matters more uncertain, the City did not provide credible data, analysis, or modeling of the potential but entirely random changes in land use patterns that might ensue.

Indeed, the City's own consultants, in the only report presented as evidence, and still labeled "Draft, for discussion only" stated, "The City of Gainesville should complete in-depth land use analyses [plural] to consider the following changes to exclusionary land use controls." (HR&A DRAFT report, December 2021, p. 55, emphasis added). No such analyses were presented to the City Commission or to the citizens.

With this letter we provide a series of initial technical questions and concerns, directed to Secretary of the Department of Economic Development Dane Eagle and the other State of Florida agencies, along with an independent expert opinion by Charles Gautier, FAICP and another provided by 1000 Friends of Florida. Please find attached the following letters:

- 1) Letter to Secretary Dane Eagle, Department of Economic Opportunity
- 2) Letter to Ray Eubanks, DOE, Division of Community Planning and Development
- 3) Letter to DEP re: water quality and quantity concerns, and potential issues related to state-owned conservation lands
- 4) Letter to DOT re: transportation concerns
- 5) Letter to the Department of State re: historic resources concerns
- 6) Letter to the St. Johns and Suwannee River WMDs re: water quality and quantity concerns
- 7) Letter to Alachua County Growth Management re: the proposed amendment
- 8) Letter from 1000 Friends of Florida assessing the proposed amendment
- 9) Letter from Charles Gauthier, FAICP, assessing the proposed amendment

We believe it is important that your agency give this completely untested proposal an extremely thorough review, considering both its impacts on regional resources under your supervision and, importantly, the precedent this proposal will set state-wide.

Thank you for your most scrupulous consideration.

With best personal regards,



Casey Fitzgerald
President, Gainesville Neighborhood Voices, Inc.
gnv.voices@gmail.com
386-937-0528

Cc:

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Chuck Clemons, Florida Representative District 21
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Ray Eubanks, DEO, Division of Community Planning and Development
Plan Review, Florida DEP
Brian Austin, Florida DOT

Jennifer Tobias, Florida Department of State
Steven Fitzgibbons, SJRWMD
Ben Glass, SRWMD
Marihelen Wheeler, Chair, Alachua County Commission
Ben Chumley, Alachua County Growth Management
Jane West, Esq., 1000 Friends of Florida
Charles Gauthier, FAICP
Ralf Brookes, Esq.

Attachments:

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GAINESVILLE NEIGHBORHOOD VOICES, INC.

August 15, 2022

Mr. Ben Chumley
Principle Planner for Comprehensive Planning
Alachua County Department of Growth Management
10 SW 2nd Avenue, 3rd Floor
Gainesville FL 32601

Re: Transmittal of Comprehensive Plan Amendment under Expedited State Review (DEO Ref. No. Gainesville 22-3ESR) City of Gainesville, Comprehensive Plan Amendment (Ordinance 211357)

Dear Mr. Chumley,

On August 4, 2022, despite overwhelming public opposition, the Gainesville City Commission voted 4-3 to approve a Comprehensive Plan amendment that allows for elimination of single-family zoning city-wide in Gainesville, Florida. The amendment increases the maximum allowable density from 8 to 15 dwelling units per acre. A companion Ordinance (211358) also adopted on a 4-3 vote that specifically addresses zoning classifications, will allow construction of triplexes and quadraplexes on very small lots with only minimal setbacks. Even a less radical version of 211357 was formally opposed by the City's own Historic Preservation Board, Affordable Housing Advisory Committee and City Plan Board. The adopted version was never fully discussed by the City Plan Board, Gainesville's designated Local Planning Agency. 1000 Friends of Florida and a unanimous Alachua County Board of County Commissioners are on record opposing the amendment.

While the nearly 4,000 people who signed petitions in opposition had a variety of reasons for opposing the elimination of single-family zoning, a common theme ran through many expressed opinions: The City's proposal is completely untested, nationally; no one knows what might transpire once this change is implemented, although it will likely be destructive to stable neighborhoods. Making matters more uncertain, the City did not provide credible data, analysis, or modeling of the potential but entirely random changes in land use patterns that might ensue.

Indeed, the City's own consultants, in the only report presented as evidence, and still labeled "Draft, for discussion only" stated, "The City of Gainesville should complete in-depth land use analyses [plural] to consider the following changes to exclusionary land use controls." (HR&A DRAFT report, December 2021, p. 55, emphasis added). No such analyses were presented to the City Commission or to the citizens.

With this letter we provide a series of initial technical questions and concerns, directed to Secretary of the Department of Economic Development Dane Eagle and the other State of Florida agencies, along with an independent expert opinion by Charles Gautier, FAICP and another provided by 1000 Friends of Florida. Please find attached the following letters:

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- 8) Letter from Charles Gauthier, FAICP, assessing the proposed amendment

We believe it is important that the Alachua County Department of Growth Management give this completely untested proposal an extremely thorough review, considering both its impacts on our county's regional resources under your supervision and, importantly, the precedent this proposal will set state-wide.

Thank you for your most scrupulous consideration.

With best personal regards,



Casey Fitzgerald
President, Gainesville Neighborhood Voices, Inc.
gnv.voices@gmail.com
386-937-0528

Cc:

Keith Perry, Florida Senator District 8
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July 13, 2022

Submitted via email to citycomm@cityofgainesville.org

Mayor Lauren Poe
Commissioner Reina Saco
Commissioner Cynthia Chestnut
Commissioner Desmon Duncan-Walker
Commissioner Harvey Ward
Commissioner David Arreola
Commissioner Adrian Hayes-Santos
P.O. Box 490
Station 19
Gainesville, FL 32627-0490

Re: Gainesville Comprehensive Plan amendment consolidating residential zoning districts

Dear Mayor Poe and Honorable Commissioners:

On behalf of 1000 Friends of Florida, our state's leading nonprofit smart-growth advocacy organization, we applaud you for seeking ways to improve housing stock and equitable housing access in the City of Gainesville. The city's December 2021 Exclusionary Zoning and Inclusionary Housing Study, along with other housing efforts made in recent years, show your leadership in addressing a complex problem plaguing growing cities nationwide. Since our founding in 1986, 1000 Friends' priorities have included promoting affordable housing throughout our state.

We are writing to suggest improvements to the city's current petition to amend the comprehensive plan and land development regulations to eliminate exclusionary zoning. While the city's petition represents a significant change, and extensive data and analysis exist establishing the need for housing options, **no data and analysis exist showing how the proposed changes will impact existing neighborhoods.**

Current city ordinances require a robust analysis for changes to land's future land use designation or zoning designation.

For example, to change the future land use designation of land, the city must consider:

- "The need for additional land in the proposed land use category based on the

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projected population of the city and the relative availability of the current and proposed land use categories.” Gainesville Land Development Code § 30-3.13.B.

- “The proposed land use category of the property in relation to surrounding properties and other similar properties.” *Id.* at para. C.
- And “The potential impact of the land use change on adopted level of service standards.” *Id.* at para. D.

Similarly, to change the zoning designation of land, the city must consider:

- “Compatibility of permitted uses and allowed intensity and density with surrounding existing development.” Gainesville Land Development Code § 30-3.14.A.
- “The character of the district and its suitability for particular uses.” *Id.* at para. B.
- “The proposed zoning district of the property in relation to surrounding properties and other similar properties.” *Id.* at para. C.
- “Conservation of the value of buildings and encouraging the most appropriate use of land throughout the city.” *Id.* at para. D.
- “The applicable portions of any current city plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, stormwater management and housing.” *Id.* at para. E.
- “The needs of the city for land areas for specific purposes to serve population and economic activities.” *Id.* at para. F.
- And, “Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.” *Id.* at para. G.

Sweeping changes in land use call for consideration of development’s public infrastructure needs, of the impacts to the environment, and of practices to ensure new development is compatible with existing development. Basing a change in density on estimated population increases is sound planning.

We recommend you tailor the proposed inclusionary zoning provisions to different city neighborhoods based on their inherent character. Appropriate lot sizes, setbacks, shade tree standards, and densities will vary across neighborhoods based on existing neighborhood form and on water, sewer, stormwater, and transportation infrastructure. A one-size-fits-all zoning solution will not respond to this reality. We also recommend you plan for increased density to match existing population projections.

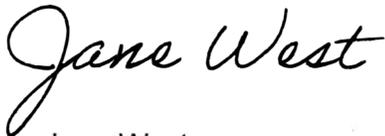
1000 Friends strives to give citizens a meaningful role in shaping the futures of their communities and state. We believe a core function of planning is not just to build great cities, but to have a process that is fair and open to all. Based on the principles, we are concerned about the potential for the displacement of disadvantaged populations that may be vulnerable to selling their property because of current financial constraints. It is highly likely that the replacement units will not be attainable housing options for these displaced communities. This one-size-fits-all zoning has the strong potential to fast-track gentrification, which will further exacerbate existing equity issues.

Finally, the Bert J. Harris Act should be considered as a possible legal liability in the event the zoning reforms fail to yield the results that the City is expecting. Once the zoning changes are adopted, “down-zoning” back to single-family will be exceptionally challenging. Attempts to do so will potentially result in the undesirable position of the City having to pay to pay property owners claiming a Bert Harris taking. Increases in density to discourage

sprawl and expand affordable housing, two worthy goals, should nevertheless be exercised with restraint by local governments in Florida because of the fiscal impacts of the Bert Harris Act.

We hope the City of Gainesville will consider our recommendations and feedback on both the equity and property rights issues, and include site-specific analyses founded in data for these important changes in policy. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Jane West". The signature is written in a cursive, flowing style.

Jane West
Policy & Planning Director

CC: Cynthia W. Curry, City Manager
Andrew Persons, Director, Department of Sustainable Development

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August 2, 2022

Mayor Lauren Poe
Commissioner Reina Saco
Commissioner Cynthia Chestnut
Commissioner Desmon Duncan-Walker
Commissioner Harvey Ward
Commissioner David Arreola
Commissioner Adrian Hayes-Santos

City of Gainesville
200 East University Avenue
Gainesville, Florida 32601

Subject: Proposed Single-Family Future Land Use Comprehensive Plan and Land
Development Regulation Amendments

Dear Major Poe and Honorable Commissioners,

This is to provide my comments on the amendments to the Comprehensive Plan and Land Development Regulations you will consider at first reading during your August 4th public hearing (proposed Ordinances No.'s 211357 and 211358). I was asked by Gainesville Neighborhood Voices, Inc., to independently review the amendments. The comments expressed here are strictly my own.

Affordable Housing Framework Report

First let me commend the City of Gainesville for preparation of the 2022 Affordable Housing Framework Study. The information about the rise in housing costs is alarming even more so in the context of the relatively low medium wages in Alachua County. Housing affordability is certainly a major issue that warrants aggressive governmental action – not just for Gainesville but for Florida as a whole - the question is how to move forward with additional measures available at the local level that would benefit the purpose.

The Amendments

The proposed comprehensive plan amendment would eliminate the existing Single-Family Future Land Use Category and replace it with a new Neighborhood Residential Category allowing both single- and multi-family residential development.

The plan amendment is coupled with revisions to the Land Development Code which would rezone all properties zoned with Single-Family (SF-1 to 4) residential zoning districts to a new *Neighborhood Residential District*. The *Neighborhood Residential Zoning District* would allow as a matter of right Neighborhood-Scale Multi-Family development comprised of a minimum of two units per building and a maximum of four units per building. Thereby, multi-family development would be allowed in traditional single-family areas as an administrative matter without the need for a public hearing for a comprehensive plan, zoning change or Special Use Permit approval.

Extent of Current Single-Family Future Land Use

According to information provided by city staff, 63% of Gainesville is designated for single-family land use. There is no doubt that the amendments being considered would have a sweeping geographic impact and warrant extensive public participation and community consensus.

The Affordable Housing Framework Report indicates the majority of the single-family area is well settled and home for many of your residents. However, some portions – principally to the east and southeast - include extensive vacant lots. While the map graphic is useful it falls short of providing an adequate inventory of lots currently vacant or occupied with residential structures susceptible to conversion to multi-family.¹

Student Housing

Over 61,000 students are enrolled at the University of Florida. According to a summary prepared by staff, 61% of households in the Gainesville are renters. Furthermore, the student housing market is considered the strongest rental market in the city which makes it more difficult for non-students to access rental housing.

According to a HR&A Exclusionary Zoning/Inclusionary Housing Study student renters make up 36% of the total Gainesville population but make up 50% of the population living in housing built after 2000. Consequently, student renters are the primary beneficiaries of new rental housing development in Gainesville.²

Opinions

The amendments to the plan and regulations would likely have a substantial adverse impact on existing single-family neighborhoods by allowing a hodge-podge, scatter-shot conversion to multi-family use. The elimination of single-family land use and zoning would place traditional “heartland” areas of Gainesville under a cloud of uncertainty.

At the same time there is no assurance the amendments would produce the desired result of improved housing affordability. Given the high proportion of college students in Gainesville, and lack of housing cost controls, it is likely the opportunity to convert single-family into multi-family will not achieve the laudable goals of the Housing Affordability Study. Instead, it would promote the infiltration of student housing into established neighborhoods.

¹ See pdf page 44 of 55, 2022 Affordable Housing Framework Report

² See June 6, 2022, Memorandum to City Planning Board (211346F)

Charles Gauthier, FAICP, LLC
August 2, 2022

The potential impact on lower income neighborhoods to the east and southeast is particularly troubling since these areas may well find themselves in an economic bullseye that leads to their ultimate displacement.

The amendments are poorly targeted since they do not open new opportunities for multi-family development in logical locations vetted with the public. Instead of undertaking site-specific land use amendments or establishing meaningful siting criteria you should expect a free for all with unpredictable results.

The amendments will do little to promote affordable housing since instead of insisting that the new multi-family opportunities produce affordable and work force housing, the amendment is broad brushed and provides no assurances.

As it stands now the plan amendment is not supported by relevant and appropriate data and analysis including failing to address criteria in the City's Land Development Code for comprehensive plan amendments and zoning changes.³ However, with additional community involvement, carefully considered site specific amendments or siting criteria, and appropriate development controls the amendment may be reworked to achieve your goals.

Thank you for the opportunity to comment. It is my hope that you will take the time to prepare appropriate amendments that assist with the affordable housing issue, I stand ready to assist this important endeavor.

I am a land use planner with over 44-years of experience in Florida including local government service as Manager of Planning for Collier County and Zoning Administrator for Lee County, state government service including 17-years as a senior administrator at the Department of Community Affairs, tenure with major land development consultants, for the past nine years I have worked independently providing expert land use planning services to a wide range of interests across Florida.

Sincerely,



Charles Gauthier, FAICP

CC Cynthia Curry, City Manager

³ See Land Use Change and Rezoning Criteria in Section 30-4.13 and 30-4.14 of the Land Development Code

List of Federally Designated Districts and Places Threatened by the City of Gainesville's Proposed Comprehensive Plan Amendment

Federally Designated Historic Districts

Pleasant Street Historic District

The oldest predominantly African-American residential area in Gainesville and the State's first designated as a historic district. Buildings include wood frame vernacular houses, Bungalows, Queen Anne, Colonial and Eastlake Victorian residences and two Romanesque churches. The Pleasant Street Historic District was listed on the National Register in 1991.

This neighborhood is particularly vulnerable because property values are relatively low and the District is close enough to the University of Florida to provide an attractive option for student renters. The District has already suffered considerable change, but the City's proposal will only hasten its alteration.

Northeast Residential Historic District

One of the oldest residential areas in Gainesville. The original section was platted in 1854. The buildings in this 80-block area reflect architectural styles prevalent in Florida from the 1880s through the 1950s. The District includes the historic Duck Pond and Sweetwater Branch. The Northeast Residential Historic District was listed on the National Register in 1985.

Southeast Residential Historic District

Origins in post-Civil War development. It includes Queen Anne style and Colonial Revival homes, as well as a French Second Empire home, all of which served as residences for downtown merchants and professionals at the turn of the century. The Southeast Residential Historic District was listed on the National Register in 1989.

University Heights Historic District – North

Reflects architectural styles prevalent in Florida from the 1920s to the early 1950s. The district and its significant concentration of historic buildings include the University Terrace and Florida Court subdivisions.

University Heights Historic District – South

Includes the University Heights and University Place subdivisions. It reflects typical suburban residential growth patterns of Florida cities in the mid-twentieth century. It is located between the University of Florida and downtown.

National Register of Historic Places Sites within Gainesville Single-family Neighborhoods

A Quinn Jones House

1013 or 1019 NW 7th Ave

This was the home of A. Quinn Jones, an important black educator in the City of Gainesville. Mr. Jones lived in the house from 1925 to 1974. It sits within the Fifth Avenue Neighborhood, a historically black neighborhood that has already seen substantial loss of character due to the construction of student housing. It was placed on the National Register in 2010, and now houses a museum focused on black culture.

Carlos and Marjorie Proctor Log House

2250 NW 8th Avenue

This cypress log home was added to the National Register in 2018 due to its unique construction. The main home was built in 1936-37 as the first dwelling in the Florida Park neighborhood. The great room has a native Chert stone fireplace. The attached guest cottage was totally rebuilt in 2011. There is a lush, sweeping downhill view from the south side to the "old swimming hole" fed by a natural spring, which in turn feeds into Rattlesnake Creek.

Cox Family Log House

1639 NW 11th Road

Added in 2017.

Old Mount Carmel Baptist Church

429 NW 4th Street

The Old Mount Carmel Baptist Church in Gainesville's Pleasant Street neighborhood was added to the National Register in 2021. The church was built in 1944 and is significant for its role as a religious and social center for the city's African-American community and of the Civil Right Movement through its association with the late Reverend Thomas A. Wright.

Matheson House

528 S.E. 1st Ave.

This is one of the oldest extant houses in Gainesville, built in 1867 in the Georgian style. It is a contributing structure within the Southeast Residential Historic District. It was the home of the Matheson family who had a successful mercantile business in downtown Gainesville. Chris Matheson served as Mayor from 1910 – 1917. The house was placed on the National Register in 1973. It is now part of the Matheson Museum historic complex.

Shady Grove Primitive Baptist Church

804 SW 5th Street

Shady Grove Primitive Baptist Church is a landmark in Porters Quarters, one of Gainesville's oldest and most historic African-American neighborhoods. Dr. Watson Porter, a Canadian physician, established the Porters Addition to Gainesville in 1884 and sold lots exclusively to African Americans, many of whom worked in the nearby railroad yards and industrial sites. The Shady Grove congregation was organized in 1894 under the leadership of the Reverend Mose Edwards and Reverend Cobb. In 1900 Deacons of the church, Thomas T. Sweat and Jackson Stanley, purchased the corner lot from Dr. Watson Porter and his wife for \$30 as a site for the congregation's original wood frame church which was shaded by large oak trees. In the mid-1930s, the wood church was replaced by the present masonry building, constructed of coquina blocks purchased in St. Augustine. During the Civil Rights era, the local NAACP committee met at the Shady Grove Primitive Baptist Church to plan for the integration of Gainesville's public schools. The Church was listed on the National Register in 2005.

Weil-Cassisi House

3105 SW 5th Court

This single-family home is located in the Coclough Hills neighborhood. It was designed in 1964 by Harry Merritt, who studied at Harvard University with Bauhaus founder Walter Gropius, who trained the first generation of American modernists. Merritt and other instructors and graduates from UF were often commissioned to design innovative experimental houses for fellow UF faculty. The Weil-Cassisi House embodies many of the attributes that define mid-century modern architecture including exposed structural components, and transparency that provides a visual and physical connection to the outside. It is the City's first post WWII private residence to be listed on the National Register.