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January 12, 2007

George Zapalac, Director
Land Use Review Department
One Texas Center
505 Barton Springs Rd, 4th floor
Austin, Texas 78704***Via Facsimile: (512) 974-3010
and First Class Mail*****Re: Northcross Mall/ Lincoln Properties/ Wal-Mart**

Dear Mr. Zapalac:

This law firm has been retained by the Allandale Neighborhood Association to represent them in the Northcross Mall development issue. Under §25-6-113 of the Austin City Code, a person submitting a site plan application must submit a traffic impact analysis (TIA) to the department if the expected number of trips generated by a project exceeds 2,000 vehicle trips per day. It is our understanding that Lincoln Property filed a TIA prior to making significant changes to the site plan, including adding a parking garage. It appears to be inadequate under §25-6-113 et seq.

There are a number of deficiencies in Lincoln Property's TIA. Specifically:

- I. **Neighborhood Traffic** - The TIA provided by Lincoln Properties to the City of Austin does not consider the impacts to surrounding neighborhoods. Although the Northcross property is adjacent to multiple neighborhoods, the City of Austin did not require Lincoln Properties to consider traffic impacts to these neighborhoods. Section 26-6-114 requires a director to conduct a neighborhood traffic analysis for a project if 1) the project has access to a residential local or collector street, and 2) the projected number of vehicle trips generated by the project exceeds the vehicle trips per day by at least 300 vehicle trips per day. Shoal Creek Boulevard, Foster Lane, Rockwood Lane, Great Northern Blvd., and St. Joseph Blvd. all provide access to the property and it is highly likely that all will experience a significant increase in traffic as customers seek shortcuts and attempt to avoid congestion on Loop 1, Anderson Lane, and Burnet Road.

II. Errors in Calculation

- (a) **The TIA assumes away a significant amount of the projected traffic** – Traffic studies typically make allowances for “Pass-By Capture” and “Internal Capture”. Pass-by capture essentially accounts for drivers who make a spontaneous decision to visit a store after seeing it from the roadway. Internal capture assumes that customers who come to specifically patronize one store will also visit another store at the same location. Downward adjustments are made to a facility’s initial traffic projection to account for these activities and to avoid double-counting trips. However, the figures assumed for pass-by and internal capture appear excessive. The study assumes that 17 percent of the Wal-Mart’s shoppers will have made a spontaneous decision to visit the store while 34 percent of shoppers at the shopping center and the specialty retail will be pass-by capture. The study also assumes that there will be an internal capture rate of 15 percent, which seems unlikely since Wal-Mart offers shopping options for almost every need, thus being a “one-stop” retailer. The combined effect of these assumptions was to lower the traffic produced by the Northcross redevelopment from an unadjusted 19,595 vehicles per day to an adjusted 15,186 vehicles per day or a reduction of 29.0 percent. By Lincoln Property’s estimates from its traffic impact study, the proposed project will produce 7,121 new, two-way vehicle trips on local arterials and neighborhood streets, which is an annual increase of approximately 2.6 million additional vehicle trips. The reality is that passenger traffic volume will almost certainly be higher.
- (b) **Lack of Analysis for Parking Garage Effect** - The TIA states that even though there will be an entrance to a three-story parking garage with concentrated ingress and egress along Anderson Lane and Foster Lane, it will have a negligible effect on traffic. The TIA states that the Level of Service (LOS) for the intersections of Anderson Lane and Driveways A and B of Northcross Mall will only change from Level A (the best of six grades) to Level B (the second best of six grades). This is difficult to believe when Anderson Lane is designed in a parkway configuration (concrete medians). Left turn lanes along Anderson Lane will only allow approximately 10 vehicles to be in the left turn lane at one time. During peak periods, it is likely that frequently more than ten vehicles will be waiting to turn left, which will block the inside lane to forward moving traffic. As drivers attempt to avoid the blocked inside lane, they will move right and congest the outside lane, as well as increase the likelihood for accidents. The traffic study also makes no attempt to estimate the parking garage’s effect on Foster Lane. As previously mentioned, §25-6-113 provides that a developer must

file a TIA if their site plan is to exceed 2,000 vehicle trips per day, which this property surely will. The TIA that was submitted by Lincoln Properties does not consider the parking garage, and therefore, is not a valid TIA for this site plan, as currently submitted.

(c) **TIA Baseline Traffic Figures Inaccurate** - The TIA states that the existing facility generates 8,065 two-way trips during a 24-hour period, based upon counts performed at driveways. For a number of years, Northcross Mall has been an underperforming retail property that attracts relatively few customers for its tenants, which makes the TIA's baseline traffic figures questionable. Additionally, patrons at other retail stores surrounding Northcross Mall share its driveways and have access to its parking lot, which means they can use the parking lot to access Burnet Road or Anderson Lane. Even though these stores are not part of the Northcross property and are not owned by Lincoln Properties, traffic produced by their customers could have accounted for a substantial share of the traffic attributed to Northcross Mall.

(d) **Bias and Inconsistency** - The current TIA uses just the average figures for traffic, even when it is well known that Wal-Mart traffic is consistently higher in the Southwest United States than even the high ITE estimates. Additionally, VRPA Technologies provided a document showing that the average Super Discount Center draws a peak vehicle trip end (VTE) of 1,137, not the 750 figure reported by ITE. This is a significant difference that would have drastic effects on the TIA. Finally, the TIA fails to explain how a 100,000 square foot grocery store in ITE's guidelines would create, on its own, 11,150 VTE while their calculations for the entire 215,000 square foot store creates less total traffic. These flaws in the data destroy the credibility of the rest of the report.

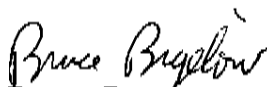
III. Lack of Consideration for Additional Truck Volume - Wal-Mart will generate approximately 50 two-way truck trips a day or almost 18,000 additional truck trips on local streets per year. Increased truck volumes on city streets can create a number of negative externalities for surrounding neighborhoods. For example, higher truck volumes can necessitate more regular pavement maintenance, which leads not only to higher costs but also more lane closures. In addition, trucks can complicate congestion at intersections because of their wide turning radii. For a typical Wal-Mart Supercenter, the total truck trips per 24-hour period would be approximately 50. In addition, the facility would require a number of service vehicles such as garbage trucks. These figures are initial averages that would be comparatively higher during periods of peak demand such as weekends and the holiday season.

- IV. Geographical Impact** - Section 25-6-115 grants the authority to determine the geographical area to be included in the TIA to the director. The current TIA is extremely narrow in scope, failing to consider the impact the shopping center would have on turning lanes on Northcross Drive and Burnet, and neglecting to analyze the impact on the frontage roads of Mopac near Spicewood Springs and Steck. A shopping center of this size would have a far reaching impact on the traffic in the area.
- V. Impact on Pedestrian or Bicycle Activities** - Shoal Creek Blvd. and Great Northern Blvd. are popular locations for bicyclists and pedestrians. Increased traffic along these streets from the Northcross redevelopment could significantly diminish pedestrian and bicyclist safety.
- VI. No Proposed Funding Contribution** - The City of Austin Watershed Protection and Development Review Department mistakenly does not believe there are any problems that warrant concern and that the developers should not be required to fund any roadway improvements. Laura Huffman, in a memo to the Mayor and City Council Members, stated that "...all the intersections analyzed in the TIA function at an acceptable level of service after the site is constructed. Therefore, the developer was not required to contribute funds to make any traffic improvements related to the development of the sites." However, it is not reasonable to believe that given the flaws identified in this analysis, as well as adding (at a minimum) 2.6 million vehicle trips and 18,000 truck trips annually to congested local arterials and to neighborhood streets, could have no significant impact to current traffic flows, safety, and neighborhoods.
- VII. Failure to Consider Other Developments** - The TIA fails to consider the traffic impacts in conjunction with a 135,000 square foot Lowe's home improvement store, as well as a new Infinity car dealership now being constructed at the corner of Burnet and Steck.

The Austin City Ordinance requires that a TIA be done in such a manner so as to protect local residents and traffic. As it currently stands, the TIA submitted by Lincoln Properties is deficient in the aforementioned manner and does not serve the function for which it is intended. The TIA is so flawed that it is of little use as a planning tool for both citizens affected by this development as well as the City of Austin in managing its citizens needs. In accordance with § 25-6-113(B), the Allandale Neighborhood Association requests that Lincoln Properties be required to resubmit a new TIA, along with a Neighborhood Traffic Analysis, using realistic traffic numbers reflecting the *anticipated* traffic, rather than the current traffic patterns.

We look forward to working with you and reaching a mutually agreeable solution to this issue. Should you have any questions, please do not hesitate to contact me.

Sincerely,


BRUCE BIGELOW
FOR THE FIRM

RBB/kh

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