**From:** Jeffrey L. Hays
**To:** Gerald L. Brewington
**Subject:** FW: FYI - Fwd: No to Newberry Village Comp Plan Amendment (Z22-000006)
**Date:** Tuesday, January 2, 2024 11:14:06 AM
**Attachments:** AC_logo-150ppi_b0554e81-2d50-477d-8264-0219cbd8ac34.png
Home2_44a3d51e-b983-4237-8082-72394e0032c7.png
fb_logo_150ppi_9dd00851-99d8-4342-8932-10cac01030c6.png
twitter_150ppi_9c3d56ae-20c9-4509-b852-4aaed5522edd.png
insta_150ppi_5be81f1b-b06b-49ca-b309-54edd0545f55.png
youtube_150ppi_0da7ed3a-56a8-459c-b04c-ed8dfa1a388a.png
county_news_150ppi_14250fe5-78c3-4aa5-b059-283cc85fd4ea.png

---

**Jeffrey L. Hays, AICP**
Growth Management Director
Growth Management
10 SW 2nd Avenue • Gainesville • FL • 32601
352-374-5249 (office)



---

**From:** Brad Stith <emailbradstith@gmail.com>
**Sent:** Tuesday, July 11, 2023 4:01 PM
**To:** Jeffrey L. Hays <jhays@alachuacounty.us>; Gerald L. Brewington <glb@alachuacounty.us>; Chris Dawson <cdawson@alachuacounty.us>; Mari K. Daniels <MDaniels@AlachuaCounty.US>
**Subject:** FYI - Fwd: No to Newberry Village Comp Plan Amendment (Z22-000006)

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

---------- Forwarded message ---------
From: **Brad Stith** <emailbradstith@gmail.com>
Date: Tue, Jul 11, 2023, 3:14 PM
Subject: No to Newberry Village Comp Plan Amendment (Z22-000006)
To: <bocc@alachuacounty.us>, <malford@alachuacounty.us>, <aprizzia@alachuacounty.us>, <KCornell@alachuacounty.us>, <cschestnut@alachuacounty.us>

Dear Commissioners,

As a citizen of Alachua County who intervened legally on a 2006 Newberry Village Amendment (CPA-08-06), I participated over many months in negotiations with the developer, County Staff, and others to reach a settlement agreement with new Comprehensive Plan amendments for Newberry Village, which were approved in 2008 by BOCC. These negotiations resulted in a set of TOD policies specific to Newberry Village, and spurred the development of Transit Oriented Development (TOD) language that was added to the Comp Plan and ULDRs, and Newberry Village became designated as a TOD in 2010.

I am requesting that you vote against the Comprehensive Plan amendment (Z22-000006). This amendment would downgrade Newberry Village from a Transit Oriented Development (TOD) to a Traditional Neighborhood Development (TND). Below I briefly describe a variety of benefits the current TOD plan provides, and that are at risk of being lost or significantly reduced if you vote to change this to a TND.

The Section below from the county ULDR makes explicit the different purposes of a TND versus a TOD:

"Sec. 407.62. - Purpose.
(a)TND. The TND is intended to provide flexibility in development, encourage a mix of residential housing types, and create the sense of community common in neighborhoods planned in accordance with traditional design principles and the policies of the Comprehensive Plan. Additionally, the design of TNDs allow for mixed-use centers integrated into new residential neighborhoods or combinations of new and existing residential neighborhoods.
(b)TOD. The TOD is intended to provide for compact, mixed-use, pedestrian and bicycle friendly communities designed with the densities and intensities needed to support transit service, reduced per capita greenhouse gas emissions and enable an individual to live, work, play and shop in a community without the need to rely on a motor vehicle for mobility."

It is clear from this description that the TND is not primarily meant to be transit oriented, whereas the fundamental purpose of TOD is to support transit. The TOD description also points out a fundamental fact of transit planning, that higher densities and intensities of structures are needed to provide enough transit users for it to function well. Furthermore, TODs are intended to attract residents, workers, and customers who prefer to rely on affordable transit rather than rely always on their personal car, which will add congestion. Ideally, a resident could meet all of their needs on site, or within a short transit commute.

Before providing a summary list of the reasons why we should value the TODs over the TND goals for Newberry Village, I want to discuss a fundamental key to achieving these goals as enumerated throughout the Comp Plan, namely density. Although TNDs are transit supportive, and many requirements are shared by TNDs and TODs, a key difference is the minimum and maximum allowed densities. Densities are significantly reduced for TNDs compared to TODs. The allowed densities of residential dwelling units per acre (RDUPA) within Village Centers is 10 -24 for TODs vs 4 - 8 for TNDs; for transit supported areas outside the Village Center the RDUPA is 7 - 24 for TODs, but the TND density is only 4 - 8 (can be slightly larger under certain conditions). There are other differences in non-residential densities that are also significant, as well as different funding costs and mechanisms. The impact fees for TOD land uses are cheaper per square foot than for TNDs, intentionally creating an incentive for TOD developers to plan for denser, mixed use, multistory buildings. The role of density is key to creating TODs and their superior design characteristics, and I think it is important to discuss this topic in some detail.

There has been some discussion recently about whether the Newberry Village property can be developed as a significant TOD without exceeding the long established traffic cap (trips: 13,700 raw, 9700 net), and

that a TND could provide the same density. Later I provide reasons why even if this is true, there are serious risks and other reasons not to downgrade from a TOD to a TND (see section on RISK REDUCTION below). Nevertheless, there are reasons to doubt that the TOD and TND design at Newberry Village could be equivalent, given that they both must meet the same traffic cap. This is an important issue, and I think the concerns that I raise warrant a much more thorough analysis than we have seen to date. There are many complexities and issues to discuss.

For starters, Staff has carefully evaluated various proposals and amendments for the existing TOD over many years (from at least 2006), including multiple traffic studies under higher densities than are being proposed now. For example, under CPA-02-10, Staff (and BOCC) reviewed and approved the traffic numbers for a TOD design with 900 houses, 180,000 sq ft retail, and 60,000 sq ft office. The current TND proposal is significantly smaller than this, and my understanding is that this was considered the maximum TND size they could design without exceeding the traffic cap. There were professional traffic studies done by traffic engineers for Newberry Village prior to 2010 for configurations that had even greater densities than CPA-02-10 which met the traffic cap, but the assumptions about internal capture and retail passby used in those studies were questioned.

This questioning of trip counts generated by previous Newberry Village traffic studies brings up important uncertainties about the standard methodology used to calculate trips for different landuse designs, which is based on the ITE Trip Generation Manual. This methodology was developed before TODs, and is considered by many to be too simplistic to handle TODs. Peer-reviewed research has shown in many instances that the calculated trip numbers generated for TODs exceed the actual measured numbers often by 25% - 50% (a few literature excerpts are provided below in the next paragraph).
Furthermore, my understanding is that the standard trip generation methodology, used by Alachua County and most counties, does not attempt to analyze TOD ridership, headways, and other complex variables about different levels of transit service that could, for example, reduce trip estimates by modeling how much transit replaces car trips by placing potential car drivers in bus seats (e.g. a single bus may carry 10 passengers that otherwise would be in 10 cars, thus reducing the trip count).

To support some of the above claims, here are a few excerpts from peer-reviewed professional engineering publications. A recent article in the ITE Journal, "Estimating Modal Trip Generation", published Oct 2021, states: "As smart growth becomes more infused into the planning process, transit-oriented developments (TODs) are becoming more popular. This article examines TODs' benefits to communities, and shows how they promote a healthy, walkable lifestyle with multiple land uses within one development. The proximity to transit revitalizes the area, increases ridership, and brings revenue to the transit system. Calculating the anticipated trip generation for these developments is complicated, as proximity to public transit often results in lower vehicular trips than what is presented in ITE's Trip Generation Manual. By using local data, the percentage of multimodal splits can be determined." (emphasis added).

Similarly, a Technical Report "Trip and parking generation at transit-oriented developments: Mockingbird TOD in Dallas, Texas " by the Center for Transportation, Equity, Decisions and Dollars (CTEDD) at the USDOT University Transportation Center states: "The Institute of Transportation Engineers (ITE) guidelines serve as the most widely used reference for trip and parking generation estimates of any new development in the U.S. However, recent empirical studies question the efficacy of ITE guidelines in forecasting trip and parking generation in transit-oriented developments (TODs)." They found that the trip generation estimates were at least 12% too high in the most auto-dependent environment, and provided much greater overestimates for better designed, less auto-dependent environments.

Similarly, the 2017 publication "Trip and parking generation at transit-oriented developments: a case study of Redmond TOD, Seattle region" found similar overestimates of TOD trip generation: "The actual vehicle trips we observed are only 37 % of the Institute of Transportation Engineers' (ITE) expected value." Another technical report "Enhancing Internal Trip Capture Estimation for Mixed-Use Developments" found that the ITE method produced an average trip overestimate error of 26% (std. dev. 34) for trip generation.

The point is that TODs probably perform a lot better than the trip counts calculated by standard methodologies. This means that the hyper focus on the traffic cap and questionable traffic count projections based on TOD densities may be misplaced, and perhaps we should consider giving TODs the equivalent of Concurrency Exceptions. The Comp plan allows for congestion, recognizing that as build out occurs, the superior design of TODs will improve transit over time. The calculated trip numbers for TODs probably lead us to require less dense TODs than are actually warranted. This is especially likely if we focus only on the current traffic environment rather than considering a much more built out near-future. Much research has shown that TOD performance increases substantially as urbanization proceeds and network connections improve. Gainesville is beginning to show rapid urbanization, and our traffic projections should be forward looking, not focused only on the current environment. The question is not, how good will a TOD perform in the immediate future, but rather, how well will it perform in the mid- and long term? This is a difficult question to answer, and our current methodologies are not providing reliable estimates of how TOD density impacts traffic, in the short or long run. Because TOD densities are allowed to be much greater than TNDs, I think it is important to consider the likelihood that we are getting the numbers wrong, such that they can favor inferior TOD or TND designs. I argued earlier that old-fashioned traffic studies already showed that the TOD design at Newberry Village could have higher densities than the TND design. It seems clear to me that we should favor higher density TODs over TNDs simply because of their greater future benefits as Gainesville grows. Newberry Village should remain a TOD as this is the best way of future-proofing our transportation network.

Below are some summary points describing why you should prefer a TOD design over a TND design.

DIFFERENT PURPOSE - The primary purpose of TNDs differs substantially from a TOD. In the Comp plan the purpose of TNDs is primarily residential neighborhoods with a bit of mixed use. TODs on the other hand are primarily about having dense "live, work, play" mixed developments that support excellent transit and substantially reduces the need for a car. This is reflected in the differing minimum and maximum density requirements, with the TOD providing much higher densities that provide better support for transit.

SUPERIOR TRANSIT- TOD will support much better transit because it will have higher densities and will attract more people to live, work and play there. This is especially important as we look into the future as Gainesville faces rapid growth and urbanization. We need better transit because it takes more people out of their cars, which reduces congestion, and reduces greenhouse emissions and other pollutants. It also provides better transportation options for low income people and other transit users, and creates much better options for those who prefer not to own or regularly use a car.

MORE OPEN SPACE AND NATURAL AREAS - the higher densities of TODs are achieved by clustered, multi-story buildings which reduce the overall land footprint, leaving more land for open space, onsite natural areas or preserves. The reduced footprint also makes it easier to preserve more biodiversity, larger clusters of native forest, and provides other conservation benefits. Newberry Village has some beautiful Oak Hammock with heritage trees that the current developer shows plans to clear cut. A dense TOD could perhaps save much of this forest.

GREENHOUSE GAS REDUCTION - TODs are expected to provide a high level of quality transit, and are required to pay more towards transit than TNDs. Better transit reduces the total vehicle miles traveled for single occupant cars. TODs also attract more residents that have reduced or no need for cars compared to TNDs. These characteristics of TODs have been demonstrated to greatly reduce greenhouse gases produced from our transportation network.

MORE LIKELY TO PROVIDE AFFORDABLE HOUSING - because of their ability to have higher densities and mixes of housing, TODs can offer more varieties of housing types, and are more likely to do so because the TOD is more valuable and the developer will have deeper pockets and more financial backing than a typical non-TOD developer. There are even TOD developers who are not looking to maximize profit, but are seeking to maximize societal benefits and reduce environmental harm. How can we attract them?

TODs ARE COMMUNITY ATTRACTORS WORTH THE WAIT - TODs create destinations for the public, whereas TNDs are just a nice place to live. Ask yourself, how many TNDs are destinations? TODs become attractors due to the increased densities which allows them to have more variety of retail spaces (stores, restaurants, etc.), more office space (hence employment), and more amenities (open space, sports facilities, etc.). This makes TODs more valuable to the developer, but also more expensive and elaborate to develop. Thus TODs attract "premium" developers with deeper pockets, who are able to build better quality developments than the much less impressive TNDs we are seeing. Many developers have no experience with TODs, and therefore completely avoid properties requiring them. This means that there may be fewer applicants compared to other cheaper, simpler developments. We should not throw in the towel ye on Newberry Village and downgrade it to a TND. It is clearly worthwhile to have some patience to get a TOD design here from the right developer. Perhaps we could make some changes to policies or impact fees that would make building a TOD here more attractive. Why don't we have a special area study done to consider whether we should make some changes to the TOD policies as they pertain to Newberry Village? No analysis has been done to show that Newberry Village would be financially difficult to build, and there are other reasons to expect that development has not happened sooner. Is Gainesville experiencing a glut of cheap developments with poor design? Keep in mind that we had a real estate bubble in 2008 that destroyed the market for years and bankrupted many developers. We  also had big increases in interest rates more recently, investment capital is less available, and then there is the latest crisis - Covid19, which crippled supply chains and shut down the entire planet. Surely this sequence of recent catastrophes provides some explanation for why this TOD hasn't been built yet.

SPRAWL REDUCTION - the Comp Plan recognizes the need to provide incentives for residential development to occur at the maximum allowable density. This helps reduce residential development in outlying areas which would otherwise contribute to sprawl. The TOD allows substantially higher residential densities than a TND, providing a better solution to sprawl.

RISK REDUCTION - the current developer may tempt you to downgrade to a TND, presenting a design that they claim is as good as a TOD. However, if the BOCC grants them the downgrade to a TND, the BOCC are giving the owner new rights to lower densities, and the BOCC are taking a risk that the current owner will sell the newly downgraded property to a developer who will then have rights to an inferior design that meets the minimum TND density requirements. You may say that the BOCC would never approve of that poor design, but the composition of the BOCC could change, and your vote now might enable a bad design to be approved at a later stage. To reduce this risk,you must vote to keep the TOD requirements and lock in the higher standards for densities and transit. Reject this amendment!

COMPATIBILITY WITHIN MAJOR ACTIVITY CENTER - Newberry Village has long been part of the Oaks Mall activity center, and a TOD is clearly more compatible with the heavy development goals laid out in the Comp Plan for the Oaks Mall Activity Center, and the critical State road (SR-26, an SIS) with the I-75

overpass and interchange, and the two troublesome T-intersections. I think the time has come to designate a Special Area for Newberry Village and the Oaks Mall Activity Center, and conduct a specific study on how best to configure Newberry Village to get the best result possible. The study would focus on Newberry Road and the I-75 intersection, with the goal of the mobility plan for Newberry Rd that is developed with collaboration from all of the multiple agencies that, by law, will have to be included in the modifications to I-75 and Newberry Road. These agencies would include the Federal Interstate agency, FDOT, County Staff, MTPO, consultants, etc. A multi-agency planning effort would provide a detailed phased solution that would enumerate the many improvements, beyond those already listed in the CIE, to be made over multiple years to the I-75 Overpass (accounting for possible expansion of I-75), possible addition of transit lanes (e.g. under the I-75 bridge), improved turn lanes, etc. This would greatly reduce the existing uncertainty and anxiety faced by everyone using or living in the area.

PRIOR STAFF RECOMMENDATIONS - The Planning Staff found the TOD to be more consistent with the goals of the Comprehensive Plan for many years, and has until now, recommended this be designated a TOD. Staff carefully evaluated the various proposals and amendments for the existing TOD over many years (from at least 2006), including multiple traffic studies under higher densities than are being proposed now for the TND. The Planning Staff found the TOD traffic numbers to be acceptable in the prior studies with higher land use density designs. The BOCC has also approved of the TOD designation and traffic analysis on multiple occasions. No careful analysis or substantial argument has been made explaining to the public why this downgrade from a TOD to a TND is needed. In my opinion, the amendment has no benefits to the public, only downsides.

Please vote to reject this amendment.

If you made it this far in the text, perhaps you would enjoy some general text lifted verbatim from the Comp Plan that is relevant to TODs.

---

"Transportation Mobility
PRINCIPLE 2
TO REDUCE VEHICLE MILES OF TRAVEL AND PER CAPITA GREEN HOUSE GAS EMISSIONS THROUGH THE PROVISION OF MOBILITY WITHIN COMPACT, MIXED-USE, INTERCONNECTED DEVELOPMENTS THAT PROMOTE WALKING AND BICYCLING, ALLOW FOR THE INTERNAL CAPTURE OF VEHICULAR TRIPS AND PROVIDE THE DENSITIES AND INTENSITIES NEEDED TO SUPPORT TRANSIT.

---

"Future Land Use
OBJECTIVE 1.7 - TRANSIT ORIENTED DEVELOPMENT
To provide for compact, mixed-use, pedestrian and bicycle friendly communities designed with the densities and intensities needed to support transit service, reduced per capita greenhouse gas emissions and enable an individual to live, work, play and shop in a community without the need to rely on a motor vehicle for mobility."

---

"ENERGY
GOAL
REDUCE GREENHOUSE GAS EMISSIONS AND FOSSIL FUEL CONSUMPTION; MITIGATE THE EFFECTS OF RISING ENERGY COSTS; AND PROMOTE THE LONG-TERM ECONOMIC SECURITY OF ALACHUA COUNTY THROUGH ENERGY CONSERVATION, ENERGY EFFICIENCY AND RENEWABLE ENERGY PRODUCTION.
OBJECTIVE 1.1
Reduce countywide greenhouse gas (GHG) emissions by 80% from 2009 baseline emissions by 2050, with an intermediate goal of a 40% reduction by 2020 and a short term goal of 5% annual reduction.

3.0 ENERGY EFFICIENT LAND USE
OBJECTIVE 3.1
Promote energy-efficient land use patterns that reduce travel costs and encourage long-term carbon sequestration."
---
"HOUSING
Policy 1.2.1 Alachua County shall provide incentives in the land development regulations for residential development at the maximum allowable density."
---
CHAPTER 405. - SPECIAL DISTRICTS AND ACTIVITY CENTERS
ARTICLE I. - ACTIVITY CENTERS AND SPECIAL AREA STUDIES
Sec. 405.01. - General.
(a)Intent.
(1)Activity centers. The intent of the urban activity centers is to provide for the concentration of mixtures of higher intensity and density land uses through designation of activity centers, with standards to ensure pedestrian-friendly compact centers connected to multi-modal transportation systems and integrated with surrounding uses in the urban area.
(2)Special area studies. The intent of the special area studies is to provide specific policies, standards, and guidelines that address significant cultural, historic, and environmental resources and characteristics of unique areas and communities within Alachua County
---