

BEFORE THE GAINESVILLE CITY COMMISSION

IN THE MATTER OF:  
PETITION PB-15-115 PDA  
NEW GENERATION HOMES, LLC, APPLICANT

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STATE OF FLORIDA  
COUNTY OF ALACHUA

**AFFIDAVIT OF ONELIA LAZZARI, AICP**

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared ONELIA LAZZARI, AICP, who being first duly sworn, under oath deposed and said:

1. I am over 18 years of age, have personal knowledge of the facts contained in this Affidavit, have no legal disabilities, and have never been adjudged mentally incompetent.
2. I have been an Urban Planner for approximately 30 years, most recently with the firm of EDA Engineers-Surveyors-Planners, Inc. ("EDA"), a Florida corporation located at 2404 NW 43<sup>rd</sup> Street, Gainesville, Florida 32606-6602. EDA is the engineer of record and applicant's agent for the above-styled Petition. From 1988 to 2015, I worked as an Urban Planner in the public sector, including supervision of the City of Gainesville's ("City") comprehensive planning efforts; creation of the City's Transportation Concurrency Exception Area and Transportation Mobility Program Area; statistical and demographic analysis; land development code updates; text changes to the City's Comprehensive Plan; future land use map and rezoning changes for the City; review of various future land use map and rezoning requests; and review of major development applications to the City for compliance with comprehensive plan policies and land development regulations.
3. I co-authored, with the City of Gainesville's Public Works Department, the City's

Transportation Mobility Element, which contains policies known informally as the “Complete Streets” and “Context Sensitive Streets” provisions of the Comprehensive Plan.

4. I received a Masters of Science in Urban and Regional Planning from Florida State University in 1990. I also hold a Bachelor of Arts (1973) in political science from Florida State University. I am a member of the American Planning Association, and in 1990 was certified in planning through the American Institute of Certified Planners, which requires an examination as part of certification.

5. I have performed development-related reviews on hundreds of projects, including preparing and presenting planning reports to elected and appointed review boards in the public sector. Representative major development projects in the City of Gainesville included Butler Plaza-North, Hatchet Creek, and Plum Creek (Highway 121 site).

6. As an urban planner, I often draft, review, interpret and apply comprehensive plan goals, policies and objectives as well as land development code provisions. I also review, interpret and apply Florida’s growth management statutes and implementing rules to development proposals. It is customary and usual for planners to review development applications for compliance with comprehensive plan provisions in a manner that takes into account all goals, objectives, and policies and views all the elements of the plan as a whole. This convention in the planning profession frequently requires a balancing of policies to take into account the specific setting of a development within the overall context of a local government’s vision and aspirations as embodied in a comprehensive plan.

7. Through my current employer, EDA, I was retained by New Generation Home Builders, Inc. to provide planning services related to the company’s application for an

amendment to the Blues Creek Planned Development (Application No. PB-15-115 PDA) (the “Project”).

8. As part of my work on the Project, I have reviewed numerous documents, regulations and materials, including but not limited to the following: relevant portions of the City’s Comprehensive Plan and Land Development Code; New Generation Homes’ application and supporting materials for the Project; the Blues Creek PD Layout Plan; City Staff reports; and consultants’ reports.

9. Based on my experience as a planner and review of the above-referenced documents and materials, it is my opinion:

A. The Project, which is regulated by the City’s Land Development Code (“LDC”) as a Planned Development (“PD”), complies with the LDC and internal transportation access within the PD does not have to meet the traditional standards of a public street; and

B. The City’s Comprehensive Plan policies, when read collectively and not singularly, do not require sidewalks for the southernmost portion of the Project, given the specific context of the development. Furthermore, the Project is in compliance with and furthers the goals, policies and objectives of the City’s Comprehensive Plan.

10. The basis for my opinion that the Project complies with the City’s LDC is Section 30-216 (9), LDC, which states in pertinent part:

“Internal transportation access. Every dwelling unit or other use permitted in a PD shall have access to a public street either directly or by way of a private road, pedestrian way, court or **other area which is** either dedicated to public use or is a **common area guaranteeing access**. Permitted uses are not required to front on a dedicated public road. Private roads and **other accessways** shall be required to be constructed so as to ensure that they are safe and maintainable.” (emphasis added)

Section 30-216 of the LDC sets forth the requirements for evaluating a PD, including the current Project.

11. The applicant's proposed access for the southernmost lots (Lots 37-44), which would be a recorded perpetual ingress/egress easement that is also a public utilities easement, meets the LDC requirement of being an "other area which is ... a common area guaranteeing access."

12. The basis for my opinion that the Project is not required to provide sidewalks in the areas of lots 37-44 is a careful reading of Transportation Mobility Element Policy 2.1.10 in conjunction with Policy 2.1.6.<sup>1</sup>

13. Policy 2.1.6 states:

"Complete Streets' principles shall be used to ensure that roadways are planned, designed, and maintained for safe use by users of all ages and abilities, including pedestrians, bicyclists, transit users, motorists, and freight vehicles."

Policy 2.1.6 also refers to "principles being used to ensure roadways are planned, designed, and maintained..." It does not state that sidewalks or bicycle lanes must be placed on all streets without the consideration of the type of street, the amount of traffic it will carry, and other aspects of roadway design.

14. "Complete Streets" principles are guiding principles, not codified regulations.<sup>2</sup>

15. The Project's proposed access to Lots 37-44 is a low speed, narrow drive that will serve only eight (8) single-family dwelling units. The City Public Works Department indicated

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<sup>1</sup> I co-authored these Comprehensive Plan policies with staff of the City's Public Works Department.

<sup>2</sup> A stakeholder group, the National Complete Streets Coalition, states "There is no singular design prescription for Complete Streets; each one is unique and responds to its community context."

their approval of the design of this accessway to those lots because of the specific configuration of the number of lots, and in the context of the environmental aspects of the surrounding area.

16. Policy 2.1.10 mitigates the uncodified nature of “Complete Streets” principles by including policy language for using “Context Sensitive Street Design,” to wit:

“The City shall use “Context Sensitive Street Design” principles to design transportation facilities that consider the total context within which a transportation project will exist and develop transportation projects that fit the physical setting and preserve scenic, aesthetic, historic and environmental resources while maintaining safety and mobility for all users.”

17. The City has employed these policies previously to allow development without sidewalks (e.g. the Gainesville Cohousing Cluster Subdivision (DB-15-52 SUB) design plat approved by the City Commission on March 3, 2016).

18. The Blues Creek Unit 5, Phase 2 lot layout in the southern area is properly viewed in the context of the environmental characteristics of the land, the low-traffic volume, single-family, low-density nature of development (serving only 8 lots), the dead-end access and narrow pavement width that by design slows traffic speed, which provides safety for pedestrians.

19. Reading policies 2.1.10 and 2.1.6 together within the context of the City’s PD regulations in the LDC, which allow for alternative access provisions in PDs, it is my opinion that the proposed Project is consistent with and furthers the City’s Transportation Mobility policies when the specific context of the development is taken into account, as it should be. Further, the proposed Project is consistent with the overall goals, objectives and policies of the City’s Comprehensive Plan and carefully balances the provisions of the Future Land Use Element, Conservation Element and Transportation Mobility Element to produce an environmentally sensitive development within the context of its setting.

FURTHER AFFIANT SAYETH NOT.

*Onelia Lazzari*  
ONELIA LAZZARI, AFFIANT

STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of July, 2016, by  
ONELIA LAZZARI, who is personally known to me or who has produced a Florida driver's  
license as identification.



*Patrice Boyes*  
NOTARY PUBLIC  
Printed Name: PATRICE BOYES  
Commission Expires: 2-7-2020  
Commission No.: FF950416