

NEIGHBORHOOD ORGANIZATIONS
& BOSQUE SCHOOL

Date: 1/9/2012

To: Carmen Marrone & Catalina Lehner

From: Felix Franco, Taylor Ranch Neighborhood Association (TRNA) Secretary

Regarding: Petitions against Big Box Store at Coors/Montano

Dear Carmen and Catalina,

I am submitting to you copies of a local effort by the Taylor Ranch community to collect signatures against a Big Box Store at the SE Corner of Coors/Montano. The petition was formulated on July 28th, 2011 at our TRNA meeting and it reads as follows:

If the Environmental Planning Commission and the City Council are to approve commercial development at the southeast corner of Coors and Montano, we believe that:

- 1. The scale and the architecture of the project be similar to Riverside Plaza in respect the beautiful setting of the Bosque and the property values of adjacent neighbors.*
- 2. The traffic generated by the project be fully studied with necessary traffic improvements to ensure the intersection of Coors and Montano will not totally fail during peak hours.*
- 3. The stores operate during normal retail hours, with no 24 hour operations. The purpose is to reduce the impact on the ecology of the Bosque.*
- 4. We believe that a Wal-Mart led project will not fulfill the above objectives and the goals in the Coors Corridor Plan.*

We submit to you 725 total signatures aligned with the four objections stated above.

Thank you

Felix Franco
TRNA, Secretary

sample

Petition for participants of a community meeting held by the
Taylor Ranch Neighborhood Association - July 2011

If the Environmental Planning Commission and the City Council are to approve commercial development at the southeast corner of Coors and Montano, we request that:

1. The scale and the architecture should reflect the beautiful setting of the Bosque and the property value of adjacent neighbors.
2. The traffic generated by the project be fully studied with necessary traffic improvements to ensure the intersection of Coors and Montano will not totally fail during peak hours.
3. The stores operate during normal retail hours, with no 24 hour operations. The purpose is to reduce crime and reduce the impact on the ecology of the Bosque.
4. We are greatly opposed to a Walmart led project because it will not fulfill the above objectives and the goals in the Coors Corridor Plan.

Print Name	Address & Zip	Telephone	Email	Signature
Brian Hauck	P.O. Box 1702 87048	892-9793		
Norris Goggin	P.O. Box 3043 87048	249-0282		
Anne Salopak	5035 Mirador Dr. NW 87120	922-8603		
Toshua Han	918 S. 2nd St NW 87107	702-303-0661		
Robert Rice	150 Calle Vado 87120	505-833-0088		
Debra Rice	"	"		
John M. Rice	4353 7th St NW		Fulzon 500	
Brother John	5557 Main St NW			
Heather Andiloh	5100 Hayes NW 87120	764-8451	hvaude1st@gmail.com	
Angeline Aguilar	256 Chaparral Loop SE	994-1637		
Alexandra Aguilar	256 Chaparral Loop SE	994-1637		
Robert J. Aguilar	4947 Quail Ridge Dr	264-7385		
Walter Aguilar	5833 Stratford 87714			
Jennifer Balde	5700 Piedra Drive 87114	573-8857		
MARIE MYERS	7432 Longview Dr NW	899 1138		
Meryl Kahn	5508 Pegasus Pl NW 87120	922-4973	Kahn-sacks	
Bill Walsh	6000 H Coors Rd NW 87120	898-6021		
Jen DeLillo	1015 27th St SE RR	892-9099		
Joey Baez	10228 Maria Dr NW 87114	550-9414		
David Grimes	1861 Alexander Rd NW 87107	343-1284		
Russell Reagan	7540 Thornwood Dr NW 87120	385-0990	rusty.reagan@usa.net	
SUSAN CAPA DI	7115 Monrovia NW 87120	897-7279		
Judith Katona	10237 La Jolla N.W. 87120	836-1997		
Francis A. Fahn	6716 Tesuque Dr NW 87120	505-249-1663		
Nancy Reibeck	3609 Yippa Calle NW 87120	899-2659		
Muraine Calomier	4808 Chaparral NW 87120			
Bruce C Fox	8427 Vista Verde Pl NW 87120	917-2586		
William A Kelly	5201 Calle 1/2 East NW	562-5651		
Bill Bowdich	2313 E Nido Ct NW	803-7215		
Billy Miller	26 Canada Delos Amos SE			
Jennifer Hartman	5817 Western Trail NW	977-8683		
Karen Blasen	990 15th St.			

Return completed petitions to TRNA secretary, Felix Franco (run_nm@yahoo.com)

PLEASE NOTE: THIS LETTER AND ATTACHED SUMMARY REPLACES THE SAME DATED JAN. 3, 2012.

3 ADDITIONAL PETITIONS WERE TURNED-IN SINCE THEN AND THOSE NUMBERS ADDED TO THE TOTALS.

January 5, 2012

To: Catalina Lehner and Carmen Marrone

City of Albuquerque Planning Department

Re: Petition Opposing Project #1003859

Please place these petitions and summary of the data gathered in the project file.

Thank you,

A handwritten signature in black ink, appearing to read "Diane Flynn", with a stylized flourish at the end.

Diane Flynn for Las Casitas del Rio I and Las Casitas del Rio II

3604 Grama Ct NW

Albuquerque, NM 87120 505-977-5705

PETITION SUMMARY:

1162 signatures were gathered between November 1, 2011 and January 1, 2012. Of the total, 1030 individuals are citizens of the City of Albuquerque, residing in 1 of the 9 City Council Districts. The 132 others were primarily from the Albuquerque Metro area, most living in Los Ranchos, Corrales and Rio Rancho. Those who volunteered to gather signatures were registered voters and residents of the west side, all residing in Council District 5.

The full language of the petition follows:

"We are Albuquerque City residents who live by, or benefit from using Rio Grande Valley State Park. We enjoy being part of a river city and appreciate the cultural heritage that follows the beautiful Rio Grande. We enjoy using the Bosque for many activities and pursuits. We use this resource as individuals, and as members of various clubs or social groups. **We use our State Park and our Bosque and our Nationally Ranked Paseo del Bosque Bike Trail for: Walking-Running-Relaxation-Bicycling-Bird Watching-Hiking-Photography-Horseback Riding-Family Fun-Education-Tourism-Quality of Life for all Albuquerque Residents, Visitors and Stakeholders.** We ask that developments at the southeast corner of Coors and Montano ONLY be approved if they reflect the vision, goals and objectives set forth by the existing Albuquerque City Rank 1, 2, and 3 Plans concerning this unique and valuable property. These plans clearly provide guidelines and procedures to "preserve the unique features and encourage the appropriate development of the Coors Corridor." (Quote is from Coors Corridor Plan.)

Appropriate development does NOT include a big box store in the middle of a heavy traffic intersection, a bridge crossing, a school, and a State Park with natural and cultural heritage value. We DO understand this southeast corner will be commercially developed, but WE ASK FOR SMART DEVELOPMENT that highlights existing resources and further supports the recommendations laid out in the above plans.

By signing this petition, I declare I am an Albuquerque resident and in support of the above statements and ask the Environmental Planning Commission and Albuquerque City Council Members to vote against big box development at Coors and Montano."

Signatures were gathered at the entrances to Rio Grande Valley State Park at Coors and Montano, and at Alameda. Among other places signatures were gathered were businesses in the Montano Plaza, events featuring recreational paths near the River, and door-to-door in neighborhoods close to the southeast corner of Coors and Montano.

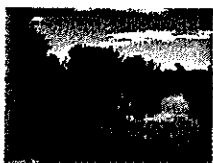
Council Districts with the most signatures are Districts 5 and 2. Sixty-six % of the 1030 City of Albuquerque signatures are from those 2 districts.

Council District distribution of the 1030 City residents who signed is as follows:

Council District 1	92 (8.93%)
Council District 2	206 (20.00%)
Council District 3	75 (7.28%)
Council District 4	80 (7.77 %)
Council District 5	472 (45.83%)
Council District 6	34 (3.30%)
Council District 7	31 (3.01%)
Council District 8	32 (3.11%)
Council District 9	8 (0.78%)

Besides Council District, the 1032 City residents who signed also reported favorite Bosque activities. The list includes walking, biking, dog walking, horseback riding, jogging, sketching, bird watching, wild life spotting, ballooning, hiking, running, enjoying scenery and views, and quiet meditation.

This petition, by virtue of asking for Council District and favorite Bosque activities, yields survey-like data, though no claim is made that this is a representative sample. It is a sample of people who live close to, use and value the Bosque. It carries 1030 signatures of Albuquerque citizens who do not think a big box store is the right commercial development for the southeast corner of Coors and Montano.



PETITION TO ALBUQUERQUE ENVIRONMENTAL PLANNING COMMISSION AND CITY COUNCIL MEMBERS, SIGNED BY ALBUQUERQUE RESIDENTS AND BOSQUE SCHOOL COMMUNITY MEMBERS WHO ARE AGAINST A BIG BOX STORE, AND FOR BETTER LAND USE AT THE SOUTHEAST CORNER OF COORS AND MONTANO NORTHWEST.

We are Albuquerque City residents who live by, or benefit from using Rio Grande Valley State Park. We enjoy being part of a river city and appreciate the cultural heritage that follows our beautiful Rio Grande. We are also committed to this land and its surroundings in a much bigger way. Our children/grandchildren/nieces/nephews or I, myself, attend(ed) or teach at Bosque School, which is adjacent to the proposed building site. As a community we are not only involved in this property as we come and go to school each day, but we have enjoyed the educational opportunities that abound in the natural ecosystem of the Rio Grande Bosque and its habitat. Not only do Bosque students study and collect real scientific data near this site, but over 6,000 students and their teacher from 40 local public, private, pueblo schools participate in the Bosque Ecosystem Monitoring Program (BEMP) on a yearly basis. The founders of Bosque School understood and embraced the significant responsibility that we were given when we chose to create a school on this land. Bosque students, along with other New Mexico students and teachers, provide real scientific data to resource managers who use the data to make multi-million dollar decisions regarding the restoration and preservation of this ecosystem. We are proud to be connected and providing real data critical to this unique environmental gem in New Mexico.

Bosque School families come from 37 different zip codes to participate in a college preparatory education that contributes to the greater good of the community. As community members, we enjoy using the *bosque* for many activities and pursuits. We use this resource as individuals, classmates, and as members of various clubs or social groups. Along with the educational benefits of this area, we use our State Park, our *bosque* and our Nationally Ranked (in the Top 10) Paseo del Bosque Bike Trail for: Walking - Running - Relaxation - Bicycling - Bird Watching - Hiking -Photography - Horseback Riding - Family Fun - Education - Tourism - Quality of Life for all Albuquerque Residents, Visitors and Stakeholders.

We ask that developments at the Southeast Corner of Coors and Montano ONLY be approved if they reflect the vision, goals and objectives set forth by the existing Albuquerque City Rank 1, 2 and 3 Plans concerning this unique and valuable property. These plans clearly provide guidelines and procedures to "preserve the unique features and encourage the appropriate development of the Coors Corridor" - Quote from Coors Corridor Plan. PLAN SMART FOR FAMILIES, RESIDENTS, AND VISITORS. PLAN SMART FOR RESOURCES, FOR ALBUQUERQUE AND FOR NEW MEXICO. Appropriate Development does NOT include a big box store in the middle of a heavy traffic intersection, a bridge crossing, a school (6th through 12th) and a state park with natural and cultural heritage value. We DO understand this southeast corner will be commercially developed, but WE ASK FOR SMART DEVELOPMENT that highlights existing resources and further supports the recommendations laid out in the above plans. "By signing this petition, I declare that I am an Albuquerque Resident and in support of the above statements and ask the Environmental Planning Commission and Albuquerque City Council Members to vote against big box development at Coors and Montano.

Check the district-map to see which district you live in.

sample



35 + 1
1 = 4
2 = 7
3 = 0
4 = 1
5 = 18
6-9 = 0
odder = 8

**PETITION TO ALBUQUERQUE ENVIRONMENTAL PLANNING COMMISSION AND CITY COUNCIL MEMBERS,
SIGNED BY ALBUQUERQUE RESIDENTS WHO ARE AGAINST A BIG BOX STORE,
AND FOR BETTER LAND USE AT THE SOUTHEAST CORNER OF COORS AND MONTANO**

We are Albuquerque City residents who live by, or benefit from using Rio Grande Valley State Park. We enjoy being part of a river city and appreciate the cultural heritage that follows our beautiful Rio Grande. We enjoy using the Bosque for many activities and pursuits. We use this resource as individuals, and as members of various clubs or social groups. We use our State Park and our Bosque and our Nationally Ranked (in the Top 10) Paseo del Bosque Bike Trail for: Walking - Running - Relaxation - Bicycling - Bird Watching - Hiking - Photography - Horseback Riding - Family Fun - Education - Tourism - Quality of Life for all Albuquerque Residents, Visitors and Stakeholders. We ask that developments at the Southeast Corner of Coors and Montano ONLY be approved if they reflect the vision, goals and objectives set forth by the existing Albuquerque City Rank 1, 2 and 3 Plans concerning this unique and valuable property. These plans clearly provide guidelines and procedures to "preserve the unique features and encourage the appropriate development of the Coors Corridor" - Quote from Coors Corridor Plan. **PLAN SMART FOR FAMILIES, RESIDENTS, AND VISITORS. PLAN SMART FOR RESOURCES, FOR ALBUQUERQUE AND FOR NEW MEXICO.**

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Check the district-map to see which district you live in.

	FIRST NAME SIGNATURE	LAST NAME PRINT NAME	STREET ADDRESS	ZIP CODE	DISTRICT	FAVORITE BOSQUE ACTIVITY
1	[Signature]	Heather Kramer	4224 Summikin NW 77114	87114	5	
2	[Signature]	Joseph Kapp	7308 Tellason Ave NW	87114	5	
3	[Signature]	Amy Humphre	6800 W. Stadel Norte NE	87113	2	Biking
4	[Signature]	[Signature]	[Signature]	87120	5	Walking
5	[Signature]	ST. K. [Signature]	1155 Darnley	87120	5	Walking
6	[Signature]	Gina T. Cooreally	1514 Gringos Rd NW	87107	2	hiking, jogging
7	[Signature]	Stephanie Thompson	4516 Oxbow North Tr NW	87120	5	Biking, walking
8	[Signature]	D. Bostad	274 Sheelam NW	87104	2	Hiking
9	[Signature]	M. Bostad	274 Sheelam NW	87104	2	Hiking
10	[Signature]	Gary Bowles	6515 Astair NW	87120	5	Being There
11	[Signature]	Robert Mitchell	5137 Vista Dr NW	87120	5	Walking
12	[Signature]	Steve Babinsky	1000 Las Gulasas CNE	87107	2	every day
13	[Signature]	Carolyn Francis	5825 Volusia St NW	87107	2	Biking, Hiking
14	[Signature]	Arden Wiermann	8027 Linda Ave NW	87120	1	biking, walking
15	[Signature]	Brian Sarge	6119 Mustang Ln NW	87120	5	
16	[Signature]	Julia Brech	1309 Roca Falls St NW	87120	1	Walking
17	[Signature]	Susan Lagarde	5430 Alameda Dr NW	87120	5	Walking
18	[Signature]	Howard Higgins	1004 Ortega NW	87114	co #1	Biking
19	[Signature]	Dan Bergsund	5704 Elva Dr NW	87120	5	Photography
20	[Signature]	Dennis Scharf	810 Edith NE	87113	co #1	Walking
21	[Signature]	Walker	11336 Dayton Dr NW	87114	-	Walking, Biking
22	[Signature]	Toulsen	3740 Lorenso Ridge St	87114	-	walking, hiking
23	[Signature]	Thompson	1421 Avenida de las Campanas	87107	-	Biking
24	[Signature]	Spade	4315 Bryan Ave NW	87114	5	Biking
25	[Signature]	Miles King	" "	87114	5	Biking
26	[Signature]	Roseann Huila	6012 Medo Garden NW	87120	-	Biking
27	[Signature]	Crystal Ledillo	5153 Avenida de la Mirada	87114	4	Walking
28	[Signature]	Chavez	6301 Kismet	87120	1	Walking
29	[Signature]	Thompson	9812 Sunshin Vista Dr NW	87114	5	
30	[Signature]	Johanson	5201 Stallion NW 880	87120	5	walk
31	[Signature]	NEEDER	5326 [Signature]	87120	5	all day
32	[Signature]	Robert [Signature]	421 Kufane	87108	-	
33	[Signature]	Anita Hamel	5329 Canada Vista Pl NW	87120	5	walking
34	[Signature]	John Coon	4715 Prairie Hill Pl	87114	5	Walking
35	[Signature]	55326 X Castile	9121 [Signature]	87121	-	Biking
36	[Signature]	Ron Russell	5155 Levy Ct NW AQ NW	87020	1	walk - run. bike
37	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
38	[Signature]	WHEELER	5709 [Signature]	87120	5	
39	[Signature]	Don Detweiler	297 Alamosa Rd NW	87077	2	Biking/Walking
40	[Signature]	NEIL [Signature]	4820 [Signature]	87120	5	Biking



B O S Q U E S C H O O L

scholarship • community • integrity



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2011 - 2012

January 5, 2012

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Peggie Ann Findlay
Founder
William B. Handmaker
Head of School

Ms. Catalina Lehner
City of Albuquerque
Planning Department
600 2nd St. NW
Albuquerque, NM 87102

Dear Ms. Lehner,

Enclosed is a petition filled with ¹³¹signatures from Albuquerque residents who are also associated with Bosque School. These signatures represent opposition to project #1003859 as it is proposed by the developer. A massive big box retail store and large parking lot is not an acceptable option for this busy intersection at Coors and Montano NW.

We ask that EPC strongly consider the objections of these Albuquerque residents. Please only consider a development proposal that makes sense for Albuquerque's Westside neighborhoods and businesses. This particular project clearly does not.

Sincerely,

Marisa Gay
Director of Communications and Marketing
Bosque School
4000 Learning Road NW
Albuquerque, NM 87120

4000 Learning Rd NW
Albuquerque, NM 87120
Tel: 505.898.6388
Fax: 505.922.0392

www.bosqueschool.org

January 9, 2011

To: Environmental Planning Commission
c/o Catalina Lehner, Project Analyst

Re: Project # 1003859/Coors-Montano: Amended Site Development Plan for Subdivision and Site Development Plan for Building Permit on 23.9 acres at the corner of Coors and Montano.

From: West Side Coalition of Neighborhood Associations
Dr. Joe L. Valles, Land-use Chair

Position: OPPOSED

The West Side Coalition of Neighborhood Associations **OPPOSES** the proposed 'Big Box Development' at the corner of Coors and Montano.

This proposed project is of *Regional Significance* to the integrity of the West Side and indeed the City of Albuquerque. The WS Coalition's position is based on reasonable concerns for the detrimental impacts of traffic to an already bottle-necked major intersection and river crossing on the only continuous north/south corridor on the West Side.

Opposition is also evidenced by participation on the part of hundreds of residents in at least three well-publicized Facilitated Meetings where not one person spoke in favor of this proposed development while raising other significant concerns.

1. Regarding the West Side's most pressing current issue of *Regional Significance*, the proposed Big Box (Walmart) development at Coors and Montano, the following excerpts were published in the *Albuquerque Journal* on December 29, 2011.

RIVER CROSSINGS MOST CONGESTED IN METRO AREA (Dec. 29, 2011)

- West Side commuters will find plenty of familiar names atop the list of central New Mexico's most-congested corridors.

- Alameda, Montañño, Paseo del Norte, Bridge and U.S. 550 – in that order – lead the rankings for congested roads in the metropolitan area, according to a report issued this month. Each of the five roads provides a crucial crossing for people who live and work on opposite sides of the Rio Grande.
- City Councilor Dan Lewis, whose district covers northwest Albuquerque, said the congestion will get worse unless action is taken.
- The traffic report, issued by the Mid-Region Council of Governments, examined the 30 most congested corridors in the metropolitan area. They were ranked based on three criteria: the ratio of traffic volume to capacity, the speed at which traffic moves compared to the speed limit and crash rates.
- Montañño and Paseo, ranked No. 2 and 3, have similar profiles, but with higher crash rates playing a role in their congestion. Paseo is particularly bad for safety, with crash rates that are 80 percent higher than the regional average.
- “The next step is for the different agencies to look at these corridors and develop different strategies to reduce congestion and improve traffic flow,” Pennella said. Another river crossing, he said, is “highly unlikely at this point” because of funding and political challenges.
- Computer models, meanwhile, suggest the number of lanes crossing the river might have to at least double by 2035 to handle all the traffic from single-occupancy vehicles. However, adding that many crossings or lanes may not be practical because connecting roads would also have to be expanded to avoid bottlenecks, according to the Council of Governments.
- The goal is to look “at every possible way of improving the movement of people from one side of the river to the other,” Pennella said. “... Like all metropolitan areas in the United States, we are trying to grapple with how to address congestion on various arterial roads with the limited amount of funding we have available.”

(This article appeared on page A1 of the Albuquerque Journal)

2. For this and other valid reasons in the record, **we strongly urge the Environmental Planning Commission to deny this application.**

Respectfully submitted, Dr. Joe L. Valles

WSCONAs Land-use Chair and President: Grande Heights NA

Lehner, Catalina L.

From: JOEVALLES@aol.com
Sent: Monday, January 09, 2012 3:25 PM
To: Lehner, Catalina L.
Cc: abqwsboard@yahoogroups.com; aboard10@juno.com
Subject: West Side Coalition of NAs: OPPOSITION to Project #1003859/Coors-Montano

January 9, 2011

To: Environmental Planning Commission
c/o Catalina Lehner, Project Analyst

Re: Project # 1003859/Coors-Montano: Amended Site Development Plan for Subdivision and Site Development Plan for Building Permit on 23.9 acres at the corner of Coors and Montano.

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opposite sides of the Rio Grande.

- City Councilor Dan Lewis, whose district covers northwest Albuquerque, said the congestion will get worse unless action is taken.
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- Montaño and Paseo, ranked No. 2 and 3, have similar profiles, but with higher crash rates playing a role in their congestion. Paseo is particularly bad for safety, with crash rates that are 80 percent higher than the regional average.
- “The next step is for the different agencies to look at these corridors and develop different strategies to reduce congestion and improve traffic flow,” Pennella said. Another river crossing, he said, is “highly unlikely at this point” because of funding and political challenges.
- Computer models, meanwhile, suggest the number of lanes crossing the river might have to at least double by 2035 to handle all the traffic from single-occupancy vehicles. However, adding that many crossings or lanes may not be practical because connecting roads would also have to be expanded to avoid bottlenecks, according to the Council of Governments.
- The goal is to look “at every possible way of improving the movement of people from one side of the river to the other,” Pennella said. “... Like all metropolitan areas in the United States, we are trying to grapple with how to address congestion on various arterial roads with the limited amount of funding we have available.”

(This article appeared on page A1 of the Albuquerque Journal)

2. For this and other valid reasons in the record, **we strongly urge the *Environmental Planning Commission* to deny this application.**

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WSCONAs Land-use Chair and President: Grande Heights NA

Marrone, Carmen M.

From: Westbrook, Sara on behalf of Lewis, Dan P.
Sent: Wednesday, January 04, 2012 8:27 PM
To: Marrone, Carmen M.
Subject: FW: BCC Reminder: WS Coalition Meeting Tonight & (Big Box-Walmart) Land-use Report

For the record.

Sara Westbrook
 Policy Analyst - Councilor Dan Lewis
 City Council District 5
 (505) 768-3189 (w)
 (505) 768-3227 (f)
 swestbrook@cabq.gov (e-mail)

From: JOEVALLES@aol.com [mailto:JOEVALLES@aol.com]
Sent: Wednesday, January 04, 2012 4:08 PM
To: abqwscoboard@yahooogroups.com
Subject: BCC Reminder: WS Coalition Meeting Tonight & (Big Box-Walmart) Land-use Report

Greetings,

1. Regarding the West Side's most pressing current issue of *Regional Significance*, the **proposed Big Box (Walmart) development at Coors and Montano** (EPC Hearing January 19), the following excerpts were published in the **Albuquerque Journal** on December 29, 2011.

River Crossings Most Congested in Metro Area, By Dan McKay Dec 29, 2011

- West Side commuters will find plenty of familiar names atop the list of central New Mexico's most-congested corridors.
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This article appeared on page A1 of the Albuquerque Journal

2. Various strategies in opposition to the ‘Big Box’ development have been initiated—all legitimate and justified. Unfortunately, historically most of these decisions have been predisposed to some form of politics and influence.

Also historically, the West Side has too often suffered ultimately by majority decisions of the City Council weighted heavily by Council representatives from the far Eastside Districts that have no pulse of conditions that exist on the West Side.

The Bosque School has a student population representative of all sectors of Albuquerque. While we here on the West Side do our diligent work to protect our integrity, a sound strategy would be to have the parents and relatives of Bosque School’s students make it very clear to their Eastside representatives that they too have a stake in the ultimate decision regarding this proposed development.

For now, Dr. Joe L. Valles

Lehner, Catalina L.

From: JOEVALLES@aol.com

Sent: Monday, November 07, 2011 4:17 PM

To: Lehner, Catalina L.; abqwsboard@yahoo.com

Subject: Request Deferral: Project #1003859 Coors/Montano Traffic Impact Study (TIS)

Environmental Planning Commission

c/o Catalina Lehner, COA Planning Dept.

Greetings Catalina,

It's our understanding that the Application for the 'Big Box' development at Coors/Montano did not include a *critical* Traffic Impact Study (TIS). It's also our understanding that the TIS would be forthcoming this week—perhaps as early as today. We do not know if or why the Planning Department may have waived the requirement to only accept *complete applications*.

It's essential that neighborhood coalitions, neighborhoods, residents, the Bosque School— and all interested parties have a *meaningful opportunity to review this analysis*. With an EPC Hearing sandwiched between the pressing Thanksgiving and Christmas Holidays, unless the EPC Hearing is deferred to a more reasonable date, *the untimely submittal of this TIS does not allow sufficient time to thoroughly review or otherwise examine and respond* to the complicated data in this critical TIS Analysis. Given that the '10-day rule' for us to submit evidence and written comment comes right after Thanksgiving, this effectively means we only have a few days in which to analyze the TIS.

The West Side Coalition of Neighborhood Associations at our November 2 meeting, by a 19-2 majority, voted to oppose a high traffic generating 'Big Box' development at the intersection of Coors and Montano. At issue for the Coalition is this— this is a *regionally significant development* that would severely burden an *already bottle-necked intersection* at Montano and Coors— on the West Side's only continuous North/South corridor. Other significant issues aside, that alone should give the city substantial reason to critically examine the impacts of this whole proposal— and stop it altogether or scale the development down considerably.

The Traffic Impact Study is a crucial piece of this Application. It would be prudent— and in the best interest of fairness and good faith— to *defer the EPC Hearing and any related facilitated meetings until such time that we have a meaningful opportunity to examine the Applicant's TIS analysis*.

12/12/2011

Respectfully submitted, Dr. Joe L. Valles

Land-use Chair: West Side Coalition

(CC: WSCONA Executive Committee, Facilitator and Extensive E-mail List)

12/12/2011

Winklepleck, Stephani I.

To: Marrone, Carmen M.; Lehner, Catalina L.

Cc: Nason, Deborah A.

Subject: FW: [abqwscona] BCC FW: Response to Reporter's Request for Comment on Walmart

Ladies,

Here is a message that I received yesterday in regards to the proposed project #1003859 for the Walmart.

I checked Channel 7 news this morning beginning at 4:30 a.m. and saw no news report in regards to this.

Just a FYI for you.

Catalina - will be bringing up the file that I have in regards to this EPC Project later this week and will give to you. I have everything in date order - any e-mails in regards to this. You can pull what you want and need for your files - I basically just kept everything.

Have a good one!

Stephani

Stephani Winklepleck

Neighborhood Liaison
COA/Planning, Office of Neighborhood Coordination
Physical: 600 Second St. NW, Rm. 120/87102
Mailing: P.O. Box 1293/87103
Albuquerque, New Mexico
Phone: (505) 924-3902, Fax: (505) 924-3913
e-mail: swinklepleck@cabq.gov

From: abqwscona@yahoogroups.com [mailto:abqwscona@yahoogroups.com] **On Behalf Of** joevalles@aol.com

Sent: Tuesday, November 01, 2011 4:59 PM

To: abqwsboard@yahoogroups.com

Subject: [abqwscona] BCC FW: Response to Reporter's Request for Comment on Walmart

From: JOEVALLES@aol.com

To: cileto@hearst.com

CC: joevalles@aol.com

Sent: 11/1/2011 12:16:05 P.M. Mountain Daylight Time

Subj: Re: written statement

Greetings Christie...just opened your e-mail...I would respond thusly...Dr. Joe 720-0253:

"...people on the West Side have heard it before...a big-box store uses a 'hired-gun' traffic

11/2/2011

engineer who then minimizes traffic impacts...the city approves...and the taxpayers pay to fix the traffic mess created...as they did with the re-construction of Coors-I-40 at a cost to taxpayers of \$120M with the Walmart problems created there...this is a ***regionally significant development*** because it would severely burden an *already bottle-necked intersection* at Montano and Coors...the West Side's only continuous North/South corridor...other significant issues aside...that alone should give the city a reason to stop it or scale the development down significantly..."

Dr. Joe L. Valles,

Land-use Chair: West Side Coalition of Neighborhood Associations

President: Grande Heights Neighborhood Association

In a message dated 11/1/2011 11:34:48 A.M. Mountain Daylight Time, cileto@hearst.com writes:

Hi Joe—

I heard the Walmart hearing is happening next month on the 8th of December.

Can you give written statement so we can run it in our morning show tomorrow/

Christie Iletto

862 3349

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11/2/2011

Winklepleck, Stephani I.

From: abqwscona@yahoogroups.com on behalf of joevalles@aol.com
Sent: Tuesday, November 01, 2011 4:59 PM
To: abqwsboard@yahoogroups.com
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362 3349

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11/2/2011

Winklepleck, Stephani I.

From: abqwscona@yahoogroups.com on behalf of candypatt@aol.com

Sent: Wednesday, October 05, 2011 12:38 PM

To: abqwscona@yahoogroups.com

Subject: [abqwscona] Proposal/motion to Support Neighborhoods in Opposition of "Big Box"

City Council meets tonight and will discuss LED sign legislation. Renee Horvath, Dr Joe Valles, and other Taylor Ranch Neighborhood Association members, will attend the meeting in support of our Community.

Alameda, Griegos, Rio Grande, and Tramway are listed as roadways prohibiting LED signs. The 4 roadways idea came from the Cell tower regulations which had a total of 11 roadways that restricted cell towers. Coors, Unser, Paseo del Norte and Central were also on that list. Why were these roadways left out of the LED regulation? Coors is the scenic road on the Westside. Unser is a 4-lane parkway through the Petroglyphs, Paseo del Norte also goes through the Petroglyphs,

Based on the facilitated meeting held September 28 (I attended), and information provided below, I would like to propose that the Coalition draft a motion in opposition to the proposed "Big Box" store - our Community of neighborhoods and Bosque Prep School need our undivided support.

Candelaria Patterson

Vice President

West Side Coalition of NAs.

Message from Dr Valles:

Greetings Renee and all you folk that support maintaining the integrity of our West Side Community, There certainly was an emotional punch at the meeting...and that's important...but I'm also encouraged that some folk cited specific standing policies...we'll need them. Because in my opinion it's important that we don't make this just a "Walmart issue" but rather about the impacts of a "high traffic generating 'Big Box' store" in a location ill-suited to handle the traffic impacts that will occur."

It's also important...and correct...to begin to erode confidence in the resultant accuracy of traffic projections by the developers' hired traffic experts...and...the choke-held traffic engineers for the City of Albuquerque that historically have wrongfully accepted and approved (with a nod and a wink) whatever deficient Traffic Impact Analysis provided for their 'analysis'!...and almost always subsequent acceptance and approval on our public welfare's behalf...with a nod and a wink...

As I've stated before...our Councilors and Mayor are not the least bit in the dark on these matters (those breakfasts and lunches have already been had). A project of this magnitude...with this much at stake...did not happen in a vacuum. And it's fundamentally unfair for any City Councilor to run from playing a part on these matters...neglecting their responsibility to answer to their constituency...under the guise that they can't interact in

10/5/2011

the process because they will be involved in making a decision. Heck...the application hasn't even been formally submitted. That excuse is bunk!

The the following is are my written notes which I paraphrased from when I had the opportunity to speak...Dr. Joe L. Valles

Proposed 'Big Box' Development at Coors and Montano

With three other Walmarts in near vicinity to this site (North, South and West), it's difficult to believe this particular store is intended to serve this particular area. One can safely assume that it's intended to serve the North Valley where a large "Big Box" store with the same name was blocked by active members of that community. And that means more traffic to this area. The key words here— "more traffic."

It's unfortunate that Walmart has decided on this particular location when folk are supporting commercial development at Unser Crossing located at Unser/Central. People there have discretionary income to spend as well— and begging for commercial development.

This is a Regionally Significant development impacting the entire Coors Corridor and hence the West Side. I remain very leery of Traffic Impact Studies (TIS) or Traffic Impact Analysis (TIAs) as have been traditionally conducted within the City of Albuquerque's land-use approval process— in this virtual analytical world they tend to shift the problems elsewhere. On an already congested intersection— and corridor— we need to know what questions can and should be raised by the City and State about the current traffic model— and how the public welfare is served in any positive way by building such a high traffic generator at an already bottlenecked location. A couple of questions comes to mind:

- How wide of an area are Traffic Impacts taken into account in this Traffic Impact Analysis?*
- Will the NMDOT— the State— be asked to submit an analysis of the impacts on Coors Blvd., a State Highway? They need to.*

The Traffic Engineer providing analysis on this project is the same Traffic Engineer that conducted the Traffic Impact Analysis on the West Bluff Shopping Center at Coors/I-40 in 1999. Based on that analysis— and against common sense and policy— developers claimed then that traffic improvements to the intersection would actually "make traffic better in the area." The City Traffic Engineers actually bought it (with a nod and a wink). And we all know how that turned out— the taxpayers had to fork out \$120 M for the reconstruction of Coors/I-40 in order to fix the mess left behind.

We don't have that same kind of money available in this economy to fix this pending mess.

Respectfully, Dr. Joe L. Valles

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10/5/2011

November 3, 2011

City of Albuquerque Environment Planning Commission

Re: **EPC Project #1003859 11EPC-40067** (Site Development Plan for Building Permit) and **11EPC-40068** (Amending the Site Development Plan for Subdivision)

The La Luz Del Sol (LLDS) Neighborhood Association solicited input from our 50 homeowners and found consensus on the following concerns:

1. At evening rush hour, it seems that the left turn lanes into the development from Montañño onto Mirandela Street would not be of adequate approach length; since traffic would be backed up from the left turning vehicles, we believe that the Montañño bridge congestion would increase and the accident rate at this intersection could be significantly higher than the current count from cars turning into the Bosque school and the open space
2. Light pollution caused by lighting the high density parking area, diminishing the natural ambiance of the Bosque
3. Public involvement in development of the other 11 lots since we do not understand this process beyond Wal Mart's lot 1
4. Traffic study data that was presented at two preliminary meetings was not included in the mailings. Why not?
5. Potential sale of alcohol so close to the Bosque School
6. Potential sale of guns and ammunition so close to the Bosque School
7. If the Wal Mart development of the entire Coors/Montañño complex were to create traffic issues such that a Paseo del Norte type overpass was required for Montañño, then the development of 12 lots versus the original 3 lots would be opposed
8. Wal Mart parking areas are generally a mess, caused by garbage flying around, high density parking and encouragement of overnight recreational vehicle parking creating an RV park-like atmosphere within the general confines of residential neighborhoods.

In general, the residents of the LLDS neighborhood association do not oppose the development of the Coors/ Montañño site assuming that the development is done in accordance with the original site development plan approved in 2005. We are not sure that breaking the 3 tracts into 12 tracts still does meet the original site plan. Wal Mart, and the rest of the Silver Leaf development, could be a good neighbor to Bosque School, La Luz, La Luz Del Sol and other surrounding residential communities by considering light pollution and traffic mitigation beyond the Silver Leaf work previously designed. Additional mitigation could include adding pedestrian & bike paths consistent with the La Luz access to the river trail system.

Thank you for your consideration of our concerns.

Art Woods

Art Woods, President Pro Tem

La Luz Del Sol Neighborhood Association

CC: Wally Ford (LLDS NA), Ross Henke (President, LLDS Homeowners Association), Diane Glover, Stephani Winklepleck

Lehner, Catalina L.

From: Colette Schobbens [CSchobbens@nmml.org]
Sent: Friday, December 30, 2011 1:54 PM
To: Lehner, Catalina L.; Marrone, Carmen M.
Cc: Sanchez, Ken; O'Malley, Debbie; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; Garduno, Rey; Cook, Michael D.; Jones, Trudy; Harris, Don
Subject: Project # 1003859

Please include the following comments in the Coors/Montano Walmart application file - project #1003859.

To our Albuquerque City Planners, EPC and Council members,

When we choose a life partner, it is OK to wait until the right one comes along!

I am writing on behalf of the Las Casitas del Rio II Home Owners Association located off of Winterhaven NW, less than 300 yards North of the proposed Walmart development at Coors and Montano.

We are very concerned about the above project and strongly oppose the development of any large retail facility on the corner of Coors and Montano. Our main points supporting our position are listed hereunder:

1. The proposed site represents some of the last few acres of property right along the Bosque on Coors; allowing a large retail facility to be built there would eliminate the unique opportunity we have for the City of Albuquerque to preserve and protect precious resources and/or to build instead a community oriented and environmentally friendly development.
2. Allowing an LRF to be built at this site, when the same business is already available a couple of miles north and south of this location, would simply bring more traffic (and accidents, and crime, and trash) to the already very congested Coors Corridor and to this intersection in particular. Businesses of this type are needed further West; a Walmart Supercenter further West would help alleviate traffic on Coors instead of making it worse.
3. The applicant was only required to provide a traffic study extending projections to 2015 when the development would barely be completed. Traffic projections provided at the recent Coors Corridor Plan Update meetings were predicting the Coors-Montano intersection traffic flow to be severely impaired within 10-15 years or sooner (not even considering the proposed Walmart development). Project #1003859 will only make these alarming projections in regards to traffic flow occur sooner.
4. The proposed site development goes against a very long list of regulations and recommendations provided in the Albuquerque Zoning Code and plans (Albuquerque-Bernalillo, West Side and Coors Corridor). Approving this application would certainly mean bending many of these regulations and recommendations, which is neither the role of the City Planners or the EPC members, nor in the best interest of Albuquerque as a whole.

12/30/2011

- The pristine views enjoyed by all residents coming down from Taylor Ranch on Montano going East would be destroyed; with the proposed development you would now look at an immense roof-top scattered with HVAC equipment, and an even larger parking lot. The Coors Corridor Plan clearly calls for protecting the views of the Bosque and Mountains on Coors; it also calls for "Village" feel type developments. An LRF isn't, has never been, and never will be a synonym to anything "Village-like".
- The parking area of an LRF is not supposed to dominate the overall view, yet it clearly does on the proposed site plan.
- In order to allow for traffic flow, the Coors Corridor Plan recommends at least ¼ mile between right-in right-out access to Coors, and ½ mile between intersections. Yet the site plan is suggesting additional curb cuts on both Coors and Montano, much closer to the Coors Montano intersection than the recommended minimum ¼ mile. This will create a traffic nightmare and many more accidents.
- The proposed site plan calls for a zoning change from O-1 to SU-1 for a significant portion of the site; why allow this to happen when it clearly was not intended to happen?
- Many more deficiencies showing the lack of a match between the proposed development and the intent and recommendations of the 3 plans in place have been pointed out by the Planning Department staff and other concerned residents (see documents submitted in this regard).

We ask our City-Planners, the EPC and Council members to look at the short and long-range detrimental effects of the proposed development.

The destruction of views and environment, the loss of jobs and small locally owned businesses and worsening of traffic conditions in this area clearly outweigh the highly questionable benefits of the proposed development.

It is not right to build an LRF right next to a State Park entrance, it does not belong there.

Please make the right decision for the future of Albuquerque. We can do better: let's have a West Side Plaza surrounded by small, locally owned shops and businesses, maybe a Youth Conservation Center.

When we choose a life partner, it is OK to wait until the right one comes along!

Thank you for your consideration

Sincerely,

Colette M. Schobbens
For Las Casitas del Rio II HOA
6155 Deergrass Circle NW
Albuquerque, NM 87120

Rae Perls, Chairperson
La Luz External Committee
15 Tennis Court,NW
Albuquerque, NM 87120

September 2011

Regarding the Big Box proposal for the corner of Coors & Montano the La Luz Landowners Board of Directors is strongly on record opposing the revised plan for that commercial development . The following issues are of most concern:

1. Traffic at that intersection is already at a critical point with large back-ups at several different heavily traffic hours each week day. The proposal requests an additional exit cut onto Montano between the current light and the cut at Winterhaven. Children from the school use for foot traffic across as well as normal in and out from Bosque School. An added cut with added traffic will further back up traffic and be an added safety concern. We need an updated traffic study.
2. The size of the proposed Walmart Store at 90,000 sq. feet creates more parking and concrete than that site should allow given the natural beauty of the location. It defies the Coors Corridor Plan ideas of protecting the views and the natural beauty of that remaining land near to the bosque.
3. A Big Box store brings with it not only added traffic, but 24 hour traffic, increased crime, and the danger from the fire arms and ammunition sold at all hours along side alcohol sales.
4. The Special Use designation was intended to bring commercial opportunities that add to the surrounding neighborhoods. Given that there is a Super Walmart five minutes to the south of this site and a large Target six minutes to the north, this does not offer anything that adds to the quality of life of the neighborhoods nearby. The original concept called for a "village" kind of neighborhood commercial area. It appears this Walmart is intended to draw shoppers from across the Montano bridge from the north valley rather than serve the west side of town. A neighborhood grocery store would be most welcome and likely would be in the 12,000 to 30,000 square feet size range.

raeperls@aol.com

January 9, 2012

Catalina Lehner, Staff Planner
City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, New Mexico 87102

Project Number #: 1003859 North Andalucia at La Luz - Large Retail Facility

Dear Ms. Lehner,

The Taylor Ranch Neighborhood Association does not support the proposed big box development at Coors and Montano and requests that this project be denied. This project is out of character with the existing built structures in the surrounding area and does not blend with the natural environment of the Bosque. The project is not considered a pedestrian friendly development but rather an auto oriented development that produces much more traffic than our nearby shopping centers. The Taylor Ranch area cannot afford intensive traffic generating developments. We need developments that produce less amounts of traffic and are more pedestrian friendly like the Riverside Plaza, which is located north of this site. This site is not only near the Bosque, a natural amenity, but it also has the best views in town. The nationally recognized La Luz town home complex, designed by the well known architect, Antoine Predock, is located just south of the site. Bosque School has also upheld the same high architectural standards for the Bosque area. This area is a source of pride for the Taylor Ranch Community. Our expectation was that any new development on this site would maintain the same high standard as the first two developments. The proposed big box development goes against all the values and expectations that we have held for this area. We believe that there are enough goals and policies already in place depicting the vision of a pedestrian friendly village style shopping center at this site rather than an auto oriented big box development. Below are the reasons why the large retail facility is inappropriate at this location:

(1) Traffic congestion: On December 29th 2011 the Albuquerque Journal listed the 5 most congested corridors in the Albuquerque region. All five are river crossings. Three of the river crossings are in our area: Alameda, Montano, and Paseo del Norte. Montano is listed as the second most congested in the City. It can take a commuter between 20 to 30 minutes just to get across the river between Taylor Ranch and 4th Street during rush hour. We have met with MRCOG many times. They say this situation will only get worse. No other river crossings are planned. There are only so many road improvements that can be done to alleviate the situation. No matter how many lanes are built on Coors, traffic will still have to funnel onto the narrow bridges. MRCOG says that better land use planning is needed. This includes more transit planning and better pedestrian friendly developments."

(2) Coors Access: There is no direct signalized access for the Coors/ Montano commercial site. The only way to exit the site to travel south on Coors is at the signalized light at Coors and Learning road. The commercial traffic will have to travel through

several local roads to gain access to the traffic light on Coors. **The Large Retail facility regulations under 14-16-3-2 Shopping Center Regulations also known as the Big Box Ordinance states:** *"Large retail facility with a square footage of 90,001 to 124,999 sq. ft. is required to be located adjacent to and have primary and full access in all directions to a street designated as at least a collector street in the Mid Region Council of Governments MTP and having at least four through traffic lanes."* While there is access to Coors Blvd. at Mirandela it is not a full access signalized intersection. **The Coors Corridor Plan, Policy 5, pg. 23 states:** *"There shall be a minimum distance of approximately one-half mile for signalized intersections."* Mirandela is only a ¼ mile away from the Coors/Montano traffic light. Therefore the only way the commercial traffic can get to a signalized intersection is at Coors and Learning road, but they have to travel along Antequera to get there. Antequera and Learning road are also local roadways, which are not designed for this high level of traffic. La Luz and the Bosque School rely on the local roads to get to the traffic signal on Coors and Learning road. These narrow roadways also have traffic circles, which are difficult for large trucks to use. A residential apartment complex will soon be built along Antequera this year. Those residents will also be using the local roads to get to the one traffic light. **The Big Box ordinance states:** *"Large retail facilities shall be located to secure adequate street capacity to transport pedestrians and vehicles to and from the large retail facilities, and discourages traffic from cutting through residential neighborhoods."* The apartment complex is a residential neighborhood. Sharing these roads with the commercial and truck traffic will overly burden the local roads that are used by La Luz, Bosque School, and the future apartment complex. It has been our observation that the Walmart Supercenters create a lot more traffic than the usual shopping center. This is another traffic burden that we just can't handle.

(3) Montano access: The applicant is seeking approval for another driveway onto Montano. Montano is one of only four river crossings between I-40 and Alameda. **The Transportation Planning Department** states that Montano is designated a limited access road. The current access policy prohibits access between Coors and Rio Grande Blvd. Any access along Montano will require approval by the MRCOG Transportation Coordination Committee (TCC). On December 6th, Taylor Ranch residents attended a meeting with the Coors Corridor Transportation Planning team at the Community Center to discuss the traffic congestion along Coors Blvd. and the river crossings. They said it would get worse. One option presented to help improve traffic flows, is a grade separation at the Coors and Montano intersection. Montano would go under Coors in order to line up with the bridge. Wouldn't the grade separation and the driveway access at this location interfere with each other? Allowing additional access along Montano into this site seems premature and we advise against it.

(4) The Rio Grande Bosque: One of the most cherished features in Albuquerque is the Rio Grande Bosque. The Coors/ Montano area is very special to Taylor Ranch and surrounding communities. It is the gateway to the Taylor Ranch area, and an entrance to the Rio Grande. The City of Albuquerque invested in acquiring the open space parking area for visitors to enjoy the river and Bosque. There are tree sculptures in the open space area. Last November, the Albuquerque Journal, did a story on the ABQ Plan. It

said that the City issued a request for proposals to design improvements near parts of the river where there are bridge crossings with an eye toward creating spots where people can stop, rest, eat or get something to drink. The Mayor said that *"ABQ the Plan is about spurring private investment in our city, increasing quality of life, promoting tourism and creating economic development opportunities."* The North Andalusia site has the best potential to provide such a development that would lend itself to the vision of the Mayor's "ABQ Plan" Bosque initiative. This is the best place for such a development and is probably the only place left along the river to do a development with these goals in mind.

(5) 2005 Design Standards: The Design Standards for North Andalusia at La Luz was approved in 2005. It states that *"The primary goal for this property is to achieve a vibrant, mixed use community that fosters pedestrian accessibility, and maintains a village type character. The Design Standards should be used to facilitate the design of buildings which respect to the natural conditions of the site, maintain and highlight the spectacular views of the Sandia and Manzano Mountains and to leave significant areas dedicated to open space. These standards are intended to be complementary to La Luz, Albuquerque's the first cluster housing project in Albuquerque, and the Bosque School."* Both La Luz and the Bosque School were designed to blend with the Bosque environment. Because of their unique design they have been consistent in upholding a higher standard for the area. The proposed big box development does not in any way match the quality of these two community complexes, and would lower standards for the whole area. This would affect the amount of pride the community holds for this special place.

(6) I've outlined below the Goals and Policies of three existing City Plans which dictate the type of development envisioned for this site: *All three plans mention how important it is to achieve a community identity, a pedestrian scale development for community activity centers and to blend with the existing built and natural environment:*

Rank I Plan, Albuquerque Bernalillo County Comprehensive Plan: It provides the Goals and policies for the greater Albuquerque area. **(A)Pg. I-1 Context:** *"A City's quality is not measured by its size but by its livability and by the opportunities it offers residents. Albuquerque's future in this regard is considered positive by its citizens." The City's future will largely be determined by the choices made by its citizens; achieving those choices requires a plan.* **(B) Pg. I-2 Purpose:** *"The purpose of the Comprehensive Plan is to guide and accomplish a coordinated, adjusted and harmonious development of the city, which will, in accordance with existing, and future needs, best promote health, safety, morals, other, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development."* **(C) Pg. I-33 Activity Centers:** *"It should be the focus of the City and County efforts to build upon existing locations and develop future Activity Centers as vibrant, transit oriented urban places that encourage walking to destinations throughout each center."* **(D) Pg. I-34: Community Activity Centers:** *"The ideal Community Activity Center would have parcels and buildings scaled to pedestrians, small enough to encourage parking once and walking to more than one*

destination. Parking located between and behind buildings would permit people to walk more safely and comfortably between uses that fronts on sidewalks rather than parking lots. Seating and shade along pedestrian routes also promote walking and informal gathering. The successful multi-use Community Activity Center is a vibrant people place especially serving the surrounding community area as defined by the Plan's "Community Identity and Urban Design."

Rank II Plan, Westside Strategic Plan (WSSP) - (PDF -Amended thru 2009): This Plan provides the goals and policies for Albuquerque's Westside. The WSSP labels the Coors/ Montano site as a **Community Activity Center**. **(A) Page 33 of the WSSP includes a sidebar stating:** *"Community Activity Centers provide focus, identity and sense of character."* The same page includes an illustration of *"New Mexico Plaza Style Development."* Clearly, the proposed development, with a retail store of nearly 100,000 square feet, together with a massive parking lot, is not the development style anticipated by the Plan for Community Activity Centers (CACs.) **(B) Also on page 33** is a statement that *"The plaza model of development, with services enclosing a pedestrian oriented public space, is the desirable form for neighborhood and community centers."* Again, this plaza model cannot be achieved with the scale of the proposed *"big box."* **(C) Also on page 33** is a statement that *"The ideal Community Activity Center...would have parcels and buildings in scale with pedestrians, small enough to encourage parking once and walking to more than one destination."* The proposed development is of a totally different scale than that envisioned by the plan. This concept is restated in Policy 1.12 of the Plan (page 41). **(D)** With respect to parking, the WSSP Plan uses the same statement as the Comprehensive plan stating, *"Parking located between and behind buildings permits people to walk more safely and comfortably between uses that front on sidewalks, rather than parking lots."* As proposed, the development does not satisfy that standard. **(E) Page 38 of the WSSP states,** *"Through design of the commercial site, the development should...avoid long expanses of parking lots at their street frontages."* This is nearly impossible to do with big-box development. **(F) Policy 1.2 of the WSSP pg. 38 states:** *"A transit feasibility and access plan shall be provided with each development plan..."* If approved as presented the City will miss an opportunity to facilitate a bona fide "transit-oriented development" (TOD), in favor of yet another unimaginative auto-centric shopping center. This Coors/Montano location presents some unique TOD opportunities. It lies within the intersection of two important transit corridors, Coors Blvd. with Route 155 and the west side's only Rapid Ride line, #790 (with access to Old Town, Downtown and UNM) and Montano Rd. with Route 157 (providing regular service to Uptown, and Kirtland AFB). Looking ahead, Route 157, is also ideally situated to provide access to the proposed Rail Runner station on Montano, east of 2nd Street. All transit routes cited above also connect this Community Activity Center to Cottonwood Mall and surrounding commercial development via the Northwest Transit Center. Given the poor prospects for new bridges, or even additional lanes crossing the Rio Grande, more consideration needs to be given to development patterns that are not so auto-dependent. This may be a good location to start with. **(G) Policy 1.9, on page 40:** includes additional directions concerning the scale of developments, stating *"Both Community and Neighborhood Centers shall be very accommodating to the pedestrian, even within predominantly off-street parking areas."* Given the expanse of parking

required for big box development, it's difficult to "accommodate" pedestrians to the extent suggested by the policy. **(H) Policy 1.18 of the Plan on page 42:** sets the policy in Community Activity Centers for mixed use development and cites the importance of *"Clustered buildings and meaningful plazas and sheltering forms to promote pedestrian friendly environments..."* **(I) Policy 3.18, pg. 61:** states *"Protection and Preservation of the Bosque is critical. Development east of Coors Boulevard should be sensitive to this community asset."* While this statement is true, it doesn't go far enough to acknowledge the significance of the Bosque--the largest cottonwood forest in America, possibly the world. Given the proximity of the proposed development to the Bosque, it makes sense that standards of development be set commensurately high. There won't be a second opportunity to "get it right."

Rank 3 Plan, Coors Corridor Plan: This plan was developed specifically for the Coors Corridor providing more details and promoting the view preservation and sensitive developments near the Bosque. **Issue 4 visual impressions and urban design pg. 82:** *"The Coors Corridor has the potential for developing into one of the most desirable and unique places in Albuquerque for locating businesses and residences. This presents an opportunity to establish standards for quality design that will attract the kind of businesses, industries and residential development that are so desirable for Albuquerque. The goal of the design regulations and guidelines is to promote visual harmony between new and existing buildings, and between the built environment and natural scene. Building forms should respect and improve the integrity of adjacent existing or potential development, open spaces, and other public areas."* **Policy 2 views beyond the corridor, pg.84:** *"Significant views beyond the corridor which includes the Bosque, Rio Grande valley, the Sandia mountains as viewed from Coors Blvd, should be preserved and enhanced."* **Policy 3, new development pg.86:** *"New development in the Coors Corridor should be designed to be compatible with the natural landscape and the built environment in accordance with the design regulations and guidelines. Development which is compatible with the natural landscape and with the built environment provides a sense of design harmony pleasing to the eye, creating desirable property values and fostering community pride."* **Policy 1: for site planning and architecture, pg. 88:** *"Natural amenities should be incorporated into the site design. Policy 2: Buildings should be designed to provide a pleasing and functional relationship to the roadway, the site, and to adjacent or related buildings and structures. Appropriate building location and design are essential to preserving and establishing desirable visual impressions of the Coors corridor and to establishing a well designed relationship among buildings and the roadway."* **Policy 10 of the Coors Corridor Plan on Pg. 99:** states that: *"architectural design should contribute to the enhancement of the overall visual environment of the Coors Corridor."* All building designs are encouraged to achieve a sense of human scale.

(7) The 8 ft. screen wall: The Parks and Recreation Department and the Open Space Department state that the 8ft. screen wall (behind Walmart), *"should be extended on the eastern side of the Walmart footprint along Mirandela street toward Montano to provide visual relief and litter control between the public open space property and future commercial development."* It is a shame that such a huge wall will have to be erected in

order to screen the activity associated with the Walmart development. This is another example of why this development is not pedestrian friendly. TRNA has stated many times at public meetings that the Westside is too walled up, making it less pedestrian friendly and giving it a monotonous unattractive look. Both Bosque School and La Luz have common areas with no walls. They both provide visual relief for the whole area by not having a wall, and it makes for a better pedestrian experience to walk through. It's nice to see open areas with nice architecture and landscape without it being hidden from view with a high wall. While it is easy to understand why a wall is needed to separate the Walmart hustle bustle activity of commercial traffic and delivery trucks from the school and open space visitors, it wouldn't be necessary if it wasn't an intensive auto oriented big box development. If the proposed development was actually a village style development there would be no need for the 8 ft. screen wall. This is another example why this development is inappropriate for this area and should be denied.

Sincerely,
Rene' Horvath
Land Use Director for TRNA

Lehner, Catalina L.

From: Dan Shaw [Dan.Shaw@bosqueschool.org]
Sent: Monday, January 09, 2012 4:48 PM
To: Lehner, Catalina L.
Cc: Marisa Gay
Subject: Big Box proposal at Coors and Montano for EPC Record

Dear Ms. Lehner

I am requesting that the attached two documents be included in the record provided to the Environmental Planning Commission concerning

Project # 1003859/Coors-Montano: Amended Site Development Plan for Subdivision and Site Development Plan for Building Permit on 23.9 acres at the corner of Coors and Montano.

Yours truly,

Daniel Shaw
Co-Director Bosque Ecosystem Monitoring Program (BEMP)
Director Black Institute for Environmental Studies
Bosque School
4000 Learning Road, NW
Albuquerque, NM 87120
Voice (505) 898-6388
FAX (505) 922-0392

1/9/2012

The Albert J. and Mary Jane Black Institute for Environmental Studies

2010 - 2011 School Year Report



Mission Statement:

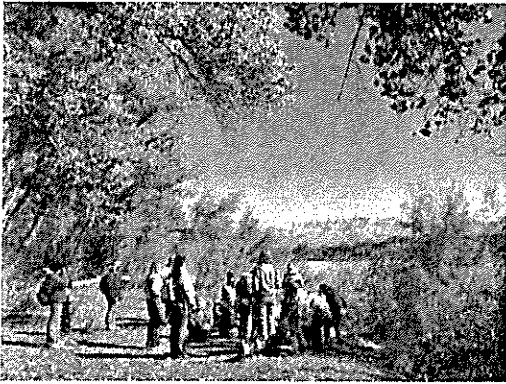
The Albert J. and Mary Jane Black Institute for Environmental Studies at Bosque School is a center for bosque, riparian, and watershed research, environmental education, and sustainability with a primary focus on the Rio Grande watershed.

BOSQUE SCHOOL



scholarship • community • integrity

The Albert J. and Mary Jane Black Institute for Environmental Studies



As a center for *bosque* and environmental education and research, the Albert J. and Mary Jane Black Institute at Bosque School (Black Institute) strives to build connections between students, their community, and the riverside forest and associated watersheds that sustains and binds them all.

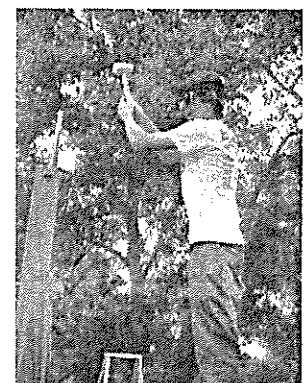
The work of the Black Institute does three things;

First, it orchestrates learning opportunities to help people understand river ecosystems and their supporting watersheds.



Second, it provides community members with time in an urban, riverside forest to allow them to have first hand experiences with their local environment and develop a sense of place within it.

And third, the Institute supports people as they take action to restore and sustain the ecological integrity of the Rio Grande and its watershed.



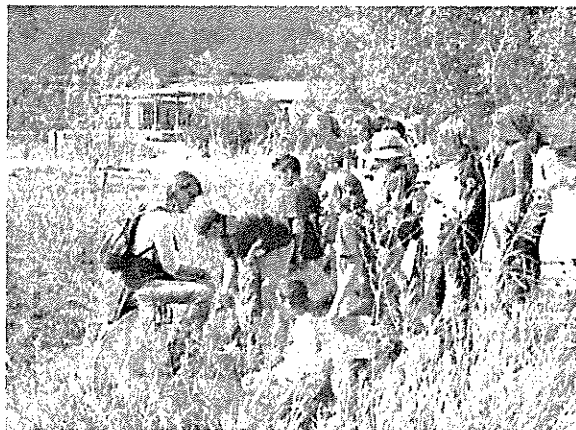
The Institute works under the premise that to be wise stewards of their home environment, people must both know facts about how a particular ecosystem functions and also have a personal connection with that place. The Black Institute readily and consistently seeks out schools, community groups, government agencies and other organizations to partner with in meeting its goals. In the 2009-2010 school year the Black Institute supported over 6,800 people as they participated in its programs.

Primary Programs within the Black Institute:

The Bosque Ecosystem Monitoring Program (BEMP)

Science, Education, Stewardship

The Bosque Ecosystem Monitoring Program (BEMP) is a joint project of the University of New Mexico's Biology Department and Bosque School's Black Institute. Annually BEMP involves over 5,000 people in research, education, and stewardship of the Rio Grande and its riverside forest, the *bosque*. This includes supporting over 2,000 K-12 grade students and their teachers in direct environmental field monitoring of the bosque. Key data and findings about the functioning of the Rio Grande and its *bosque* are compiled, analyzed, and presented in scientific publications issued by the University of New Mexico (reports available online at www.bosqueschool.org) and then subsequently used by government agencies to inform multi-million dollar decisions about this ecosystem.



Each month hundreds of students conduct field research in the Bosque Ecosystem Monitoring Program

The Cebrin Goodman Youth, Leadership, and the Environment Project

The Goodman Project - Responsible Action for Ecological Integrity

The Goodman Project is a series of educational and hands-on events to support and sustain the restoration of the ecological integrity of the Rio Grande and its watershed. The Goodman Project is committed to advocacy emphasizing the importance of students and others taking direct action to create a more sustainable human and environmental community. It also works under the premise that humans are a part of and not apart from the environment. The Goodman Project emphasizes that the path to responsible action is built upon passion guided by accurate information and respectful dialogue and behavior. Goodman Project events are practical examples of hope in the modern era and its complicated environmental realities.



The Goodman Project supports students who take steps to restore ecological integrity such as direct work with endangered species

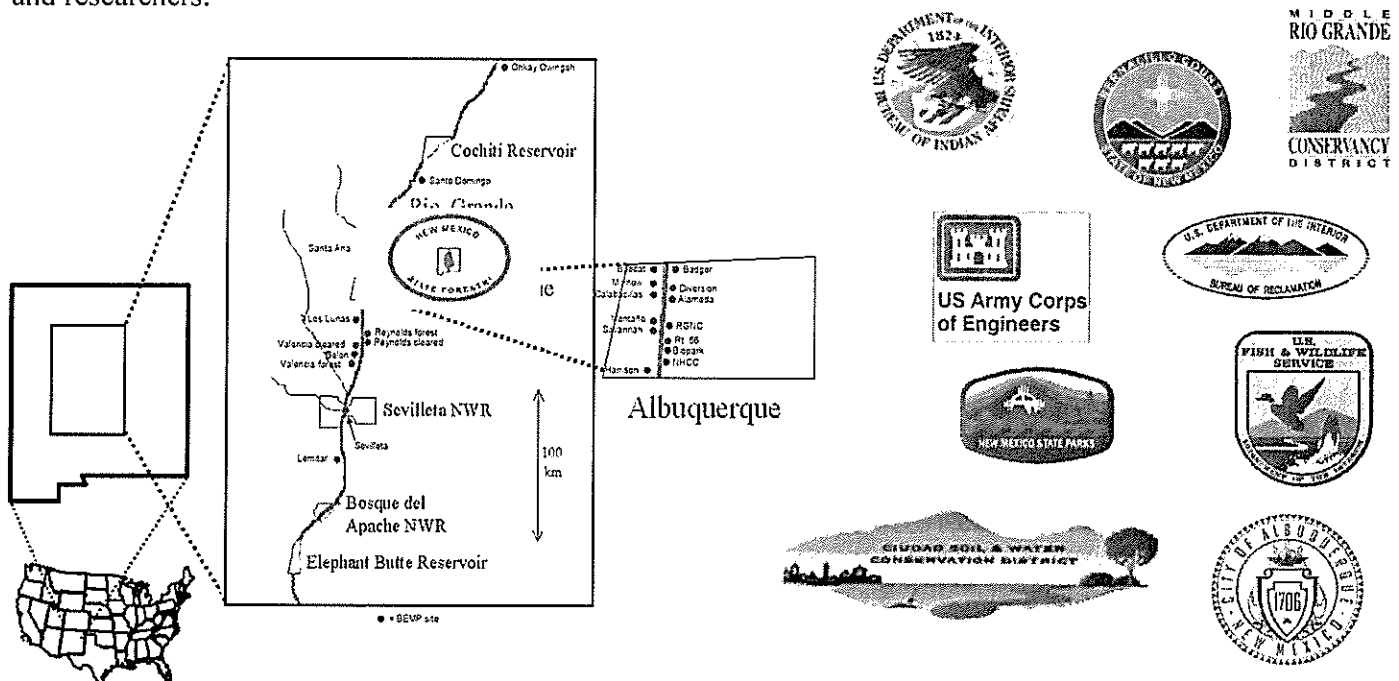
2009-2010 Bosque Ecosystem Monitoring Program (BEMP) Overview

The Bosque Ecosystem Monitoring Program (BEMP) completed its 14th year in the 2009-2010 school year. Partnerships remain central to the program's success. The University of New Mexico Biology Department and its National Science Foundation funded Sevilleta Long Term Ecological Research (LTER) program remain the cornerstones of BEMP's science programs providing significant quality control and rigor to BEMP's monitoring and research efforts. Bosque School serves as the educational hub for the thousands of BEMP students. Several dozen schools from across New Mexico participate in BEMP.



The University of New Mexico

BEMP maintained 25 sites located along a 140 mile stretch of the Rio Grande between Ohkay Owingeh Pueblo and Lemitar. The sites are located in urban, rural, agricultural, and tribal communities and settings. Each site offers researchers and managers a unique perspective on the Rio Grande and its bosque. Of the BEMP sites, 18 were put into operation at the request of a government agency to monitor either a restoration, management, or other concern. End data users continue to include federal, tribal, state, regional, and local government agencies and researchers.



Map depicting the 25 current BEMP sites

BEMP Government Partners and End Data Users

BEMP Research

BEMP research continues to consider the impacts of climate, fire, flood, restoration, and management activities as ecological drivers acting upon the Rio Grande and its riverside forest. BEMP works in partnership and uses the protocols and research methods developed or needed by the Rio Grande's and bosque's natural resource managers.

Key BEMP research areas include:

- | | |
|--|------------------------------------|
| ☞ Vegetation distribution | ☞ Groundwater depth |
| ☞ Vegetation composition | ☞ Ground and surface water quality |
| ☞ Cottonwood tree abundance | ☞ Temperature (sub-surface & air) |
| ☞ Plant production (biomass) | ☞ Soil characteristics |
| ☞ Fuel load and wildland fire risk | ☞ Ancillary wildlife studies |
| ☞ Surface active arthropods (biodiversity) | ☞ Precipitation |

2009-2010 Bosque Ecosystem Monitoring Program (BEMP) Outreach

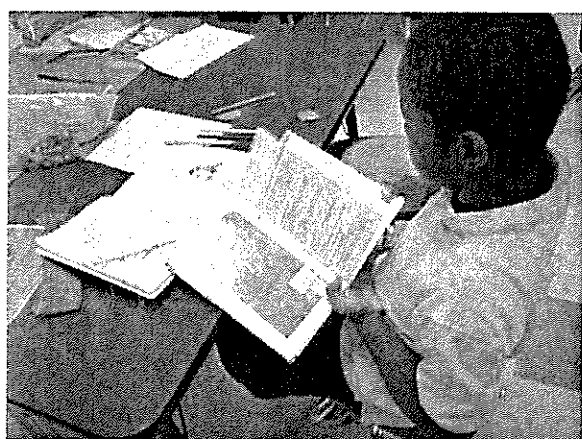
2009-2010 BEMP Education & Outreach Participant

Type of Outreach	students	adults	total
Long term multiple days	681	159	840
Short term (1-2 days)	769	145	914
Summer programs	214	30	244
Wildlife programs	60	37	97
Adult/teacher training	0	21	21
Festivals, events, etc.	1733	560	2293
Conferences, meetings, etc.	546	201	747
Total Participants			5156



Each BEMP participant's experience should be memorable, content rich, and engaging

For the second year in a row, total BEMP participants numbered around 5,000 people (see charts this page). Although the overall participation numbers remain impressive we are most concerned with the quality of the BEMP experience for each individual. UNM graduate and upper level undergraduates who are students in UNM Biology's "Bosque Internship" class 408L/508L help with quality control efforts, mentoring, and program delivery.



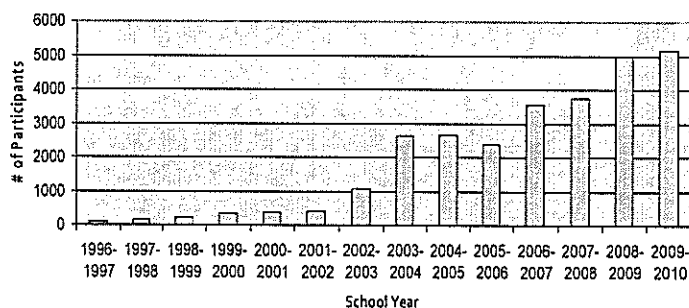
Classroom and lab work led by BEMP staff includes pre and post field visit work

We put particular emphasis on helping students build direct connections with the bosque. Classroom and lab work are content rich and directly tie back to the bosque. All BEMP education efforts strive to help students become wise stewards of water, the Rio Grande and its bosque. Our goal is that all BEMP curriculum is engaging and consistent with educational reform efforts.

BEMP directly connects students to their home watershed. The majority of BEMP participants are from groups underrepresented in the sciences.



BEMP Annual Participation



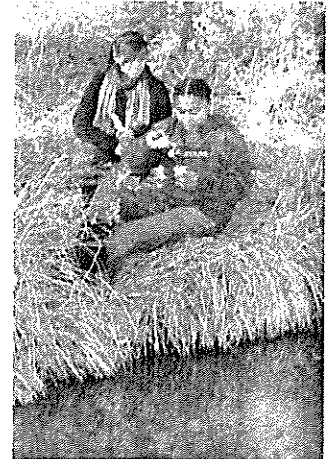
The Cebrin Goodman Youth, Leadership, and the Environment Project
The Goodman Project – Responsible Action for Ecological Integrity
2009-2010 Programs and Accomplishments

The 2009-2010 school year marked the third year of the Cebrin Goodman Youth, Leadership, and the Environment Project. It was a successful year as measured by participant numbers, program activities, and outreach success. In 2009-2010 there were over 1,800 participants in Goodman Project events. This includes about 500 people who participated in both BEMP and Goodman Project activities.

New Mexico Watershed Watch Partnership

The Goodman Project provided support to the **New Mexico Watershed Watch** program by assisting with the training of 20 teachers so that they could lead their 1,000 students in stream monitoring across New Mexico. This initial training taught teachers how they and their students would assess stream quality and quantity and how it relates to human and fisheries health.

The training permitted those participating teachers and their students to take appropriate action to protect surface water quality in their local communities based on their scientific field investigations. Additional support from the Goodman Project and Black Institute staff helped make possible the annual New Mexico Watershed Watch and Bosque Ecosystem Monitoring Program (BEMP) Joint Student Congress where over 250 students from across New Mexico gathered to share findings.



Monitoring river quality

Student & Public Environmental Education Events

For the third year the Goodman Project partnered with Earth's Birthday Project to host a **"Welcome Back Otter-Earth Day Celebration."** This provided support to over 1,000 elementary students to learn about local conservation issues and raise money to protect river otter habitat by purchasing water rights in perpetuity for wildlife. Over 300 of those students participated in an Earth Day Festival at the Bosque School campus where high and middle school students taught the visiting elementary students about how they can take action to protect water quality, habitat, and wildlife.



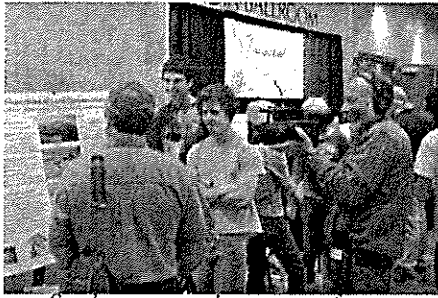
Learning about public policy

For the second year, the Goodman Project supported the **Youth Water Future Symposium at the New Mexico Legislature** in conjunction with River Source. In addition to learning about water issues, students learned how to respectfully engage with elected officials and policy makers to effect change. This included a project where students chose an environmental topic of concern to them and wrote a letter expressing their own opinion on the topic. Where possible the students hand delivered their letters to their State Legislator at the State Capitol.

In mid-November about 100 students from the Socorro, Albuquerque, and Santa Fe region gathered at Bosque School for the third annual **Next Generation Making a Green Trail Conference**. Students from various schools and youth organizations presented to their peers what positive steps they are taking to reduce carbon emissions, address climate change, start and maintain composting and recycling programs at their schools, support local agriculture, and protect and study local wildlife and habitat. The presentations emphasized how students at other schools could replicate the various actions to support positive environmental stewardship.



Students teaching about worms and composting

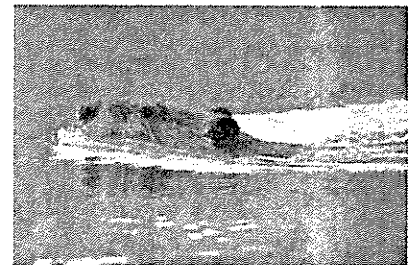


Students presenting at a conference

As a part of the **Aldo Leopold Centennial Celebration**, the Goodman Project supported student participation in the events, writing contest, and other activities that took place to support the continuation the legacy of the great conservationist Aldo Leopold. This included having high school students prepare posters related to Aldo Leopold's land ethic and presenting them at the Annual Quivara Conference. Students were filmed as part of a PBS documentary on Aldo Leopold where they spoke about their views related to conservation. The documentary is slated for release in February 2011.

Bosque School, through the Goodman Project, hosted the 2009 annual **New Mexico Wilderness Alliance Conference**. Over one hundred people participated in a variety of workshops and were able to hear author Charles Bowden and see the work of landscape photographer Michael Berman.

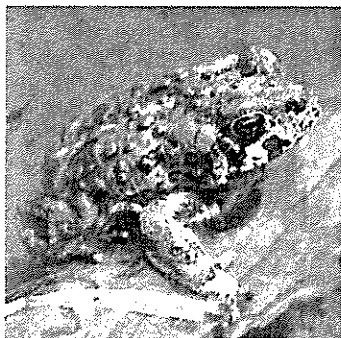
In cooperation with Animal Protection of New Mexico the Goodman Project co-presented **Beaver in New Mexico – Living With a Keystone Species**. This half day workshop, attended by about 35 people presented the research findings of Bosque School students, why beaver are important ecological components in New Mexico, and how to humanely manage beaver in an urban landscape. This served as a pilot test for a public education effort that has now been funded by the New Mexico Department of Game and Fish Share With Wildlife program for 2010-2011 school year.



Beaver as a keystone species

Wildlife & Conservation Biology: Education, Research, and Action

The Goodman Project supported a variety of initiatives to help students take direct action to support wildlife and habitat. This included supporting **original student research** on habitat connectivity, wildlife corridors, wildland-urban interface and related topics in the Albuquerque metropolitan area. Students presented their scientific findings in a joint professional meeting of the New Mexico and Arizona chapters of the American Fisheries and Wildlife Societies in Flagstaff, Arizona.



Additional work included putting students in the field to work directly with federal, state, and university biologists to take concrete steps to support the



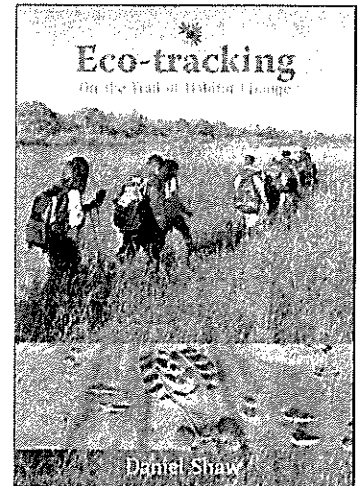
recovery of listed endangered species including the **boreal toad**, **Mexican gray wolf**, and the **Rio Grande cutthroat trout**. Students also assisted with research efforts considering the effects of climate change on amphibian populations in the southwest and did site visits to learn about using algae as a source for bio-diesel.

Working with the endangered boreal toad and Rio Grande cutthroat trout

In cooperation with BEMP Program Assistant Melanie Keithley, the Goodman Project is supporting the care of a non-releasable red tailed hawk. Ms. Keithley has obtained the necessary federal and state permitting and training to use the hawk for educational purposes. She has already trained several students on the bird's care and appropriate use as an educational bird. She and the trained older students have done presentations for several hundred students on raptors and their importance in healthy ecosystems. Like all Goodman Project efforts, the hawk programs emphasize specific steps individuals can take for a more sustainable human, wildlife, and ecological community.

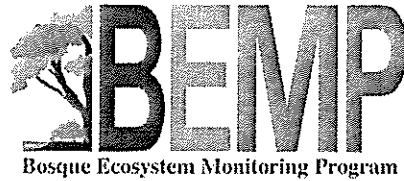
Because of internal issues at the University of New Mexico Press, the publication of the book *Eco-Tracking: On the Trail of Habitat Change* (formally *Citizen Science: On the Trail of Changing Habitat*) was delayed until December of 2010. This book profiles the work of the Black Institute's BEMP, and Goodman Projects and describes how young people across the country can take responsible environmental action by participating in environmental monitoring and stewardship programs.

During the 2009-2010 school year a second book in the science for young readers series at UNM Press was written by Black Institute/Goodman Project staff. The new book is *Fish in a Desert: On the Trail of Aquatic Habitat*. Like *Eco-Tracking*, *Fish in a Desert* uses the stories of actual student monitors involved in Black Institute and Goodman Project activities to demonstrate that young people can take action on important issues such as water quality and conservation and the protection of fish, other wildlife, and habitat. *The Fish in a Desert* manuscript has been completed. UNM Press will likely set a publication date for it of late in 2011.



**The Albert J. and Mary Jane Black Institute for Environmental Studies
at Bosque School**

Building connections between students, their community, and the riverside forests and associated watersheds that sustains and binds us all.



January 9, 2011

To: **Environmental Planning Commission**

c/o **Catalina Lehner**, Project Analyst

Re: **Project #1003859/Coors-Montano**: Amended Site Development Plan for Subdivision and Site Development Plan for Building Permit on 23.9 acres at the corner of Coors and Montano.

From: **Bosque Ecosystem Monitoring Program**

Daniel Shaw, Co-Director

Position: OPPOSED

The proposed big box development at Coors and Montano falls completely within both the Coors Corridor and West Side Strategic Plans documents that are clear in this community's adoption of strict protections, "with teeth," of a "Sensible balance between desired land use patterns and preservation of the sensitive environmental characteristics of the site."

As such those documents along with the current approved sub-division plans must drive the decision making regarding that site.

- Policy 7.1 WSSP – "That the protection and preservation of the bosque is critical." On page 59 the WSSP states, "The vacant land between Coors and the river should be designed and developed to maintain the view plane and to preserve the woodland edge."
- Policy 3.18 The design of "Vacant land between Coors and the river should be sensitive to (the bosque as a) community asset." There is also specific language about protecting the transition woodland to upland mesa areas in this zone.

The Coors Corridor Plan is explicit that development shall be:

- Done so there is compatibility between natural landscape and the built environment
- Designs will be appropriate to abutting and adjacent sites
- Development will create relationships that link to natural site amenities such as the bosque
- Appropriateness of design, massing, view plane integrity, and transportation

In each of these cited examples this big box proposal fails to comply with our great city's duly deliberated and adopted land use plans. As a whole, this big box proposal is intrusive, unwanted by most of its would be neighbors, kills the prospect of an already approved pedestrian and bicycle friendly community center – village plan, and intrudes upon the bosque.

The Coors and Montano area is where thousands of our citizens access the bosque. It is an aesthetic and ecological element that cannot be moved somewhere else. At the city's Pueblo Montano Park, firefighters and nature are honored through wood carvings. Just east of that is an AIDS memorial cottonwood grove. A big box is without a soul and honors not our heroes, our departed love ones, or nature itself.

South of those wood carvings is the Bosque School campus. Although 550 students embrace their responsibilities as ecological stewards at that location, they are joined throughout the school year by **thousands of APS and other area students in participating in the Bosque Ecosystem Monitoring Program (BEMP)**. Weekly, school bus loads of students from throughout the city and state come to this part of the bosque to conduct science and involve themselves in service learning projects. Each year, within BEMP, over 6,000 people, mostly K-12 students, partner with the University of New Mexico Biology department to conduct technical research of the Rio Grande and its riverside forest. Federal, state, tribal, and local governments use the collected student data. Findings are published through UNM and stand up to technical and peer review. It is at the very doorstep of that ecological monitoring and education that a big box is proposed.

If I tie a feather on a cow it does not make it a chicken. A portale here, talk of a solar panel there, an architectural flourish that is reminiscent of the very pueblo and its now buried inhabitants that this developer wants to build right on top of might all sound nice around the edges. But at its core, this proposal is a cumbersome beast. It is a big box that has no place in a sacred landscape along our treasured riverside forest, the bosque.

Daniel Shaw
Co-Director

Bosque Ecosystem Monitoring Program (BEMP)
4000 Learning Road, NW
Albuquerque, NM 87120

505.898.6388 ext. 129 dan.shaw@bosqueschool.org

BEMP Mission Statement

The mission of the Bosque Ecosystem Monitoring Program (BEMP) is collaborative long-term ecological monitoring of key abiotic and biotic processes and characteristics to promote continued education, understanding and stewardship of the riparian ecosystem to scientists, teachers, students, policy makers and the public.

www.bosqueschool.org/bemp.htm

Lehner, Catalina L.

From: Candypatt@aol.com
Sent: Monday, January 09, 2012 3:38 PM
To: Lehner, Catalina L.
Cc: abqWSCboard@yahoo.com
Subject: SCAN0003.PDF - Re: Project # 11- 074 Westside Coalition Resolution in Opposition

Ms Lehner,
Please find a attached a Resolution from the West Side Coalition of Neighborhood Associations for submission as part of the EPC record in opposition to the subject project.

At a general meeting held Wednesday, November 2, 2011 the Coalition drafted and voted on the subject Resolution in opposition to the Big Box Retail store proposal for Coors/Montano (project #11-074).

Thank you kindly.

Candelaria "Candy" Patterson
Vice President
West Side Coalition of
Neighborhood Associations
Cell#: 505/321-1761
e-mail: candypatt@aol.com

**RESOLUTION OF THE WESTSIDE COALITION OF
NEIGHBORHOOD ASSOCIATIONS URGING THE
ENVIRONMENTAL PLANNING COMMISSION (EPC) TO
DECLINE APPROVAL OF PROJECT #11-074.**

The mission of our Coalition is to provide the City of Albuquerque Westside Neighborhood and Homeowner Associations a means to communicate with each other on civic and neighborhood matters and to provide for a means to preserve, protect, and enhance the quality of life of the residents within our boundaries. The Coalition provides a unified voice on important issues such as the proposed big box development at Coors and Montano and continues to be liaisons with local, state, and federal government. Our boundaries encompass the area of Bernalillo County west of the Rio Grande.

WHEREAS, the Coalition is unified in its strong opposition to the proposed big box development of Tracts 1 and 2 PLAT OF NORTH ANDALUCIA AT LA LUZ CONT 10.2332 Acres, also known by the City of Albuquerque Planning Department as Project #11-074. The Westside Coalition believes a big box development for this parcel would pose safety risks and a negative environmental impact to surrounding neighborhoods, Bosque School, public pedestrian/bicycle recreational trails, as well the natural habitat of the Rio Grande bosque itself.

The proposed big box development parcel abuts the largest research tract among the Bosque Ecosystem Monitoring Program (BEMP), coordinated through Bosque School and the University of New Mexico. This site represents one of the twenty-five sites that are supported by this collaborative environmental science initiative involving over six thousand area students and their teachers from over forty public, private, pueblo, and home schools. This tract, serves as a major gateway to this ongoing research and educational program that benefits students and teachers state-wide, as well as the federal, state, and local government agencies that use the data to make decisions on the care and restoration of the bosque.

Project #11-074 does not meet City of Albuquerque Big Box Guidelines, nor does it meet Form Base Code. Original master planning for the former agricultural tracts identified this site as a Village concept, not a big box development.

The traffic congestion at Coors NW and Montano NW continues to increase, and this intersection is presently recognized by the City as the fourth most dangerous intersection in Albuquerque. The Coalition requests that an updated traffic study be undertaken that addresses pedestrian and bicycle traffic, as well as the flow of vehicles.

WHEREAS; the Westside Coalition recognizes the important economic, ecological, educational, social and cultural benefits of this land and urges the Environmental Planning Commission to decline approval for a development of this nature at this particular site.

DATE:

January 9, 2012

BY:

Candelaria "Candy" Patterson
Candelaria "Candy" Patterson
Westside Coalition of Neighborhood
Associations (WSCONA)

Lehner, Catalina L.

From: Kelly Kuchar [kelly@kellyjodesigns.com]

Sent: Monday, January 09, 2012 4:13 PM

To: Lehner, Catalina L.

Cc: Marrone, Carmen M.

Subject: Jan. 19 EPC hearing , submittal of paper

Good afternoon, Catalina.

I will be speaking at the hearing on Jan.19 on behalf of the 4th Street retail merchants.

I will be citing key points from the attached research document regarding the negative consequences to local small businesses in the near vicinity of the proposed big box development.

I will also be briefly discussing the impact the increased traffic on Montano bridge will have on our businesses.

Regards,

Kelly

--

Kelly Jo Kuchar
Principal

Kelly Jo Designs, Inc.

6829 4th St. NW

Los Ranchos de Albuquerque, NM 87107

(800)844-5060 toll free

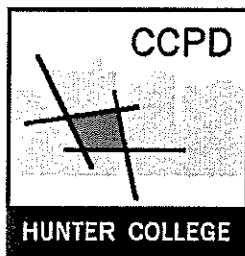
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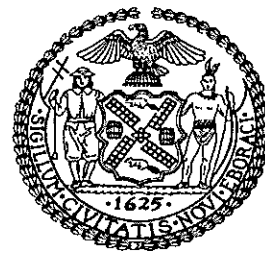
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Center for Community Planning and Development
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THE PUBLIC ADVOCATE FOR THE
CITY OF NEW YORK
Bill de Blasio – PUBLIC ADVOCATE

JANUARY 10, 2010

Wal-Mart's Economic Footprint:
A literature review prepared by Hunter College Center for
Community Planning & Development and New York City
Public Advocate Bill de Blasio

Prepared By:

Tom Angotti, Ph.D.

Professor of Urban Affairs & Planning and Center Director at Hunter College

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Center Fellow and Masters of Urban Planning Candidate at Hunter College

Tom Gray

Director of Land Use at the Office of the New York City Public Advocate

Dom Williams

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Executive Summary

Wal-Mart is the world's largest retailer with more than 4,300 stores in the United States and over 8,000 worldwide, with global sales topping \$400 billion in 2009.¹ It is the largest retailer in the U.S., where more than half its revenue comes from grocery sales.² Wal-Mart's formula for financial success includes: low-wage labor, limited health benefits, and leveraging of government subsidies

Hundreds of studies, reports, and articles have been written about the negative impacts of Wal-Mart. This document represents a thorough review of key literature between 2002 and 2010, and points to many of the retail giant's negative impacts. It examines over fifty studies conducted over the past seven years on Wal-Mart's impact on both local and national economies. It represents research encompassing all fifty states, including the first research conducted regarding Wal-Mart in a major U.S. City: Chicago.

Since opening its first store in Bentonville, Arkansas in 1962, Wal-Mart has steadily spread from its base in the South and Midwest to dominate the suburban and rural retail market across the U.S. Having effectively saturated these markets, Wal-Mart's most lucrative opportunities for growth are now outside the U.S.. However, the company has also begun to move aggressively into those more densely populated central cities that have so far been off limits, either for lack of space in which to shoe-horn the mall-size Wal-Mart outlets or due to local antipathy to the company because of its negative impact on small businesses and the local economy.

Wal-Mart is addressing the first obstacle – store size – by changing its standard big box model to a more flexible one involving stores of widely varying sizes, perhaps even as small as a few thousand square feet, the size of many local grocery stores. According to Garrick Brown, Vice President of Research at Colliers International, "Smaller designs, in the twenty thousand square-foot range, and mostly groceries – that's where the money is."³ For example, four stores are planned for the Washington, DC area, including multi-story buildings in both central city and suburban settings.⁴ Twenty-four new stores are planned for the San Francisco Bay Area. Several years ago the company opened its first store in Chicago and is planning a dozen more.⁵

¹ Wal-Mart. "Corporate Facts: Wal-Mart by the Numbers." March, 2010. <http://Wal-Martstores.com/download/2230.pdf>

² ABMN Staff. "BusinessNews: Wal-Mart Hopes to Expand to San Francisco." September 22, 2010. www.americanbankingnews.com/2010/09/22/wal-mart-nyse-wmt-hopes-to-expand-to-san-francisco/

³ *ibid*

⁴ Dan Malouf. "Will Wal-Mart be Urban? Part 1: Brightwood." Greater Greater Washington. November 21, 2010. <http://greatergreaterwashington.org/post/8208/will-Wal-Mart-be-urban-part-1-brightwood/>

⁵ *ibid*; Stephanie Clifford. "Wal-Mart Gains in its Wooing of Chicago." The New York Times. June 24, 2010. <http://www.nytimes.com/2010/06/25/business/25-Wal-Mart.html>

Although Wal-Mart has overcome the challenge of fitting its stores into urban environments, these smaller stores continue to bring negative overall economic impacts on the communities where they are located. The retail giant is undertaking a major public relations campaign; however, the corporation has made only minor concessions and their promises about job creation and tax revenues are not realized.

The overwhelming weight of the independent research on the impact of Wal-Mart stores on local and national economies – including jobs, taxes, wages, benefits, manufacturing and existing retail businesses – shows that Wal-Mart depresses area wages and labor benefits contributing to the current decline of good middle class jobs, pushes out more retail jobs than it creates, and results in more retail vacancies. There is no indication that smaller “urban” Wal-Mart stores scattered throughout a dense city in any way diminish these negative trends. Rather, such developments may actually result in more widespread economic disruption.

1. Wal-Mart’s Economic Impacts: Net Loss of Jobs, Fewer Small Businesses

- Wal-Mart store openings kill three local jobs for every two they create by reducing retail employment by an average of 2.7 percent in every county they enter.⁶
- Wal-Mart’s entry into a new market does not increase overall retail activity or employment opportunities.⁷ Research from Chicago shows retail employment did not increase in Wal-Mart’s zip code, and fell significantly in those adjacent.
- Wal-Mart’s entry into a new market has a strongly negative effect on existing retailers.⁸ Supermarkets and discount variety stores are the most adversely affected sectors, suffering sales declines of 10 to 40% after Wal-Mart moves in.⁹

⁶ Neumark, David, Junfu Zhang, and Stephen Ciccarella, January 2007. “The Effects of Wal-Mart on Local Labor Markets.” Institute for the Study of Labor Discussion Paper #2545, University of Bonn. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=958704.

⁷ Julie Davis, David Merriman, Lucia Samyoo, Brian Flanagan, Ron Baiman, and Joe Persky. “The Impact of an Urban Wal-Mart Store on Area Businesses: An Evaluation of One Chicago Neighborhood’s Experience.” Center for Urban Research and Learning, Loyola University Chicago. December 2009. http://luc.edu/curl/pdfs/Media/Wal-MartReport21010_01_11.pdf; David Neumark, Junfu Zhang, and Stephen Ciccarella. “The Effect of Wal-Mart on Local Labor Markets.” IZA Discussion Paper No. 2545 (January 2007). <http://ftp.iza.org/dp2545.pdf>

⁸ Srikanth Parachuri, Joel A.C. Baum, and David Potere. “The Wal-Mart Effect: Wave of Destruction or Creative Destruction?” *Economic Geography* 85.2 (2009): 209-236.

⁹ Kenneth E. Stone, Georgeanne Artz, and Albery Myles. “The Economic Impact of Wal-Mart Supercenters on Existing Businesses in Mississippi.” Mississippi University Extension Service. 2002. http://Wal-Mart.3cdn.net/6e5ad841f247a909d7_bcm6b9fdo.pdf; O. Capps, and J.M. Griffin. “Effect of a Mass Merchandiser on Traditional Food Retailers.” *Journal of Food Distribution* 29 (February 1998): 1-7;

- Stores near a new Wal-Mart are at increased risk of going out of business. After a single Wal-Mart opened in Chicago in September 2006, 82 of the 306 small businesses in the surrounding neighborhood had gone out of business by March 2008.¹⁰
- The value of Wal-Mart to the economy will likely be less than the value of the jobs and businesses it replaces. A study estimating the future impact of Wal-Mart on the grocery industry in California found that, "the full economic impact of those lost wages and benefits throughout southern California could approach \$2.8 billion per year."¹¹
- Chain stores, like Wal-Mart send most of their revenues out of the community, while local businesses keep more consumer dollars in the local economy: for every \$100 spent in locally owned businesses, \$68 stayed in the local economy while chain stores only left \$43 to re-circulate locally.¹²

2. Wal-Mart's Costs to Taxpayers

- Wal-Mart has thousands of associates who qualify for Medicaid and other publicly subsidized care, leaving taxpayers to foot the bill.¹³ For instance in Ohio Wal-Mart has more associates and associate dependents on Medicaid than any other employer, costing taxpayers \$44.8 million in 2009.¹⁴
- According to estimates, Wal-Mart likely avoided paying \$245 million in taxes 2008 by paying rent to itself and then deducting that rent from its taxable income.¹⁵

Vishal P. Singh, Karsten T. Hansen, and Robert C. Blattberg. "Impact of a Wal-Mart Supercenter on a Traditional Supermarket: An Empirical Investigation." February 2004.

<http://chicagobooth.edu/research/workshops/marketing/archive/WorkshopPapers/hansen.pdf>; Kusum L. Ailawadi, Jie Zhang, Aradhna Krishna, and Michael W. Kruger. "When Wal-Mart Enters: How Incumbent Retailers React and How This Affects Their Sales Outcomes." *Journal of Marketing Research* 47.4 (August 2010).

¹⁰ Davis et al, id

¹¹ Martin Boarnet, and Randall Crane. "The Impact of Big Box Grocers on Southern California: Jobs, Wages, and Municipal Finances." Orange County Business Council. September 2009.

http://www.coalition4lc.org/big_box_study.pdf

¹² Civic Economics. "The Andersonville Study of Retail Economics." October 2004.

<http://www.andersonvillestudy.com/AndersonvilleSummary.pdf>

¹³ "Good Jobs First" reports that in 21 of 23 states which have disclosed information, Wal-Mart has the largest number of employees on the Medicaid rolls of any employer.

http://www.goodjobsfirst.org/corporate_subsidy/hidden_taxpayer_costs.cfm

¹⁴ Ohio Department of Jobs and Family Services. "Ohio Medicaid Recipients by Employer." September 2009.

http://pnohio.3cdn.net/5ddd17f44b6d3a8a58_sjm6bx1ew.pdf

¹⁵ United Food and Commercial Workers International Union. "Outline of Data and Methodology for Estimating Amount of Tax Avoided By Wal-Mart." <http://wakeupal-Mart.com/facts/statebudgetsappendix.html>.

- Wal-Mart has admitted a failure to pay \$2.95 billion in taxes for fiscal year 2009.¹⁶

3. Wal-Mart's low paying jobs contribute to the decline of the middle class

- Median household income declined by 1.8% nationally and 4.1% in New York City in 2009.¹⁷ This decline will be exacerbated by low paying Wal-Mart jobs.
- Wal-Mart's average annual pay of \$20,774 is below the Federal Poverty Level for a family of four.¹⁸
- A Wal-Mart spokesperson publicly acknowledged in 2004 that, "More than two thirds of our people... are not trying to support a family. That's who our jobs are designed for."¹⁹
- Wal-Mart's 2010 health care offerings have a high annual deductible of \$4,400 which means a family would have to spend \$5,102 of their own money on health care before Wal-Mart's insurance pays anything. Based on the average salary of a Wal-Mart employee this payment represents almost 25% of their annual income.²⁰

²¹

For these reasons, we conclude that the entry of even a single Wal-Mart store in New York City could have a snowball effect and result in a negative long-term cumulative impact on the city's economy and continued decline of the middle class. A single small Wal-Mart, or a single superstore, could mean the demise of existing food retailers, end local retail, and hurt working families. Considering Wal-Mart's aggressive plans for expansion into urban markets all across the country, there is no reason to believe the company would be satisfied with only one store in the nation's largest city.

¹⁶ Tom English, and Mark J. Cowan. "The Challenges of Transparency in Corporate Tax Departments," The CPA Journal, October 2007; Wal-Mart Stores Inc. Form 10-K for fiscal year ended January 31, 2010. Consolidated Financial Statements, Note 8, pg. 36

¹⁷ <http://www.crainsnewyork.com/article/20100809/FREE/100809838>

¹⁸ The calculation assumes that a full-time Wal-Mart worker works an average of 34 hours a week, 52 weeks a year. The average of 34 hours a week is obtained from an internal Wal-Mart memo <http://www.nytimes.com/packages/pdf/business/26Wal-Mart.pdf>

¹⁹ Transcript of PBS Newshour, 23 August 2004

²⁰ The calculation was performed for a family with one earning member who earns the Wal-Mart average wage of \$11.24/hour, and works an average of 34 hours a week for 52 weeks a year.

²¹ This information is taken from the guide to annual enrollment that Wal-Mart distributed to its associates in September-October 2009 for benefit year 2010.

The Negative Socio-Economic Impacts of Wal-Mart

Net Loss of Jobs, Fewer Small Businesses

While City representatives may have engaged in discussions with Wal-Mart or its agents, there has been no public review of Wal-Mart's plans or assessment of potential impacts. However, the case of the new Wal-Mart store in Chicago strongly suggests negative impacts that New York City could expect to experience with the introduction of Wal-Mart stores. A 2009 study by the Center for Research & Urban Learning at Loyola University surveyed a four-mile radius before and after the opening of Chicago's first Wal-Mart in September 2006.²² The survey found that Wal-Mart's entry led to local business failures, no measurable increase in retail employment or sales in the immediate area of the new store, and a noticeable drop in jobs and sales in surrounding areas. To be more precise, 25% of retail businesses within a mile of the Wal-Mart closed within a year.

The Loyola study confirmed a basic principle of retailing in urban areas: total sales are for the most part based on a finite pool of disposable consumer income, and new retailers cannot simply create new sales without taking them away from others. "For Wal-Mart's own zip code, 60639, there is no evidence of an overall upturn in sales," concluded the researchers. Retail employment also declined overall: "Retail employment levels in Wal-Mart's own zip code show no significant change, presumably because of the addition of Wal-Mart's own employees. But retail employment trends in neighboring zip codes show a negative effect after Wal-Mart's opening. This effect is significant in the period 2003-2008."²³ The researchers found that the hardest-hit businesses were selling electronics, toys, office supplies, general merchandise, hardware, home furnishings and drugs. A University of Illinois analysis of a proposed Wal-Mart in Chicago in 2004 had accurately predicted that the megastore's arrival would lead to a net job loss and only a minimal increase in net tax revenues.²⁴

Other research shows that Wal-Mart's arrival in a new market has a particularly damaging effect on ethnic retailers including supermarkets, bodegas, electronics and furniture stores.²⁵ A recent study in Florida found that drugstores and stores specializing in apparel, sporting goods, home furnishings, cards and gifts, and other essential consumer household goods are likely to suffer the

²² Davis et al, id

²³ *ibid.*

²⁴ UIC Center for Urban Economic Development. "The Economic Impact of Wal-Mart: An Assessment of the Wal-Mart Store Proposed for Chicago's West Side. March 2004. <http://www.uic.edu/cuppa/uicued>

²⁵ Center for Research & Urban Learning & Loyola University, 2009.

most.²⁶ Take a stroll down neighborhood retail strips in Washington Heights, Flushing, or East New York and it's clear that these are the products most commonly sold by locally-owned retail shops in New York City.

Another study that examined the impact of new Wal-Mart stores in seven markets around the country found that Wal-Mart's entry had substantial negative impacts on sales of mass-produced consumer staples by local vendors: "In the year following entry, mass stores suffer a median sales decline of 40% and supermarkets suffer a median sales decline of 17%, while drug stores experience a much smaller median decline of 6%. This magnitude of sales impact is broadly consistent with prior research"²⁷

Small locally-owned businesses are not the only Wal-Mart victims. Other chain stores and discount retailers also suffer from Wal-Mart's manipulation of prices. One study of a nationwide dataset of Wal-Mart's effect on previously existing discount retailers found that roughly half of small discount stores closed after Wal-Mart's arrival.²⁸ The unfortunate result is a reduction of competition and many empty storefronts.

Independently owned local businesses are an essential part of New York City's vibrant residential neighborhoods. Chain stores are concentrated in a few outer-borough malls and in heavily-trafficked parts of Midtown and Lower Manhattan, while independent retailers predominate in most of the rest of the city. Independent retailers flourish, for example, in the dense commercial districts serving immigrant communities, in Flushing and Corona (Queens), Sunset Park (Brooklyn), Melrose (The Bronx) and Washington Heights (Manhattan).

As Jane Jacobs observed in her classic work *The Death and Life of Great American Cities*:

"Commercial diversity is, in itself, immensely important for cities, socially as well as economically...wherever we find a city district with an exuberant variety and plenty in its commerce, we are apt to find that it contains a good many other kinds of diversity also, including variety of cultural opportunities, variety of scenes, and a great variety in its population and other users. This is more than a coincidence." (p. 148)

The benefits of the small business economy are clear to see in districts like Downtown Flushing where small business has served as the engine of neighborhood growth and has led to the emergence of a uniquely diverse urban center that attracts residents and visitors from throughout the city and region. Linkages among small businesses strengthen them and help sustain them in hard times. Linkages between small businesses and civic and social organizations in

²⁶ Parachuri et al, id

²⁷ Ailawadi et al, id

²⁸ Panle Jia. "What Happens When Wal-Mart Comes to Town: An Empirical Analysis of the Discount Retailing Industry." *Econometrica* 76.6 (November 2008): 1263-1316.

communities' help neighborhoods thrive and develop. Innumerable personal ties between local merchants and residents are enormous assets to a thriving urban environment.

Locally owned businesses are crucial to the vitality of our economy because they keep a higher percentage of their resources in the local economy by procuring their goods and services from the local area. Locally-owned businesses recirculate dollars in the neighborhood while chain stores send revenues to corporate headquarters. A 2004 study found that for every \$100 spent in locally owned businesses, \$68 stayed in the local economy while chain stores only left \$43 to recirculate locally. The local owners tend to live in the community, spend more on labor, are twice as likely to use local supply networks, and contribute more to local charities.²⁹

Small businesses are the engines of local economic development, leaders in innovation and change, and are more productive than large chains.³⁰ In New York City, small retail businesses are a particularly important means of economic and social advancement for immigrant families.

Even if Wal-Mart imitates the appearance of our small business retailers by subdividing into small outlets, it will still operate as a global monopoly with the same giant supply chain, and the same low wages and substandard labor policies.

Our observations about the critical importance of locally-owned businesses are widely shared among those who have studied urban economies in depth. According to economists at Winthrop University, States with a higher percentage of very small businesses, those with 20 employees or less, have a more productive workforce and higher levels of GDP growth than states with lower levels of very small businesses. Furthermore, states that are rich in very small businesses have lower rates of unemployment.³¹

Wal-Mart is trying to take advantage of the current economic downturn by promising an immediate infusion of jobs and investment dollars in city neighborhoods that have been hit hard by the recession. Considering the body of independent research that clearly demonstrates Wal-Mart's negative long-term impacts on local economies, it would be shortsighted to allow this destructive retail monopolist to enter the New York City market via the Trojan Horse of "job creation."

Lastly, Wal-Mart typically sells promotable products below their cost as a loss leader to draw in customers.³² Wal-Mart has the ability to lower these prices, even if it means losing money for up to ten years, something small businesses cannot afford.³³ After driving out competition, the

²⁹ Civic Economics, id

³⁰ Parachuri et al, id

³¹ D.K. Robbins, L.J. Pantuosco, D.F. Parker, and B.K. Fuller. "An Empirical Assessment of the Contribution of Small Business Employment to U.S. State Economic Performance". *Small Business Economics* 15 (2000): 293-302.

³² B. Lund. "Predatory Pricing Practices and the Toy Industry." Global Toy News. August 27, 2010 <http://www.globaltoynews.com/2010/08/Wal-Mart-predatory-pricing-and-the-toy-industry.html>

³³ MacPherson; Linteur, id

company increases prices on those products. Artificially lowering prices impacts not only small local businesses, but has major ramifications on manufacturing and the global economy.

Predatory pricing forces competing retailers to sell at a loss, or cancel orders for promotable products because they cannot compete with the artificially low prices. This hurts those small businesses and has major implications for manufacturers. Consumer products will ultimately sell fewer units because Wal-Mart will be the only store left selling these products. This causes losses for manufacturers by devaluating goods and impacting quantities.³⁴

According to Bloomberg News, this was done on a massive scale this holiday season. Wal-Mart managers in the U.S. received instructions to mark up an average of 1,800 types of toys per store this holiday season, according to a company e-mail sent the month before Christmas.³⁵

Wal-Mart's power to sell products below their typical market value has led to the laying off of employees and the closure of U.S. plants in favor of outsourcing products from overseas.³⁶ Eighty-five percent of Wal-Mart's items are made overseas. The mega-retailer has faced numerous accusations of unacceptable conditions in the factories of their suppliers. Reported abuses include: "forced overtime, locked bathrooms, starvation wages, pregnancy tests, denial of access to health care, and workers fired and blacklisted if they try to defend their rights."³⁷

Costs to Taxpayers

Because many of Wal-Mart's employees do not earn enough to make ends meet they often turn to public assistance. Each Wal-Mart store, averaging 200 employees, costs taxpayers approximately \$420,750 annually in public social services used by store employees.³⁸ Wal-Mart has thousands of associates who qualify for Medicaid and other publicly subsidized care, leaving taxpayers to foot the bill.³⁹ For instance, Wal-Mart has the greatest number of associates and associate dependents on Medicaid in Ohio, costing taxpayers \$44.8 million in 2009.⁴⁰

According to the group Wal-Mart Subsidy Watch, a non-profit watchdog group, Wal-Mart has already received subsidies worth about \$52 million in New York State. At least eight Wal-Mart locations in New York have challenged their property tax assessment, recouping about \$766,000.⁴¹ Wal-Mart has already cost New Yorkers millions of dollars, even before entering the state's largest marketplace.

³⁴ D. Moberg. "The Wal-Mart Effect: The How's and Whys of Beating the Bentonville Behemoth." June 10, 2004

³⁵ M. Boyle. "Wal-Mart Raising Prices on Toys, Squeezing More Out of Holidays." Bloomberg News. December 15, 2010

³⁶ Fishman, id

³⁷ United Food and Commercial Workers International Union. "Wal-Mart and Sweatshops."

http://www.ufcw.org/take_action/Wal-Mart_workers_campaign_info/facts_and_figures/Wal-Mart_sweatshops.cfm

³⁸ Congressman G. Miller. "Everyday Low Wages: The Hidden Price We All Pay For Wal-Mart" February 16, 2004.

³⁹ Good Jobs First, id

⁴⁰ Ohio Department of Jobs and Family Services., id.

⁴¹ www.Wal-Martsubsidywatch.org/index.html

Wal-Mart also uses controversial methods to reduce the taxes it pays. They use a Capital Real Estate Investment Trust (REIT) where the corporation pays rent to itself and then deducts that rent from its taxable income.⁴² It is estimated that Wal-Mart likely avoided paying \$245 million in 2008 using this strategy nationwide.⁴³ By its own admission, Wal-Mart likely owes billions in taxes.

Wal-Mart's entry into the New York City market may also negatively affect the tax base by displacing the better compensated employees of the existing retail sector. This is especially relevant for the unionized workers of the grocery sector. A study of Wal-Mart's potential entry into the San Francisco market estimated that if Wal-Mart were to take ten to twenty percent of the grocery markets and replace thousands of union supermarket employees with Wal-Mart workers, the region would lose \$300 to \$576 million dollars in employee wages and benefits.⁴⁴

Wal-Mart's low paying jobs contribute to the decline of the Middle Class

According to the 2009 Census Bureau's survey of income and poverty in the United States, Median household income is falling in the vast majority of U.S. states and in virtually every single major U.S. city, representing a shocking decline of the middle class. Unemployment has also skyrocketed in recent years and it has become much harder to get a good middle class job.⁴⁵

According to the Census Bureau, median household income declined in thirty four U.S. states in 2009 and almost all U.S. Cities.

- In New York City, median household declined 4.1% to \$55,980.
- In Detroit, median household income declined 10% to \$48,535.
- In Orlando, median household income dropped almost 10% to \$46,856.
- In Cleveland, median household income fell 8.5% to \$45,395.
- In Miami, median household income declined 8.2% to \$45,946.
- In Indianapolis, median household income dropped 7.1% to \$50,140.

With an average annual pay of \$20,774, significantly below the Federal Poverty Level for a family of four, Wal-Mart's workforce can largely be classified as working poor.^{46,47} Wal-Mart's 1.3 million employees being forced to accept poverty level wages and bare bones health benefits

⁴² Drucker, id

⁴³ Good Jobs First. "Wal-Mart Subsidy Watch." <http://wakeupWal-Mart.com/facts/statebudgetsappendix.html>

⁴⁴ Marlon Boarnet, Randall Crane, Daniel G. Chatman, and Michael Manville. "Emerging Planning Challenges in Retail: The Case of Wal-Mart." *Journal of the American Planning Association* 71.4 (2005): 433-449.

⁴⁵ U.S. Census Bureau "Income, Poverty, and Health Insurance Coverage in the United States: 2009" September, 2010.

⁴⁶ The calculation assumes that a full-time Wal-Mart worker works an average of 34 hours a week, 52 weeks a year. The average of 34 hours a week is obtained from an internal Wal-Mart memo.

<http://www.nytimes.com/packages/pdf/business/26Wal-Mart.pdf>

⁴⁷ U.S. Department of Labor Bureau of Labor Statistics "A Profile of the Working Poor, 2000" March 2002

will only exacerbate the continuing decline of the middle class, including in New York City.⁴⁸ A Wal-Mart spokesperson was quoted in 2004 saying, "More than two thirds of our people...are not trying to support a family, that's who our jobs are designed for."⁴⁹

A study done by the UC Berkeley Institute of Industrial Relations compared Wal-Mart's wages to other large retailers, as well as other industry segments. Wal-Mart employees constitute of 55% of all general merchandise workers, and 71% of large general merchandise workers. The study found a significant gap in pay for Wal-Mart employees. Looking at comparable retailers and adjusting wages for local labor markets, Wal-Mart employees earned less than their counterparts at other retailers. On average, general merchandise workers made 17.4% more and large general merchandise workers made 25.6% more than the Wal-Mart average for similar employees⁵⁰.

Not only are employees being paid less than fair wages, only half of Wal-Mart employees are receiving healthcare. And those who do receive benefits are enrolled in plans that provide inadequate coverage.

Wal-Mart's 2010 health care offerings include low premiums of \$27 per pay period for family coverage, or \$702 per year; however this plan has a high annual deductible of \$4,400.⁵¹ With a \$4,400 annual deductible, a family would have to pay \$5,102 of their own money before Wal-Mart's insurance pays for anything. For a family whose only income comes from a Wal-Mart associate, making Wal-Mart average wages of \$11.75 an hour, this equals almost 25% of their annual income.⁵² New Yorkers cannot afford to devote one forth of their incomes to healthcare before their insurance kicks in.

⁴⁸ Arindrajit Dube, and Steve Wertheim. "Wal-Mart and Job Quality – What Do We Know and Why Should We Care?" UC Berkeley Center for Labor Research and Education. October 16, 2005.
http://laborcenter.berkeley.edu/retail/Wal-Mart_jobquality.pdf

⁴⁹ Transcript of PBS Newshour, 23 August 2004

⁵⁰ *ibid*

⁵¹ This information is taken from the guide to annual enrollment that Wal-Mart distributed to its associates in September-October 2009 for benefit year 2010.

⁵² The calculation was performed for a family with one earning member who earns the Wal-Mart average wage of \$11.24/hour, and works an average of 34 hours a week for 52 weeks a year.

TIMOTHY V. FLYNN-O'BRIEN

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January 9, 2012

REC'D JAN 09 2012

HAND-DELIVERED

Environmental Planning Commission
c/o Doug Peterson, Chair
Laurie Moye, Vice Chair
Ron O. Garcia
Jonathan Siegel
Moises A. Gonzalez
Joe Yardumian
Hugh Floyd
Michael Dickson
Planning Department
City of Albuquerque
600 2nd Street NW
Albuquerque, New Mexico 87103

RE: Project No. 1003859

Dear Chairman Peterson and Members of the EPC:

I represent Bosque School. Bosque School is an interested party as it is located adjacent to the proposed development, owns land within 300 feet of the development and therefore has standing. *See* EPC Rule B(12)(a)(2). In addition, Bosque School has an interest in traffic and safety issues for its students and community. *See* EPC Rule B(12)(a)(3). The North Andalucia at La Luz Subdivision, as approved, contains specific bargained for restrictions and limitations (hereafter referred to as "Andalucia Regulations") intended to protect Bosque School, the La Luz Development and the community and to comply with adopted City Plans.

The application¹ should be denied. The application:

- violates the Andalucia Regulations as well as City Plans and Ordinances
- does not meet minimum access criteria under the Zoning Code
- will exacerbate already critical traffic issues at Coors and Montano and on the Montano Bridge

¹ The Applicant has submitted two sets of plans. One set dated 10/26/11 and another dated 12/23/11. Unless otherwise indicated references herein are to the set dated 12/23/11.

The TIS indicates that over 37% of the traffic for the Walmart will come from the North Valley east of the river across the Montano bridge. *See* TIS p. A-29. *See also* TIS A-16. The traffic attributed to the North Valley is underestimated because the City limited the scope of the TIS on the east to 4th Street. *See* TIS p. A-29 ("Montano Rd. east of Fourth St. is beyond the 2 mile limit of this distribution.") *See also* TIS at p. 2 at No. 2 limiting trip distribution to two (2) mile radius. Coors and Montano are two of the most congested roadways in the metropolitan area. If this application is approved the City will create traffic issues similar to Paseo del Norte and I-25 and accelerate the timeline for grade separation of Coors and Montano. The City has no funding source for such a project. Gridlock will result. Approval would set a precedent for converting O-1 zoned land to shopping center and other commercial use. Finally, approval will set a precedent for eviscerating any ability of the EPC and city to enforce sector plan goals and requirements or design standards.

A. Andalusia Subdivision Requirements.

The North Andalusia at La Luz Subdivision was proposed and approved as a comprehensive plan for development of a mixed-use, pedestrian oriented village center. The present application is for a suburban automobile oriented big box retail development and does not meet Andalusia's mixed-use, pedestrian oriented village center concept, does not meet the Andalusia design regulations and abandons the vision underlying the Andalusia Regulations that were essential and integral components of the EPC's approval of Andalusia Subdivision. These design standards in many ways mirrored the goals of the West Side Strategic Plan (WSSP). The proposed plan is inconsistent with the Andalusia Regulations, Comprehensive Plan and WSSP.

When the City approved the Andalusia Subdivision it expressly approved a pedestrian oriented mixed-use village development. The Andalusia Subdivision (at Sheet 2 of 3) states: "The primary goal for this property is to achieve a vibrant mixed-use community that fosters pedestrian accessibility and maintains a village-type character."² Under the Plan's Design Standards future development is "intended to be complimentary to La Luz, Albuquerque's first cluster housing project and the Bosque School." To further ensure a village character the Andalusia Regulations provide that there will be "separate vehicle and pedestrian circulation systems in order to support the creation of a village-type character." *See also* EPC Finding No. 3, May 20, 2005 ("The applicant is proposing design guidelines with the site development plan for subdivision that will help guide for consistency and quality that is complimentary of the subject site area.") (Site Plan for Subdivision 04EPC-01845-attached under Tab C.)

Instead of developing a pedestrian oriented village center the application seeks to move lot lines in order to develop a big box supercenter oriented to automobile traffic. Both the proposed subdivision amendment and the application for building permit are inconsistent with a

² *See* pages C-1 through C-3 of present submittal.

mixed-use pedestrian oriented village. Any change in the lot lines should not change the original design, vision and other regulations of the Andalucia Subdivision. The applicant's approach appears to be that if sidewalks are eight feet wide, not of asphalt and if the required number of trees are in the plans the city must approve the application regardless of the end result. One look at the plan and it is plain that the focus is not a village with a fine grain network of streets and the result is not pedestrian oriented or of pedestrian scale but a big box retail center with acres of parking between the building and Coors. Sidewalks exist for one purpose only—to facilitate people to enter the proposed big box after parking their cars. There is no natural connection within the subdivision. Pedestrians are given no reason to walk through the area. There is no central plaza. The so-called "plaza" provided is not a genuine pedestrian amenity or a central gathering place for the subdivision but is simply the front of the Walmart gussied up with planter boxes. Is a concrete area in which patrons are rolling shopping carts the pedestrian plaza envisioned by the Andalucia regulations? *See also* Big Box Shopping Center Regulations and WSSP all of which require pedestrian oriented development and central plazas. Illustrative of the fact that the proposed "plazas" are not genuine pedestrian plazas is the fact that one such "plaza" is adjacent to a drive through lane for the pharmacy and another is adjacent to shopping cart storage and the front of the store. This "plaza" has large concrete poles to protect the store from a vehicle driving through the doors. While the poles may be necessary for store security they illustrate that that area is not a plaza or gathering place for pedestrians. The requirements, conditions and Design Standards of the Andalucia Plan are binding. *See* §14-16-3-2(A)(1) ("Once approved, such a plan or subsequent amended plan is binding on the entire area of the original site development plan.").

Applicant seeks to amend the Andalucia Subdivision site plan to change Tracts 1, 2 and 3 into eight tracts (Tracts 1A, 1B, 1C, 1D, 2A, 2B, 2C and 3A). Applicant also requests building permit approval for an auto oriented big box with assorted future retail pads and contends that the big box site plan meets the design standards of the Andalucia Regulations (which require a pedestrian oriented mixed-use village with trails and pedestrian connections). Therefore the application for subdivision amendment presents a question of whether the proposed tract configuration is consistent with a pedestrian oriented village development. Similarly, the site plan for building permit presents the question of whether the suburban big box is consistent with the Andalucia Regulations. Is the intent to appear to not amend the design regulations but then to later argue that by allowing a subdivision amendment EPC implicitly "found" that a big box was consistent with the Design Standards? In any case what is to be amended should be made clear with a justification for each change. This application does not meet the Andalucia Regulations and there is no justification for changing them or amending the subdivision site plan. The EPC should deny the proposed subdivision amendment and site plan for building permit as inconsistent with the Andalucia Regulations.

B. Big Box Ordinance and Shopping Center Regulations of Zoning Code.

Even though the application for site plan for building permit (for a 98,901 square foot large retail facility) is governed by the Big Box Ordinance and regulations set forth at ZC §14-16-3-2 the applicant does not address those regulations. This should raise concern and scrutiny since the location proposed is adjacent to a school, the environmentally sensitive bosque, to a newly approved residential neighborhood and proximate to the residential community of La Luz. This site is also at the critical Montano/Coors intersection which is severally overcapacity. The retail center will impact the Montano Bridge and North Valley neighborhoods. Thus, the site presents issues of traffic, architectural scale and compatibility governed by the Big Box regulations but ignored by the applicant.

The City adopted the Big Box Ordinance to address the problems uniquely associated with development of large retail facilities or supercenters. *See* C/S2 O-06-53 attached as Exhibit A. The City Council found that “[l]arge retail facilities... have created unique problems related to traffic congestion, architectural scale, compatibility with adjoining neighborhoods, and noise....” *Id.* Exhibit A. All four concerns, i.e., traffic congestion, architectural scale, compatibility, and noise, are presented by this application. The Ordinance adopted specific regulations “to manage the location and design of large retail facilities.” *See* Z.C. §14-16-3-2 (D)(2). The City made specific findings that location and traffic congestion necessitates that a large retail facility only be approved at locations that meet specified criteria. With regard to location and traffic congestion the city found that: “These regulations are necessary for the proper functioning and enjoyment of the community. They protect the quality of life within surrounding residential areas, support efficient traffic flows.... Large Retail facilities shall be located to secure adequate street capacity to transport pedestrians and vehicles to and from large retail facilities, and discourage traffic from cutting through residential neighborhoods.” *Id.* **The Ordinance requires that a large retail facility of this size (>98,000 s.f.) must have *primary and full access* to a collector with four through lanes. In this case that means Coors or Montano. The proposed Walmart supercenter (on proposed Tract 2A) does not have the required full access to Coors or Montano. The proposed large retail facility is therefore prohibited.**

The proposed site plan for building permit and amended subdivision site plan also fail to meet design and other requirements of the Big Box Ordinance as described *infra*. The major issues are summarized in Section E below.³

C. Zone Map Amendment.

³ Each issue is discussed in more detail under the tab corresponding to the issue. Evidence concerning each issue and references to the Zoning Code or other controlling authority is also under the respective tab.

The application to amend the Andalucia subdivision is a zone map amendment. This area consists of three tracts:

- Tract 1 SU-1 (10.23 ac.) for C-2 uses
- Tract 2 SU-1 (12.28ac.) for C-2 uses
- Tract 3 SU-1 (1.38 ac.) for O-1 uses

Tract 3 is a buffer tract limited to O-1 use. In addition general note 3 of Andalucia Subdivision created a 300 foot O-1/PRD buffer along Learning Road and adjacent to Bosque School to protect Bosque School from commercial activity. The applicant seeks to amend the zone map by eliminating Tracts 1, 2 and 3 and creating eight new tracts. Tracts 2A and 3A are proposed to have mixed zoning with some areas limited to O-1 use and others available for C-2 use. Pursuant to ZC §14-16-2-22(A)(2) the specific use permitted under SU-1 zoning is recorded on the zone map ("The specific use shall be recorded on the zone map.") This subdivision would amend the uses recorded and the tracts to which those uses are attached and, therefore, amends the zone map. Res. 270-1980 applies to any zone map change. Since the subdivision amendment would amend the zone map applicant bears the burden of demonstrating error, changed neighborhood conditions or that the change is more advantageous as articulated in the Comprehensive Plan or other City master plan. Applicant has not justified the zone change.

Applicant apparently tries to avoid Res. 270-1980 by calling Tracts 2A and 3A mixed zoning tracts – splitting the 1.38 acre Tract 3 (zoned SU-1 for O-1) between new tracts 2A and 3A with both tracts having mixed C-2 and O-1 uses and referring to Andalucia Subdivision General Note No. 3 to indicate which areas are C-2 and O-1. By claiming that the underlying land would still be used for O-1 uses applicant attempts to avoid Res. 270-1980. Since the proposed amendment would eliminate Tract 3, the zone map has to be amended to reflect the changes. In addition in fact the "buffer" O-1 land from Tract 3 that would be in Tract 2A will be used for C-2 shopping center purposes. Finally since the Credit Union recently approved at Coors and Learning Road is a commercial use the effect of that approval reduces the 23.3 ac of C-2 uses available throughout the subdivision so the current application in effect increases C-2 usage.

D. Traffic Analysis.

The applicant should be required to submit a new TIS addressing bicycle and pedestrian safety, should be required to use the latest tools and software available, and required to submit a three year accident analysis. The applicant should also be required to submit a truck access and impact study. Applicant assumes new access to Montano and does not address access when Winterhaven is grade separated. All studies should be based on approved access (not access

points not approved) and should consider the effect of grade separation at Winterhaven and Montano. [Grade separation would also eliminate the new proposed Montano access.]

Bicycle and Pedestrian Safety. Prior to the filing of this application Bosque School advised the City and applicant that the 2007 TIS did not address bicycle and pedestrian safety. *See* Tab B-1. There have been two 2011 updates to the TIS (November 7, 2011 and November 22, 2011). The November 22, 2011 study was made available on November 29, 2011. Neither of the studies addresses bicycle and pedestrian safety even though the location is adjacent to a school and even though the Andalucia plan identifies public and private trails as a *defining element* of the development. ("Public and private trails and sidewalk systems are a defining element to Andalucia at La Luz. Private trails for use by residents are designed to lessen the need for vehicular use and will provide pedestrian connectivity throughout the project.") *See* also Andalucia Regulations (requiring businesses to post the city trail map and bus routes and to provide conveniently located bicycle racks and facilities to encourage bicycle commuting). The Subdivision requirement to encourage pedestrian and bicycle commuting makes it imperative that the TIS address pedestrian and bicycle safety. The tools to study and address bicycle and pedestrian safety exist. *See* Exhibit B-1.

Although the TIS failed to address pedestrian safety *per se* the TIS analysis is incomplete to the extent it addresses pedestrian impact. The TIS suggests widening medians. *See* Exhibit B-2 at p. 4. ("There is no explanation as to the number of pedestrians expected, or how many persons would be accommodated by widening one or more medians.") The TIS does not consider student pedestrian traffic to and from the development and conflicts between students, patrons of the development and delivery trucks. *See* Exhibit B-2, p. 4.

Bicycles are not addressed in the TIS update even though there is a bicycle path and bicycle access is supposed to be a defining element and TMD guidelines encourage bicycle commuting. (Andalucia p. 3 of 3 at C5).

The TIS Should Utilize Current Review Methodology. The TIS utilized outdated review tools. The November 22, 2011 (and prior TIS) do not use the latest version of the Highway Capacity Manual (HCM) software. *See* Report of David Albright attached as Exhibit B-2. This was required by the City scoping letter and therefore violates the City's scoping requirement. The author of the TIS justifies this by claiming that a commercial software package utilizing latest HCM software is not "operational". *See* TIS update November 22, 2011, p. 8. *See also* Exhibit B-2 at p. 2. The author of the TIS is incorrect. Software is available that implements the current Highway Capacity Manual. As Mr. Albright explains in his report this deficiency is particularly important since the proposed development is at the critical Coors/Montano

intersection is adjacent to a school and involves the confluence of pedestrians, bicycles and automobiles. Albright, Exhibit B-2 at p. 2.⁴

Accident Analysis. A new TIS is required and should include an accident analysis.

No accident analysis was included in the TIS. See Exhibit B-2 at p. 3. ("An accident analysis is fundamental for proposed development located next to a school. An accident analysis is also important for any proposed development next to a bike route." See NMDOT "State Access Management Manual" Ch. 6 E§3(c); "Safety Analysis: Three years of accident history should be reviewed for the major study area intersections. Intersection collision diagrams should be prepared showing the number of accidents, accident type, date and time of each accident and accident severity." The Mid-Region Council of Government CMP Review (Vol. 4, Issue No. 1, March 2011) (see Exhibit B-4) provides Congested Corridor Rankings. These rankings compare actual traffic volume to design capacity, speed differential (difference between posted and actual speed) and crash data. Montano is the second worst road and Coors is the eighth worst in the Mid-Rio Grande region. Coors was second highest in crash points. The volume to capacity ratio (V/C) for Montano is 18.7 and Coors is 24.4. Volume to capacity is the ratio of actual traffic to design capacity. A ratio of greater than "1" indicates a level of traffic greater than the roadway was designed to handle. The absence of an accident analysis or safety analysis and use of outdated software are more glaring and potentially more dangerous in terms of lives because this intersection is already failing and the access roads are severally overcapacity. As Mr. Albright states:

"Since the decision by the developer was to not use the current design manual and available software, the TIS should be redone. As a part of the new study, accident analysis in the study area should be conducted. Given the relatively random nature of accidents, it is important that the analysis be over a minimum of three years and over the entire study area. An emphasis should be on bicycle and pedestrians incidents." Exhibit B-2 at p. 4.

Incomplete analysis of truck access. The TIS admits that the 25-foot curb radii may not accommodate delivery trucks. (11/22/2011 TIS update "Larger radii may be required to accommodate delivery trucks.") TIS by Terry Brown at p. 22. Applicant has not addressed this issue. Trucks cannot enter from or exit to Montano (truck restriction, future grade separation at Winterhaven). This leaves two possible access points on Coors. Mirandela and the right in/right out driveway between Mirandela and Montano. The site plan provides a 25 foot radii entrance on the northern corner of the site. Can trucks make this right in from the right lane? They would have to drive over the roundabout at the northwest corner of the Walmart (Note that there is no "defining monument" shown for this roundabout. See Design Standards at C-3 "Because these

⁴ Andalucia required the entire development to provide trails and sidewalk systems as a "defining element."

[roundabout] locations will be focal points, a character defining monument element will be located at the center of the traffic circle.”) The northeast corner of the Walmart shows radii of 15’ from Miradela/Winterhaven and no radii for the 90 degree turn from the Walmart north side. If trucks enter from the south side they are forced to make 180 degree turns to enter the loading docks. This requires about 100 feet for a standard semi truck. **A truck access and impact study should be required utilizing the Federal Highway Administration vehicle classifications so the radii can be compared with proposed access points and internal turns required.** Projected number of truck trips by truck type and Gross Vehicle Weight should be stated and evaluated as well as potential conflicts with school, pedestrian, bicycle and auto traffic. Day/time of delivery should be considered. See B-2 at p. 5.

Other TIS Issues:

- The TIS discusses widening medians but fails to address what impact this will have on traffic flow.
- As concluded by Mr. Albright a new TIS update should be required to answer “the more pressing concerns about safety as well as operational efficiency of increased vehicles, delivery trucks, bicycles and pedestrians.”
- This site plan is premised on a new right-in/right out onto Montano. Approval for this entrance to Montano has not been given. Since the site plan and TIS are premised on an entrance/exit that has not been approved the application should not be considered.
- The site is not designed as required by TDM standards adopted by Andalusia Regulations so as to encourage bicycle commuting. (There are no separate bicycle paths, bicycles must travel the auto-oriented lanes though the site to access the buildings). Note: There is no crosswalk across Winterhaven to Bosque School, no crosswalk/pedestrian connections to “future retail”.

E. Summary of Issues.

The application should be denied for the following reasons:

1. The site does not have full access as required by Z.C. §14-16-3-2(D)(2)(b) (requiring a large retail facility “to be located adjacent to and have primary and *full access* to a street designated as at least a collector”) (emphasis added). This site does not have full access to Coors or Montano or to a collector meeting the requirements of the ordinance and as a result is prohibited.

The subdivision application shows access to Montano which has not been approved. Approval of a subdivision amendment predicated on a new access to Montano should not proceed until there is approval of the proposed new access by MRCOG. *See* detailed discussion and supporting materials under Tab 1.

2. Andalusia Regulations and Design Standards. The application for subdivision amendment and building permit for a large retail facility violates the pedestrian oriented **village character** requirements of the Andalusia Regulations. The size or scale of the large retail facility, vast area of parking and design of the center do not create the pedestrian oriented, walkable, village character environment required by the Andalusia Regulations. *See* discussion and materials under Tab 2.

This application proposes two phases of suburban automobile oriented development but contains no planning or phasing to a finer-scaled pedestrian oriented development. Were there no Andalusia requirement for a pedestrian oriented village character and no activity center under the Comprehensive Plan or WSSP applicant could propose a Phase I auto oriented Big Box. In this case applicant proposes two phases of auto oriented retail development.⁵ The zoning code provides that large retail facilities can provide for phasing and transition to a mixed-use pedestrian oriented development. *See* Z.C. §14-16-3-2(D)(4)(a) and §14-16-3-2(D)(4)(b) (providing for phasing to a finer-scaled, pedestrian oriented, mixed-use development). Pedestrian oriented development is required under the Comprehensive Plan and WSSP and Andalusia Regulations. Approval would also eliminate any hope for future office defeating the true mixed use nature of the original approval.

What applicant proposes is not the fine-scaled, pedestrian oriented mixed use development described in Z.C. §14-16-3-2(D)(4)(a) and §14-16-3-2(D)(4)(b) or the Andalusia regulations. Both the subdivision amendment and the site plan for building permit should be denied. This auto oriented strip commercial development also violates the Comprehensive Plan and WSSP (see for example, definitions of linear v. nodal development, strip commercial development, WSSP Policy 1.3 (p. 39); Policy 1.9 (Scale, p. 40), Policy 1.12 (p. 41); Policy 4.6g (p. 175). Definitional p. 299, Policy 4.6h (p. 175) and WSSP generally including but not limited to pp. 21-40.

3. The application locates semi-truck loading and parking on current Tract 3 (zoned O-1) and in the in the O-1/PRD buffer zone (within 300 feet of Bosque School/Learning Road) adopted by Andalusia Subdivision General Note 3. This area cannot be used for C-2 retail purposes, C-2 parking or for semi-truck loading and parking as

⁵ There is an area reserved of about a half acre of "office" on the otherwise retail zoned Tract 3A but this is so minimal in relation to the rest of the development as to be inconsequential.

proposed. Tract 3 was created as a separate tract to enforce these limitations/protections and should not be eliminated. Parking for the retail center is a C-2 use. Loading dock access and semi-truck loading and unloading and ingress to loading docks is also a C-2 use. See discussion under Tab 3. Tract 3 was to be used as a buffer area and an area for offices. Converting the area to parking for the retail big box and to loading dock use is contrary to the intent of the subdivision site plan and the zoning code.

Not only does the application violate the O-1 zoning of Tract 3 it violates the intent of the buffer requirement. The land of Tract 3 is not being used as a buffer area under this proposal. Its proposed use does not meet the definition of "parking lot." Access to the loading dock and general shopping center access is not a parking lot. Applicant also proposes to use the O-1 buffer area for part of retail garden center which is also not an O-1 use. The original size of the curb cut (24') to a Tract 3 demonstrates that there was never any intent that this buffer O-1 lot be accessed by large trucks and become just part of a retail shopping center site without offices. The proposed use of Tract 3 for retail parking, for loading dock access, truck loading, unloading and other intense C-2 uses is contrary to the zoning code and Andalusia regulations. See Tab 3. [Note: staff opined (11/23/2011 memo) that the O-1 buffer area can be diverted to C-2 shopping center uses "if the activity is mitigated." There is no provision for a variance of the zoning requirements of an SU-1 plan or of zoning to allow C-2 uses in the O-1 zone "if mitigated."] Note that in Project No. 1003859 the EPC required a zone map amendment. To devote this area to C-2 use needs a subdivision amendment and zone map amendment.

4. The Subdivision Amendment application is (as described above) a request to amend the zone map and therefore Res. 270-1980 applies to this request. Applicant has not met its burden for a zone map amendment under Res 270-1980. See Tab 4.
5. The applicant has failed to demonstrate effective and sufficient access for large trucks that must supply the supercenter. See discussion under Tab 5.
6. The site plan for subdivision is incomplete because it does not address the entire site included in the original subdivision and does not address the Andalusia regulations/standards. See discussion under Tab 6.
7. The proposed plan does not create separate vehicle and pedestrian circulation systems so as to support a pedestrian-oriented village character as required by the Andalusia Regulations. See discussion under Tab 7.

8. The proposed plan is not complimentary to La Luz and Bosque School as required by Andalucia regulations/standards. *See* discussion under Tab 8.
9. Site design. Z.C. §14-16-3-2(D)(3) provides for a large retail facility site to be designed with a block/street design to promote both pedestrian activity and ultimate evolution to a mixed use. This proposed plan gives nominal attention to blocks of parking but does not meet that requirement. ZC§14-3-2(D)(5) requires pedestrian connections throughout the site, connections to neighborhoods and landscaping compatible with the site's scale. The end result is to be "as active pedestrian street life, replace large off-street parking filled with parking structures" *See* Tab9.
10. The application does not meet the zoning code requirements for pedestrian connections and distribution of parking. ZC §14-16-3-2(D)(4) and §14-16-3-2(D)(5). *See* Tab 10.
11. Building articulation does not meet required criteria of the Big Box Ordinance. ZC §14-16-3-2(D)(b). *See* discussion under Tab 11.
12. The public space or plaza calculations are misleading and do not meet the requirements of Andalucia or of the zoning code. Some of the areas calculated as public space do not function as public space and do not meet view requirements of bosque view. *See* Tab 12.
13. A drive through for the large retail facility is inconsistent with the Andalucia requirements. *See* Tab 13.
14. Approval would have the effect of exceeding the maximum allowable C-2 uses provided for (23.3 ac) by the Andalucia Subdivision. There is no justification to increase C-2 uses and doing so is inconsistent with the Andalucia Regulations requirements for mixed use, vibrant pedestrian orientation and village character. *See* Tab 14.
15. Drainage. The plans (C-10) states that Walmart will use passive water harvesting whenever possible. The importance of harvesting and of the quality of water to be discharged into the public drainage pond and the river should be part of any approval of a site plan for building permit. The Development Process manual (DPM)) requires structural measures to address storm water pollution and water quality. Silver Leaf's default regarding its obligations raises concern for further compliance as it is the applicant. *See* Tab 15.

16. Outdoor storage proposed in the nursery area is prohibited. See Tab 16.
17. The application should not be approved but, if approved, the following conditions should be adopted:

Camping and parking of overnight trailers as is typical of Walmarts is incompatible with the zoning and Andalusia Regulations and should be expressly prohibited in any development.

24-hour operating is incompatible with the community and the retail center house should be restricted to 8:00 a.m. to 9:00 p.m.

Liquor sales next to a school are not complimentary and should be expressly prohibited.

Any drive up for pharmacy sales is contrary to the pedestrian village concept and should be prohibited. Any other drive through beyond those already approved should be prohibited.

Additional documents which may be referenced are under Tab 17. Bosque School also adopts issues raised by the Westside Coalition and other neighborhood groups and citizens.

E. Procedure for EPC hearing.

The fundamental requirement of procedural due process is a fair hearing. Although the applicant's complete submittal is required to be included in their application the Commission allows the applicant substantial time to address the Commission to explain their position and illustrate their arguments. As set forth above Bosque School has a vested interest in this application and has standing under EPC rules. I have tried to list major issues in this letter but should have sufficient time to advocate and explain these issues. In order to provide Bosque with due process, I request that the Chair provide me with ten minutes address the Commission.⁶

⁶ Bosque School recognizes the EPC often enlarges time for neighborhood associations. EPC Rules, however, do not expressly provide the same consideration for an adjoining property owner even though the adjoining property owner has a more direct interest in the proceeding and standing under EPC rules. Due process requires some balance in the time allotted Bosque as an interested party with a vested interest to present an intelligent argument and not to be simply limited to 2 minutes of "comment." Counsel recognizes that the Chair typically provides additional time to a property owner represented by counsel and has no reason not to expect the same practice to be followed in this hearing but since the rules applicable to appeals require every issue to be raised administratively Bosque documents its request here. Counsel requests 10 minutes to provide a cogent presentation that focuses on relevant issues.

Environmental Planning Commission
January 9, 2012
Page 13 of 13

For all of the reasons discussed herein the proposed plan is not complimentary to Bosque School and the La Luz Development as required by Andalusia Regulations.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Timothy V. Flynn-O'Brien', with a stylized, sweeping flourish.

Timothy V. Flynn-O'Brien

TVFOB/mlg
Enclosures as stated

TIMOTHY V. FLYNN-O'BRIEN

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November 9, 2011

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RE: Project No. 1003859

Dear Ms. Lehner and Ms. Marrone:

I will be representing Bosque School with regard to Project #1003859. Project #1003859 concerns land adjacent to Bosque property. Bosque School is an Interested Party owning land within 300 feet of the project. I have reviewed Silver Leaf's October 27, 2011 submission and believe it is incomplete for the following reasons:

- The application did not include the required traffic study update.
- The application does not include sufficient view plane information to demonstrate compliance with Coors Corridor Plan view plane preservation requirements.

Under EPC rules any evidence to be submitted in opposition to the application must be submitted ten (10) days before the hearing. The EPC filing schedule, therefore, allows interested parties and the public about 30-32 days to review the submission, consult with experts and submit written evidence. If the City schedules this matter for December 8 interested parties will not have the required time to obtain evidence. This will deny Bosque School, other interested parties and the public due process.

In the past the City has issued a notice of deficiency and rescheduled a project when the application was incomplete. The project should be set for hearing based on the date when all required information is submitted. In this case if the missing information is submitted by Wednesday November 23, 2011 the case could be heard on January 12, 2012. See attached EPC

schedule. The attendance of several hundred people at the facilitated meeting and the demonstrated interest of several neighborhood associations and coalitions indicate that several hundred people will attend the hearing. In a case with this level of participation it is appropriate for City staff to make the "incomplete application decision" as soon as possible and not to shift that decision to the beginning of an EPC hearing forcing the public to take the day off work for a hearing that will not occur.

With regard to the updated traffic study we understand it was filed on Monday November 7, 2011. That late filing in and of itself would not provide sufficient time for interested parties. To further complicate and frustrate matters, City staff would not provide a copy to our representative on November 8, 2011. At that time we were told that the City preferred to review the traffic study update first and would provide us our requested copy on Friday November 11. Now that date has changed to early next week (the week of November 14). (See attached email from Russell Brito.) This is just two weeks before the last date for our written submission. The traffic study update is not just some non-controversial information but is a centerpiece of required information critical to public input and to a complete analysis of this proposed Big Box project. I realize applicant has put the City in this position but the solution is to consider the application incomplete and reschedule for January-assuming all required information is submitted before November 23, 2011.

I contacted applicant to ask them to voluntarily defer but have not received a response so I do not know if they oppose this request.

In sum, on behalf of Bosque School I request that a notice of deficiency be issued and this not be scheduled for December. Interested parties should have the full period provided by the EPC schedule to review all material prior to the deadline for submitting evidence.

Please include this in the EPC record as it raises procedural and due process issues that need to be made part of the record.

Very truly yours,



Timothy V. Flynn-O'Brien

TVFOB/mlg

xc: Debroah Stover, Director
Russell Brito
Ron Bohannon
Michelle Henrie
Kevin Curran

HEARING MONTH	Application Deadline NOON	Agency Distribution (Internal) 10:00 A.M.	Agency Comments Due	Legal Ad Due to Newspaper 9:00 A.M.	Pre-Hearing Discussion 1:30 P.M.	Legal Ad Published in Newspaper	Legal Notice Mail Out	Draft Reports Due (Internal)	EPC Study Session (Afternoon) *3:00 P.M.	EPC Public Hearing (All Day) 8:30 A.M.	Appeal Deadline 5:00 PM	Transmittal Packet Due to Director
JANUARY	WEDNESDAY 11-24	11-29	12-10	12-17	12-15	12-22	12-22	12-30	1-6	1-13	1-28	2-11
FEBRUARY	12-30	1-3	1-14	1-14	1-19	1-19	1-19	1-27	2-3	2-10	2-25	3-11
MARCH	1-27	1-31	2-11	2-11	2-16	2-16	2-16	2-24	3-3	3-10	3-25	4-8
APRIL	2-24	2-28	3-11	3-18	3-16	3-23	3-23	3-31	4-7	4-14	4-29	5-13
MAY	3-31	4-4	4-15	4-15	4-20	4-20	4-20	4-28	5-5	5-12	5-27	6-10
JUNE	4-28	5-2	5-13	5-13	5-18	5-18	5-18	5-26	6-2	6-9	6-24	7-8
JULY	5-26	TUESDAY 5-31	6-10	6-17	6-15	6-22	6-22	6-30	7-7	7-14	7-29	8-12
AUGUST	6-30	TUESDAY 7-5	7-15	7-15	7-20	7-20	7-20	7-28	8-4	8-11	8-26	9-9
SEPTEMBER	7-28	8-1	8-12	8-12	8-17	8-17	8-17	8-25	9-1	9-8	9-23	10-7
OCTOBER	8-25	8-29	9-9	9-16	9-14	9-21	9-21	9-29	10-6	10-13	10-28	11-14
NOVEMBER	9-29	10-3	10-14	10-14	10-19	10-19	10-19	10-27	11-3	11-10	11-28	12-12
DECEMBER	10-27	10-31	11-10	11-10	11-16	11-16	11-16	11-23	12-1	12-8	12-23	1-6
JANUARY '12	WEDNESDAY 11-23	11-28	12-9	12-16	12-14	12-21	12-21	12-29	1-5	1-12	1-27	2-10

* Time subject to change



Tim Flynn-O'Brien <tim@flynnobrien.com>

Project #1003859

Brito, Russell D. <RBrito@cabq.gov>

Wed, Nov 9, 2011 at 11:35 AM

To: tim@flynnobrien.com

Cc: "Lehner, Catalina L." <CLehner@cabq.gov>, "Marrone, Carmen M." <CMarrone@cabq.gov>, "Stover, Debbie L." <DStover@cabq.gov>, "Dourte, Richard H." <RDourte@cabq.gov>, "Lloyd, Tony J." <TLloyd@cabq.gov>

Tim,

The revised/updated TIS for the Coors/Montaña site has been submitted for Tony Lloyd's staff review.

This updated TIS will be available for public review early next week. Please contact Tony (924-3934) to coordinate.

Thanks,

- Russell

From: Brito, Russell D.**Sent:** Monday, November 07, 2011 4:49 PM**To:** 'tim@flynnobrien.com'**Cc:** Lehner, Catalina L.; Marrone, Carmen M.; Stover, Debbie L.; Dourte, Richard H.**Subject:** RE: Project #1003859

Tim,

In regards to your inquiry:

- The Planning Director did not waive a requirement that a Traffic Impact Study (TIS) accompany the site development plan application. It is a general policy that can be adjusted to address different situations.
- An approved TIS was done for the subject site in 2007 based on a then-proposed development. An update of this 2007 TIS is required to reflect the current proposal.
- The site development plan application was accepted at the front counter, but the updated TIS will need to be completed, submitted, and then be reviewed by Transportation Development staff before the EPC hears the case.
- The existing 2007 TIS is currently available for review.

Thank you,

- Russell

Russell D. Brito, Manager

Urban Design & Development Division

City of Albuquerque Planning Department
600 Second Street NW, 3rd Floor
Albuquerque NM 87102
505-924-3337
505-924-3339 fax
rbrito@cabq.gov

"Violence is the last refuge of the incompetent."
– Isaac Asimov

From: Lehner, Catalina L.
Sent: Monday, November 07, 2011 8:55 AM
To: Marrone, Carmen M.; Brito, Russell D.
Subject: FW: Project #1003859

From: Tim Flynn-O'Brien [mailto:tim@flynnobrien.com]
Sent: Monday, November 07, 2011 7:30 AM
To: Lehner, Catalina L.
Cc: Bill Kraemer; Marisa Gay
Subject: Project #1003859

Ms. Lehner,

I represent Bosque School in this matter.

Did the Planning Director waive the requirement that the TIS accompany the application? The delay in having the traffic study is hampering review, study and preparing written submissions within the required time.

Thanks,

Tim

--

Timothy Flynn-O'Brien
817 Gold Ave. S.W.
Albuquerque, N.M. 87102
Work: 505 242-4088
Cell: 505 228-1477
Fax 866 428-7568

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CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Silver Leaf Ventures, LLC DATE OF REQUEST: 10/26/11 ZONE ATLAS PAGE(S): E-12

CURRENT:

ZONING SU-1 for C-2, D-1 + PRD
PARCEL SIZE (AC/SQ. FT.) +/- 23.89 ac

LEGAL DESCRIPTION:

LOT OR TRACT # 1, 2 + 3 BLOCK # _____
SUBDIVISION NAME North Andaluia @ LaLuz

REQUESTED CITY ACTION(S):

ANNEXATION []
ZONE CHANGE []: From _____ To _____
SECTOR, AREA, FAC, COMP PLAN []
AMENDMENT (Map/Text) []

SITE DEVELOPMENT PLAN:

SUBDIVISION* [X] AMENDMENT [X]
BUILDING PERMIT [X] ACCESS PERMIT []
BUILDING PURPOSES [] OTHER []

*includes platting actions

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT []
NEW CONSTRUCTION [X]
EXPANSION OF EXISTING DEVELOPMENT []

GENERAL DESCRIPTION OF ACTION:

OF UNITS: 1
BUILDING SIZE: 98,911 (sq. ft.)

Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE Kel D. Krueger DATE 10/26/11
(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2nd St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [X] NO [] BORDERLINE []

THRESHOLDS MET? YES [X] NO [] MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: []

Notes: TIS completed + accepted by City of Albuquerque (June 2007). Proposed use apparently generates less traffic than use proposed in June 2007 study. An updated study to be completed based on proposed uses. Study to be submitted by November 7, 2011
- TIS will need to be accepted by City prior to EPC HEARING of this case
If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. Any subsequent changes to the development proposal identified above may require an update or new TIS.

[Signature]
TRAFFIC ENGINEER

10-26-11
DATE

Required TIS **must be completed prior to applying to the EPC and/or the DRB**. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with. -

TIS -SUBMITTED / /
-FINALIZED / /

TRAFFIC ENGINEER

DATE

Revised January 20, 2011