

May 13, 2009

The Honorable Charlie Crist, Governor
Plaza Level 05, The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

RE: CS/CS/SB360

Dear Governor Crist:

We write to request that you VETO CS/CS/SB360. While this bill contains important and well-intentioned growth management concepts, we believe it falls far short of the goal of encouraging more and better new growth in already developed areas. We believe these shortcomings would result in more burdens to taxpayers, and would also result in weakened growth management controls, undermining the very important climate change goals you have so strongly advocated.

Although this proposed legislation was promoted in part as an economic stimulus strategy crafted to make building and development easier and quicker, we do not believe it meets those goals appropriately. Florida currently has a vacant housing inventory of more than 300,000 units, sufficient to meet needs for several years. Additionally, according to DCA, since 2007 substantial amounts of development have either been approved or are under review. These encompass 410,126 acres of land, as many as 630,965 new dwelling units, and 480 million square feet of nonresidential space. None of these figures take into account the thousands of approved but unbuilt dwelling units or the millions of square feet of nonresidential space also approved but unbuilt.

Given this tremendous amount of constructed and approved development in the pipeline, it is apparent that Florida's development needs can be met for several years to come, without compromising the integrity of our growth management system. Our point is that making it easier to add new development to the already over allocated and over approved development in existence will mean that it will take longer for the recovery to happen as the market responds to what would clearly be an excess of development approvals.

We also have a number of specific concerns related to CS/CS/SB360 which provides exemptions from transportation concurrency and Development of Regional Impact (DRI) review for "dense urban land areas." Our first major concern relates to the definition of "dense urban land areas." Our organization was the first to raise strong concerns that the classification of 1000 people/square mile as "dense urban land areas" is too broad as a description of developed areas suitable for infill. It translates into less than one dwelling unit per acre. This standard by itself is clearly inadequate. It potentially includes large rural areas without providing for adequate infrastructure, and automatically qualifies 245 cities and the entire territory of eight of our largest counties for these incentives.

The Honorable Charlie Crist, Governor
May 13, 2009
Page Two of Four

The bill would also allow other counties to establish urban service areas with cursory DCA and FDOT review and oversight, instead of requiring the high level of scrutiny warranted before granting a complete waiver of transportation concurrency and elimination of DRI review. The bill also changes the definition of urban service areas, removing schools and recreation areas from the public services required in the definition of a dense urban land area. This has the indirect effect of lowering the density threshold for the exemptions, and including more rural lands. This is one of the complicated reasons why this bill deserves a veto.

Our recommendations for keeping the qualifications high for "dense urban land areas" were not followed. The bill, as passed, will have consequences which are poorly understood and exactly counter to the sponsors' intent. In the present economic climate, with a surplus of land and housing already poised for development and occupancy, we need a more strategic bill.

Our second major concern is that the bill provides an automatic exemption from transportation concurrency in dense urban land areas. While we concur that transportation concurrency exemptions are appropriate in truly urban areas, the definition of "dense urban land areas" in this bill encompasses low density areas that are not appropriate for transportation concurrency exemptions. That exemption would also result in the elimination of the local revenues necessary to mitigate the roadway impacts of development in areas which are truthfully less than dense. These measures are proposed at a time when many local governments are already experiencing roadway deficits and funding constraints. The resulting congestion, inefficiency and level-of-service failures will have unintended and incalculable consequences for the state transportation system, and Florida's economy.

Our third major concern is that the bill also provides for exemption for Developments of Regional Impact (DRI) in "dense urban land areas." This means that the requirement to mitigate development impacts to an adjacent local government will no longer be required. These impacts frequently include the fracturing of habitats which know no political boundary, and the need for new infrastructure of great importance to all citizens of Florida, including regional roadways. This function, as currently performed by DCA and the regional planning councils, is of significant importance not only in protecting taxpayers from covering what should be developer costs, but frequently environmental issues that must be addressed across political boundaries. We believe this omission will cause significant intergovernmental conflicts as adjacent communities wrestle on their own, with limited resources, to address what are clearly regional issues. Recommendations made by 1000 Friends and DCA on this issue were not accepted.

While we appreciate the inclusion of affordable housing provisions, especially those for community land trusts, we found two provisions to be very problematic. The first inappropriately restricts new affordable housing projects to those developers that have had a minimum of five prior projects with the state. This is a limitation that favors existing developers for no valid

The Honorable Charlie Crist, Governor
May 13, 2009
Page Three of Four

reason when we believe it is important that this process be open to all qualified builders. The second concern is that it allows the inappropriate conversion of RV and mobile home park lots into permanent dwelling units regardless of the potential environmental and infrastructure implications, or whether the unit is sufficient to be considered a permanent dwelling. We believe this is a decision best left to the local government's discretion and not a mandate from the state.

For these many reasons, 1000 Friends of Florida seeks your veto. Our basic understanding was that this bill would be kept free of damaging amendments so that it could be endorsed by all interests, but unfortunately, even with the best efforts of many legislators on a bi-partisan basis, that was not the case. While we remain convinced that the underlying concepts of CS/CS/SB360 are sound, we believe that they are being misapplied to the detriment of all at a time when Florida faces unprecedented economic challenges.

With legislation that goes beyond its stated intent, we see a loosening of development controls that will only lead to more sprawl and less infill in already developed areas where growth can best be accommodated. We believe sprawl is one of the biggest challenges to overcome if we are to successfully address the climate change issues you have brought forward. More sprawl means more congestion on our highways, If we are to successfully address climate change issues that you have brought forward, we cannot afford to exacerbate traffic congestion, which already contributes almost 40 percent of our greenhouse gas emissions.

The state is challenged as never before to pay for the urgently needed and backlogged improvements that almost every community faces. It seems totally inappropriate to allow individual local governments and those proposing developments to stand in the place of state government in committing to the expansion of the roadway system that a liberalized sprawl policy would entail.

As you may be aware, many substantive amendments were made to this bill in the final hours of the session. Our strong feeling is that too little time and discussion was given for the true implications of this bill to be understood. Effective and workable growth management is essential for our economy, environment and quality of life. For this reason, we call on you to appoint an interim working group, composed of the many important and legitimate interests that need to be heard, to meet between now and the 2010 legislative session.

This group would be charged with finding the common ground, including major concepts from this bill, and developing consensus recommendations that are essential for growth management that promotes economic development and smart growth to succeed. In particular, promoting true urban infill, reexamining the potential unintended impacts of transportation concurrency on achieving infill goals, and rural lands policy would be a good set of issues for such a group. We believe this is the only way to achieve the kind of support necessary to adopt the legislation we need. With your leadership and action, this can be done to benefit all of our citizens.

The Honorable Charlie Crist, Governor
May 13, 2009
Page Four of Four

It would be our pleasure to discuss this further with you, including several of the ideas and concepts we worked on with many members of the conservation community this past summer, that were outlined in the March 2009 publication, *Smart Growth for Florida's Future*. Remarkably, this report has many common components with CS/CS/SB360, and we believe it could serve as a starting point for fruitful discussion. For your convenience, I have enclosed a copy of this report, which was also shared with every member of the Legislature.

Thanking you for your time and considerations, I am

Sincerely,

A handwritten signature in blue ink that reads "Charles G. Pattison".

Charles G. Pattison, FAICP
President

cc: Senator Mike Bennett
Representative Dorothy Hukill