

**Municipality of Anchorage
Planning Division
MEMORANDUM**

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DATE: July 11, 2016
TO: Planning and Zoning Commission
THRU: Hal H. Hart, AICP Director *WHD*
FROM: Shawn Odell, Senior Planner
SUBJECT: Case 2016-0023; Nordstrom Rack in Sears Mall
Amended Site Plan Review
APPLICANT: Sears Roebuck and Company
APPLICABLE ZONING CODE: "Old" Code – Expires 12/31/14
TAX ID: 009-042-01
COMMUNITY COUNCIL: Midtown
RECOMMENDATION SUMMARY: Approval with conditions

Sears Roebuck and Company seeks approval of an amendment to an existing large retail establishment site plan.

The Sears Mall is a large retail establishment which is deemed to have an approved site plan, as it existed prior to May 8, 2001, the date of adoption of the large retail establishment standards. Thus changes to the Sears Mall are reviewed under AMC 21.55.130 which states that "the commission shall apply the standards set out in 21.50.320 in a manner proportionate to the extent of the expansion, reconstruction, renovation, or remodeling proposed." The cost of compliance with those standards shall not exceed 10% of the cost of the reconstruction.

PROJECT BACKGROUND

History: The Planning and Zoning Commission received a request from Sears Roebuck and Company to amend a large retail establishment site plan in the B-3 (general business) district in accordance with AMC 21.55.130 and AMC 21.50.320. The Planning and Zoning Commission reviewed and approved this request on the consent agenda on July 14, 2014 subject to eight (8) conditions. The Planning and Zoning Commission adopted resolution 2014-040 on August 4, 2014.

Six retail merchants timely filed an appeal of this decision to the Board of Adjustment. The Board of Adjustment held a meeting open to the public on February 18, 2015 as

Appeal No. 2014-4. By unanimous vote (3-0), the Board of Adjustment exercised its independent judgement in the interpretation of municipal code and concludes a public hearing on a limited site plan review amendment filed under AMC 21.55.130 is not required as a matter of law.

The appeal of the Board of Adjustments decision was further appealed to the Superior Court of Alaska on December 2, 2015. Superior Court Judge Andrew Guidi ruled that based on consideration of public policy, that the Commission must hold a public hearing on an application to modify a large retail establishment. This reversed the decision of the Board of Adjustment in the case and remanded the case back to the Planning and Zoning Commission to hold a public hearing.

The Planning and Zoning Commission held a public hearing on June 13, 2016 in which public testimony was heard. The hearing was postponed to July 11, 2016 as there was a question whether the court ruling meant to hold only a public hearing portion or complete amended site plan review process. The Commission is directed to review the petitioner's amended site plan application in its entirety for compliance with the code ("Old" Title 21).

Location: The Sears Mall is bounded by Northern Lights Boulevard, Benson Boulevard, Denali Street and the Seward Highway. The Nordstrom Rack store and future tenant space is located at the north portion of the existing Sears store.

Zoning and Land Use: The property is zoned B-3. The site is bordered on three sides by major roads (north – Northern Lights Boulevard, south - Benson Boulevard, and east - Seward Highway). To the west is Denali Street.

Proposal: The petitioner is renovating a portion of the Sears store. The principal use on the site is a 308,428 square foot mall comprised of retail stores and a supermarket.

The proposed renovation of the building façade does not increase the floor area of the mall as the renovation takes place within the existing space. Thus, no additional parking spaces are required. Nordstrom Rack will be located within the northeast portion of the existing Sears store and will contain approximately 34,956 square feet of store area. Three future tenant spaces with individual entranceways are proposed at 3,801 square feet each.

The project includes the addition of a 683 square feet loading dock and screened trash receptacle along the north side of the existing Sears store.

The changes to the site outside the store involve new down lighting incorporated into new entranceway canopies and entry features with associated architectural building articulations. A new window will be provided on the north-facing façade at the west edge. The overhang awning along the east-facing façade is proposed to be removed, and exterior insulation and finish panels are proposed to be added, with the bottom of the row of panels approximately 10 feet above the ground.

Cost of compliance: The Commission has the authority to require improvements that do not exceed 10% of the overall costs of the renovation. The petitioner has submitted estimated costs for the improvements as follows:

The total cost of the renovation is \$334,600. The applicant indicated this amount is for the loading dock addition and not interior renovations, which are not to be included per AMC 21.55.130A. Ten percent of this amount is \$33,460.

As noted in the attached department memo from 2009, “the goal of the Department is to use this 10 percent dollar figure to work on bringing the expansion of the new structure and the existing structure towards compliance with the architectural standards, while also trying to bring improvements to the site. Generally, the sites in Anchorage are lacking in areas of pedestrian/vehicle safety, landscaping, pedestrian access, and building architecture.”

The site (looking at the portion related to this tenant improvement) is deficient in pedestrian connections and landscaping. At the pre-application meeting, staff discussed this issue with the applicant and recommended that the applicant propose some site improvements, such as additional landscaping in the parking lot or along the Benson Boulevard street frontage. The applicant has provided new landscaping to replace the landscaping being removed, but otherwise has not proposed any site improvements. The non-motorized coordinator is requesting a pedestrian connection to Northern Lights Boulevard at the westerly driveway, but considering that there is a pedestrian connection at the easterly driveway, and the fact that there is no mid-block crossing of Northern Lights between the Seward Highway and Denali Street, staff recommends improving the landscaping along Northern Lights Boulevard along this building frontage as the improvement that will have the best “bang for the buck.”

AMC 21.55.130 Large Retail Establishments

In determining the degree to which the standards set out in 21.50.320 shall apply to the expansion, reconstruction, renovation, or remodeling proposed, the commission shall also consider:

1. *Whether strict application of any standard of 21.50.320 would result in peculiar or exceptional practical difficulties or work and undue hardship on the owner of the property.*

As the overhang awning on the east-facing façade meets the requirement of AMC 21.50.320P.1., the applicant must replace it with a conforming alternative if they remove it. Strict application with other more-structural building requirements would create practical difficulties, given the limitations of the Sears store improvements and the shape and size of the existing building shell, and would thus cause undue hardship for the property owner, although it should be noted that improvements were made to the south side that provide better façade articulation and pedestrian scale interest by the addition of wall signage panels and several landscape planters instead of a continuous overhang awning.

2. *Whether the proposed design and site plan satisfies the intent of this section as well or better than would strict compliance with standards set forth in 21.50.320.*

The changes proposed do not go very far in moving this large retail establishment closer to conformity with the adopted standards. New landscaping replaces existing landscaping that is being removed. New entries and the new loading dock meet the standards, and the new window on the north side is an improvement, but otherwise the changes to the building and the site either move away from compliance (removal of the overhang awning) or make no significant change towards compliance.

3. *Whether relaxation of any requirement of 21.50.320 would impose any significantly greater negative impact on surrounding property.*

Given the intense commercial quality of the surrounding property, relaxation of some of the requirements - for example, the requirement to vary roof lines and heights should not have a greater negative impact on the surrounding properties.

4. *Whether the proposed design and site plan brings the site into greater compliance with the standards set forth in 21.50.320 than the existing structure.*

As noted under #2 above, the new elements that accommodate the creation of new retail spaces (entries and loading docks) meet the large retail establishment standards, but other changes either move away from compliance (removal of the overhang awning) or make no significant change towards compliance.

5. *To grandfather existing large retail establishments and to set standards for their renovation which encourage conformity to the new ordinance without undue economic hardship.*

Full compliance with the large retail establishment standards would require such significant changes to both the building and the site that it would cause undue economic hardship to the owner.

AMC 21.50.320 Public hearing site plan review - Large retail establishments

- A. *Intent. The standards in this section promote architectural variety, compatible scale, access amenities, and mitigation of negative impacts. These standards govern site plan review by the Planning and Zoning Commission for large retail establishments. Where these standards conflict with other provisions of this Title, these standards and the terms of site plans approved under this section shall govern.*
- B. *Vehicular access. Primary vehicular access shall be from a street designated collector or greater on the official streets and highways plan. Secondary vehicular access may be from a street designated less than a collector on the Official Streets and Highways Plan (OS&HP) provided the applicant demonstrates that any traffic and visual impacts on adjacent residential and commercial areas are sufficiently minimized.*

Vehicular access to the mall is from Northern Light Boulevard, Benson Boulevard, and the Seward Highway. This meets the requirements for access from a street designated collector or greater. Alaska Department of Transportation and Public Facilities (ADOT&PF) has expressed concern over existing trees blocking the driver's ability to see traffic as they exit onto Northern Lights Boulevard. Landscaping that is within the ADOT&PF sight triangles must be removed. Any landscaping trees that are removed shall be replaced elsewhere on-site outside of the sight triangle on a one-to-one basis.

- C. Traffic impacts. *The applicant shall have a professional entity perform a Traffic Impact Analysis (TIA) and traffic mitigation measures for approval by the Commission.*

A TIA is not required as the proposed renovation would not significantly alter traffic patterns. New retail floor area is not proposed, so it is presumed that the number of trips to and from the site will remain generally the same.

- D. Drainage. *A site drainage and grading plan shall be submitted and approved as required by this Code along with the site plan.*

The petitioner will be required to submit a site grading and drainage plan when applying for a building permit.

- E. Visual and noise buffers. *The large retail establishment shall provide a landscape plan that provides acceptable visual and noise buffers, including at least 25-foot wide buffer landscaping, to separate the commercial development from abutting R-zoned areas.*

Given the surrounding uses – major roads and retail stores, there should be little noise generated on the site that could potentially impact nearby land uses. The visual impact of the new loading area is partially buffered by a screening wall. As noted earlier, staff recommends adding landscaping along Northern Lights Boulevard which would further screen the loading area. No residential uses abut the mall.

- F. Outdoor storage or display areas. *Products stored or displayed outside shall not be visible from abutting R-zoned property. Areas for the outdoor storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. The height of stored materials shall not exceed the height of the screening wall or fence. Materials, colors, and the design of screening walls and/or fences and their covers shall be complementary to those used as predominant materials and colors on the building. Commercial trailers, shipping containers, and similar equipment used for transporting merchandise, shall remain on the premises only as long as required for loading and unloading operations, and shall not be maintained on the premises for storage purposes.*

The petitioner's narrative states there are no plans for any outdoor storage or display areas as part of this project.

- G. *Trash collection and recycling.* Trash handling and recycling shall be screened from public streets and pedestrian ways, internal pedestrian sidewalks, and adjacent R-zoned property by landscaping or architectural features in conformity with the external design and material used by the establishment. Screening shall be designed to abate noise and to confine loose trash. The commission may limit hours of trash collection as necessary to reduce the effects of noise or traffic on surrounding residential and commercial areas.

A screened trash receptacle enclosure is proposed on the north side of the building. The enclosure will feature architectural elements of the building, including corrugated metal siding and concrete block of Cook Inlet Gray and Kodiak Brown per AS&G's available block colors.

- H. *Snow storage or removal.* A plan for snow storage or removal from the site shall be submitted and approved. Use of sidewalks for snow storage may be allowed under the approved snow storage-landscaping plan. The Commission may impose such restrictions on snow removal operations as are necessary to reduce the effects of noise or traffic on surrounding residential and commercial areas.

The petitioner's narrative states snow will be plowed and removed from site.

- I. *Parking.* A detailed parking plan shall address the convenience and safety of patrons, adequate winter lighting, and landscaping amenities and the configuration of parking spaces, walkways, and other amenities. Aesthetic features, landscaping, and the design of parking areas shall, wherever practicable, reduce the appearance of large expanses of parking from neighboring streets and enhance the view of the establishment from its principal point(s) of access. The number and configuration of parking spaces may be determined by the Commission as necessary to achieve these standards. Additional landscaping and community spaces may be required where the applicant wishes to provide parking that exceeds the minimum standards of this Title. The site shall not allow storage or overnight camping of trailers or recreational vehicles.

According to the submitted narrative with this application, a parking count was done in 2001 for the entire mall for a proposed 14,240 square foot expansion that was not built. At that time the mall had a requirement of parking for 1,025 stall and a total of 1,203 parking stalls are currently provided at the site. The proposed project will result in the loss of 19 parking spaces. An overall total of 1,184 parking spaces will be provided, which is an excess of 159 spaces.

The submitted landscape plan shows the landscaping area that is removed for parking along the west side proposed store fronts being replaced on the north side as part of the loading dock bulb-out area.

Pedestrian access. *The establishment shall provide sufficient accessibility, safety, and convenience to pedestrians, customers and employees. Unobstructed sidewalks shall link the site to existing public sidewalks, its entrances, adjacent transit stops, and abutting residential and commercial areas. Sidewalks shall also be provided or barriers shall be provided between parked cars and buildings to prevent vehicles from protruding into reasonable pedestrian passage. Sidewalks shall be separated from adjacent streets by an area sufficient for snow storage to provide a buffer for pedestrians from vehicular traffic.*

Sears is not planning to make any pedestrian improvements from existing public sidewalks or transit stops. Landscaping and curbing are provided to the north building elevation which provides a more defined vehicle circulation route and provides a barrier between pedestrians and vehicles. The northeast corner of the sidewalk wrapping the building will be removed and replaced with new concrete. A tubular handrail will be installed between the sidewalk and the loading bay pit.

The Sears Mall has a lack of pedestrian access from the Northern Lights Boulevard sidewalk to the west and east entry doors where improvements are being made. The non-motorized transportation coordinator has requested that a walkway from the sidewalk on Northern Lights Boulevard thru the planting beds to the doorways on the west and east side be constructed. Given the competing priorities of improved pedestrian access and improved landscaping, and the pedestrian connection at the easterly driveway, staff recommends landscaping improvements take precedence over a second pedestrian connection.

- K. Community spaces. *Appropriate interior and exterior public areas shall be provided and maintained for customers and visitors to the site to congregate and relax.*

All community spaces are provided internal to the Mall at Sears. There is a variety of sitting and gathering places located throughout the mall.

- L. Delivery and loading spaces. *Delivery and loading operations shall be designed and located to mitigate visual and noise impacts on adjacent R-zoned property or commercial areas. The Commission may limit hours of delivery and loading as necessary to reduce the effects of noise or traffic on surrounding residential and commercial areas.*

The loading dock addition will be located on the north side of the building. Materials and paint used for the design will mitigate the visual impact by blending in with the existing building. No noise impacts are anticipated as the loading dock is separated from the nearest use by a parking lot and Northern Lights Boulevard.

- M. Exterior Signs. *An exterior sign plan which respects the needs of the establishment to establish its location as well as the higher aesthetic aspirations of the community in general and the immediately surrounding areas shall be submitted for approval. Signs shall be architecturally treated to compliment the building architecture. Pole signs, rotating signs, and flashing signs shall be prohibited.*

The application notes that there is no new signage included in this project. Exterior signage will be provided under future tenants and permitted separately by the building owner and tenants. One piece of signage will be relocated and the building owner plans to go through the permitting process separately to place the sign back up.

- N. Outdoor lighting. *A photometric and outdoor lighting plan to mitigate negative impacts on adjacent uses shall be submitted for approval.*

The application notes that down lighting will be incorporated into new awnings and entry features, but the locations and type of lighting was not included in the submittal. No new site lighting is proposed.

- O. Northern design elements. *The Commission may require the provision of design elements that address Anchorage's distinct geography, low light angles, length of days, cold temperatures, wind, snow and ice.*

The east side mall entry will have a new entry feature that will project out in addition to an existing recessed entry. This feature should provide some degree of weather protection. The north, east, and west sides of the existing Sears store have awnings projecting over the sidewalks, which is in conformance with this section of Title 21. The awnings should be kept in place to protect pedestrians from the elements.

- P. Aesthetic characteristics.

1. *Facades and exterior walls, including side and back walls. The building shall be designed in order to reduce the appearance of massive scale or a uniform and impersonal appearance and to provide visual interest. Long building walls shall be broken up with projections or recessions. Along any public street frontage, the building design should include windows, arcades, or overhangs along at least sixty (60) percent of the building length. When appropriate, architectural treatment, similar to that provided to the front face, shall be provided on the sides and rear of the building to mitigate any negative view from abutting properties and/or streets. The site plan shall ensure buildings have complexity at street level with human scale by providing features such as changes in building form at entrances, and providing windows, enhanced trim and architectural detail.*

The existing Sears store entry will be remodeled with a parapet to break up the front face, existing overhangs (along the Sears store portion) are to remain and

a new paint scheme is proposed to reinforce the buildings identity and to tie the renovations together with the existing upgrades of the south side of the mall. The application states new entrances are proposed to be built on the west elevation to provide opportunities for individual retailers to have specific identities while providing a common backdrop. The site plan enhances the street level human scale by adding a storefront window to the north elevation. This addition coupled with the loading dock will break up the long building wall on the north side of the Sears store and provide a similar architectural treatment to the mall building.

The Nordstrom Rack store will have its own entrance on the northeast side of the Sears mall. This entrance feature will project out from the wall with a sign wall and support structure with covered entrance. New glass doors and framing are proposed for the entrance to upgrade the architectural appearance. The east-facing elevation currently has overhang awnings along approximately 80% of the façade. The application proposes that the awnings along the Nordstrom Rack portion of the building be removed, but no conforming alternative (windows, arcades, etc.) is proposed. The proposed demolition plan for the awning would leave approximately 45-50% coverage of awning for the building length. The applicant could stay in conformity if they removed less of the awning along the east elevation Nordstrom Rack storefront. The code does not allow developments to move out of conformity. If the awnings are to be removed, a conforming replacement should be provided.

2. *Detail features. The design shall provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive scale effect by breaking up the building wall, front, side, or rear, with color, texture change, and repeating wall offsets, reveals, or projecting ribs.*

The exterior renovation is an improvement from the existing façade along the north and west elevations. The upper portion of the exterior walls along the east and north elevations are to be clad in new exterior insulation and finish panels, however the height is above that to provide visual interest at the pedestrian level and involves removing the existing awning. The northwest corner will have views into the storefront from the proposed window which breaks up the mass effect and allows for the interior to be visible to passerby during the winter months. The existing awning canopy does a decent job of reducing the mass effect of the building wall and provides protection from the elements.

3. *Roofs. The roof design shall provide variations in roof lines and heights to add interest to, and reduce the massive scale of, large buildings. Parapet walls shall be architecturally treated to avoid a plain or monotonous style.*

The roof design does not provide variations in roof lines or heights; however, the renovation includes parapet walls at the storefront entrances and is aesthetically pleasing and visually interesting without incorporating a varying roof line.

4. *Materials and colors. The buildings shall have exterior building materials and colors which are aesthetically pleasing and compatible with the overall site plan. Construction material shall provide color, texture, and scale.*

The objective of the proposed improvements for this project is to be consistent with the previous façade changes that are already completed on the south side of the mall, while providing branding identification for the Nordstrom Rack development entryway. The applicant proposes to tie together the future renovations by painting the building, providing entry improvements, and building a loading dock and trash enclosure with building materials that will match the texture, color, and scale of the mall. It should be noted that the changes to the south side of the mall included large glassed-in merchandise display areas and textured concrete landscaping planters of varying size that provide both visual interest at the pedestrian scale and some relief to the flat façade.

5. *Entryways. Entryways shall be designed to orient customers and add aesthetically pleasing character to buildings by providing inviting customer entrances that are protected from the weather.*

The entryways will be defined to orient customers and is aesthetically pleasing and inviting and should provide protection from the weather. The improvements will provide a baseline architectural identity while still allowing for individual retailers to have their own specific brand identity.

6. *Screening of mechanical equipment. Roof or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or with parapet walls. Ground-mounted mechanical equipment shall be screened. The screen shall be of such material and be of sufficient height to block the view and noise of the equipment.*

The screening that exists on the north side of the roof-top Sears building adequately blocks the mechanical equipment. The screening matches the material and color of the existing overhang awning that wraps around the building. The east side of the roof-top contains two large pieces of mechanical equipment that are not screened and are visible from the ground.

PUBLIC COMMENTS – Public comments were received and are included in the staff packet.

AGENCY COMMENTS – See attachments for all agency comments.

The Alaska Department of Transportation and Public Facilities noted that the landscaping at the driveways from the lot Northern Lights Boulevard is a concern. The

west most driveway has a tree blocking the driver's ability to see traffic as they exit onto the roadway. The east driveway looks to have a tree that might impact driver vision. As such, we require that the ADOT&PF sight distance triangles found in the Alaska Highway Pre-construction Manual page 1160-17, figure 1160-8 be added to the site plan for access points onto Northern Lights Boulevard. Any landscaping that falls within these sight triangles must be removed.

The non-motorized transportation coordinator provided a comment that the Sears mall has a lack of pedestrian access from the Northern Lights Boulevard sidewalk to the west and eastern entry doors where these improvements are proposed. We request a walkway from the sidewalk thru the planting beds to the doorways on the west and east side. Since work is being done in the parking lot this work is appropriate and will create easier pedestrian access.

DISCUSSION

The decision by the Superior Court has sent the case back to the Planning and Zoning Commission to hold a public hearing for the case. The petitioner has completed all of the eight conditions as recommended by the Commission in the resolution (2014-040) which granted them approval for construction per the site plan. The Nordstrom Rack has been completed and is currently open as a retail establishment.

346 public hearing notices were mailed on January 21, 2016 and again on May 17, 2016, two comments were received. Comments have been received from the original mailing date in January up to the time of writing this report. The Planning Department has not received a response from the Midtown Community Council at the time of this writing.

The majority of public comments have been received in regards to interior access from the mall and it has been stated by the Planning Department that interior remodeling is exempted by AMC 21.55.130, and the use internal to the structure is not included in any type of review standards.

DEPARTMENT RECOMMENDATION

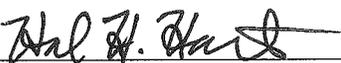
The Department recommends APPROVAL of the amended site plan review for the Sears store tenant improvements for Nordstrom Rack located on the north side of the Sears Mall, subject to the following conditions:

1. All construction and improvements related to this approval shall be substantially in compliance with the application, narrative, and with the following plans on file with the Planning Division, except as modified by conditions of this approval:

700 E. Northern Lights Blvd. Renovation, prepared by RIM architects/DowlHKM; sheets D201, A101, A201, A202, C101, C102, C103, L101, L501, and L502 dated 4/07/2014.

2. A notice of zoning action, including a copy of the approved Commission resolution for this case, shall be filed with the State Recorder's Office and proof of such shall be submitted to the Department of Planning.
3. Submit a copy of the updated site plan that shows the required sight distance triangles per ADOT&PF standards. Verify the removed trees are replaced on a one-to-one basis.
4. Amend the site plan to show pedestrian walkway striping for pedestrian access to the east entry doors from the sidewalk along Northern Lights Boulevard.
5. Submit a copy of the updated elevation plan to show an overhang awning along at least sixty (60) percent of the east elevation building length.
6. Submit a landscape plan to include the landscape budget required by AMC 21.55.130 towards improving landscaping along Northern Lights Boulevard.
7. A lighting plan shall be submitted for review and approval.
8. Amend the plan to include signage, or otherwise to SIGNIFICANTLY promote access to common areas of the mall through the Sears store.

Reviewed by:



Hal H. Hart, AICP
Director

Prepared by:



Shawn Odell
Senior Planner

Municipality of Anchorage
MEMORANDUM
Planning Department

DATE: September 2, 2009

TO: Planning and Zoning Commission

FROM: *JTW* Jerry T. Weaver Jr., Acting Director

SUBJECT: Expansion of Existing Large Retail Establishments

Since adoption of this ordinance in May of 2001, the Department has processed eleven (11) new large retail establishments, and twelve (12) expansions of existing large retail establishments. New establishments fall under a stringent set of codes requiring compliance with stricter site and architectural guidelines of AMC 21.50.320. However, existing large retail establishments are considered to be approved site plans. They are not considered legally nonconforming, but approved "as is."

In reviewing a limited site plan review, the key phrase is "limited site plan review." This review is "notwithstanding" the requirements of a full large retail review. The Commission is tasked with reviewing the expansion or remodeling of the existing structure within the confines of the requirements of AMC 21.55.130. They cannot be held to the same standards as a new structure under AMC 21.50.320. Interior remodeling, renovation, or repair to interior portions of large retail establishments is clearly exempt. This would be true if the remodeling is within the same existing foot print of the existing structure, or if an addition to the building is planned or if a new structure is being added to the site. The notwithstanding language means that this is not a nonconforming structure or site plan, and is considered approved, and the improvements that can be required are very limited. This language is not unique in code, as it also exists in the requirements for changes to pre-existing self storage and vehicle storage buildings (AMC 21.55.140 Self storage and vehicle storage operations).

Since the interior remodeling, etc. is exempted by AMC 21.55.130, and the use internal to the structure is not included in any type of review standard, the Department has consistently applied the standards in this limited review to the exterior remodeling, parking lot design, and circulation and landscaping. It is clear that the Commission can only apply up to 10 percent of the costs of the expansion, and not any more. The 10 percent dollar figure is thus determined from the costs of the external portion of the building development, and does not include any of

the internal improvements or remodeling that is required in the remainder of the structure. In application of this standard, it clearly states in this subsection that the Commission shall apply the standards set out in 21.50.320 in a manner proportionate to the extent of the expansion, etc. It then gives four considerations to apply to the review of how to apply the 10 percent dollar figure for site enhancements.

The goal of the Department is to use this 10 percent dollar figure to work on bringing the expansion of the new structure and the existing structure towards compliance with the architectural standards, while also trying to bring improvements into the site. Generally, the sites in Anchorage are lacking in areas of pedestrian/vehicle safety, landscaping, pedestrian access, and building architecture.

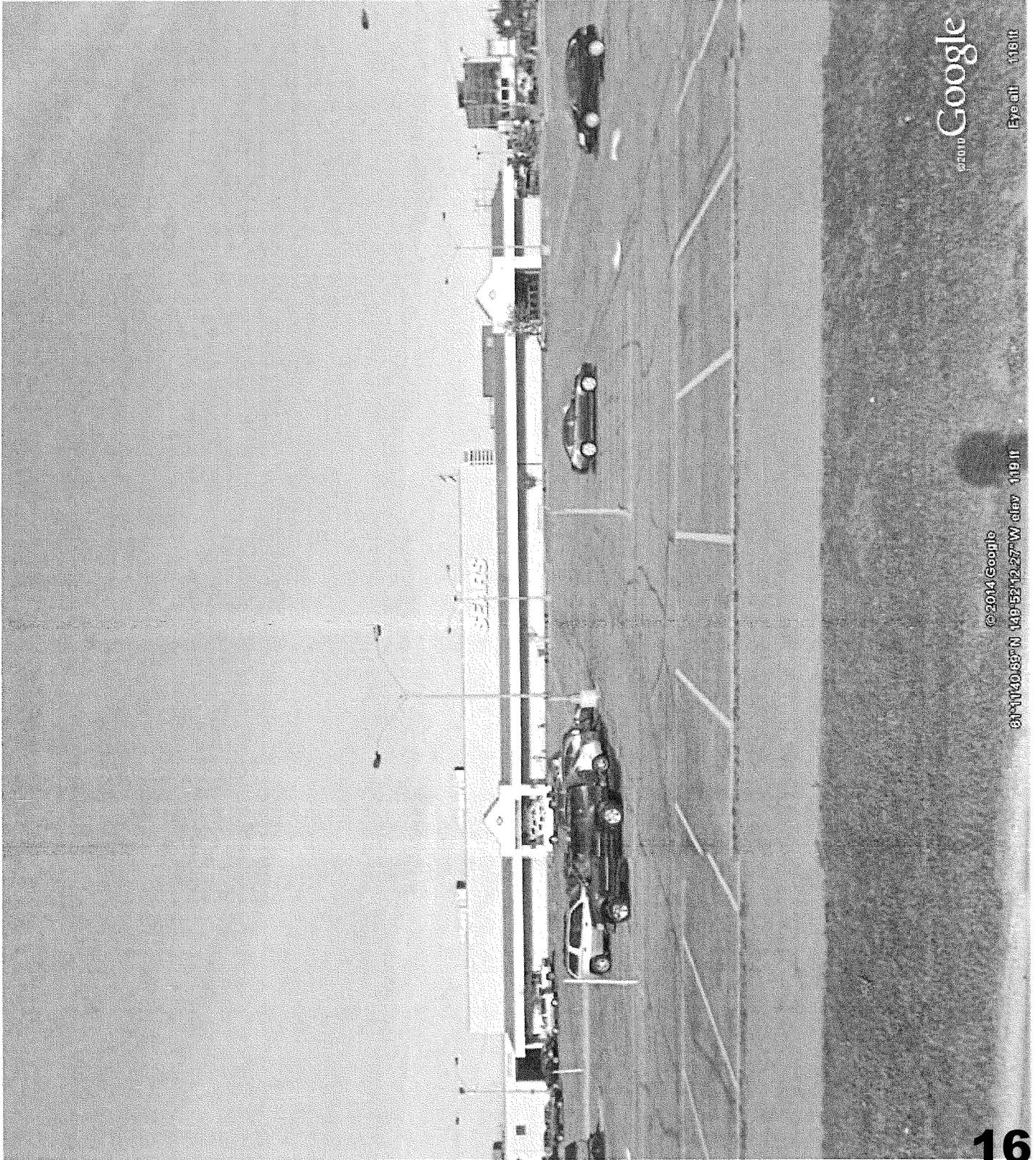
This all leads to a very complex set of pre-application and post application meetings between the petitioner and staff in order to obtain the best possible solution for the applicant and the public. Overall, the development proposal is dependent on the site, the level of improvements, the factors noted above, and above all, the 10 percent dollar figure.

The addition will be required to conform to the standards of AMC 21.50.320 and the existing portion will require site enhancement proportional to the 10 percent requirement of AMC 21.55.130. Staff generally looks for improvements to existing facilities in the following areas listed in order of importance to the overall project:

1. Vehicular and pedestrian safety improvements
2. Blending of the exterior of the old facility and new facility
3. Landscaping and drainage improvements.

In conclusion, existing structures with exterior additions are reviewed using both provisions of AMC 21.55.130 (existing) and AMC 21.50.320 (New). Staff accomplishes this evaluation using the 10 percent provision of the code in relation to the costs of the proposed expansion.



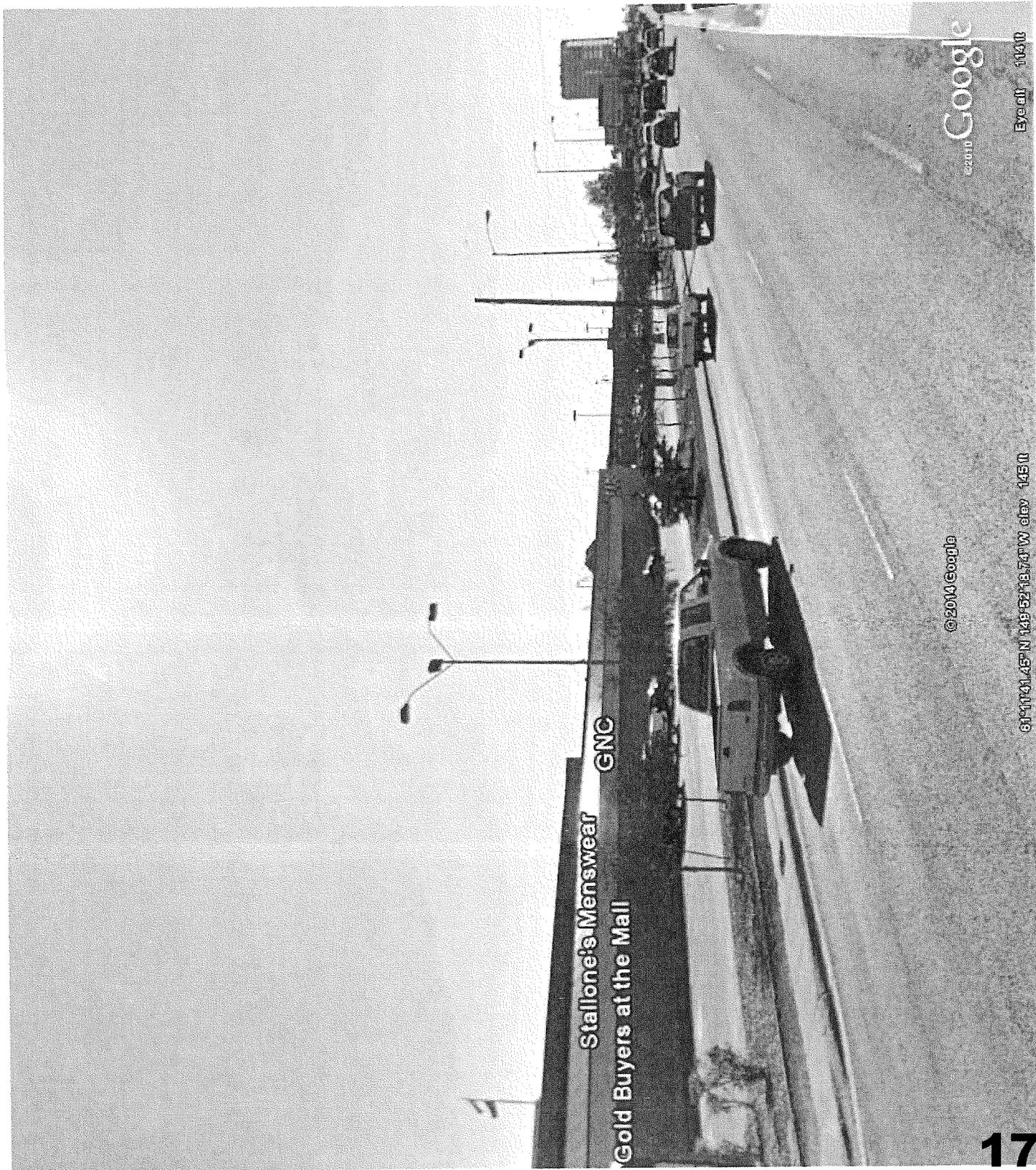


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37°11'40.63"N 149°52'42.27"W elev 119 ft



Stallone's Menswear

Gold Buyers at the Mall

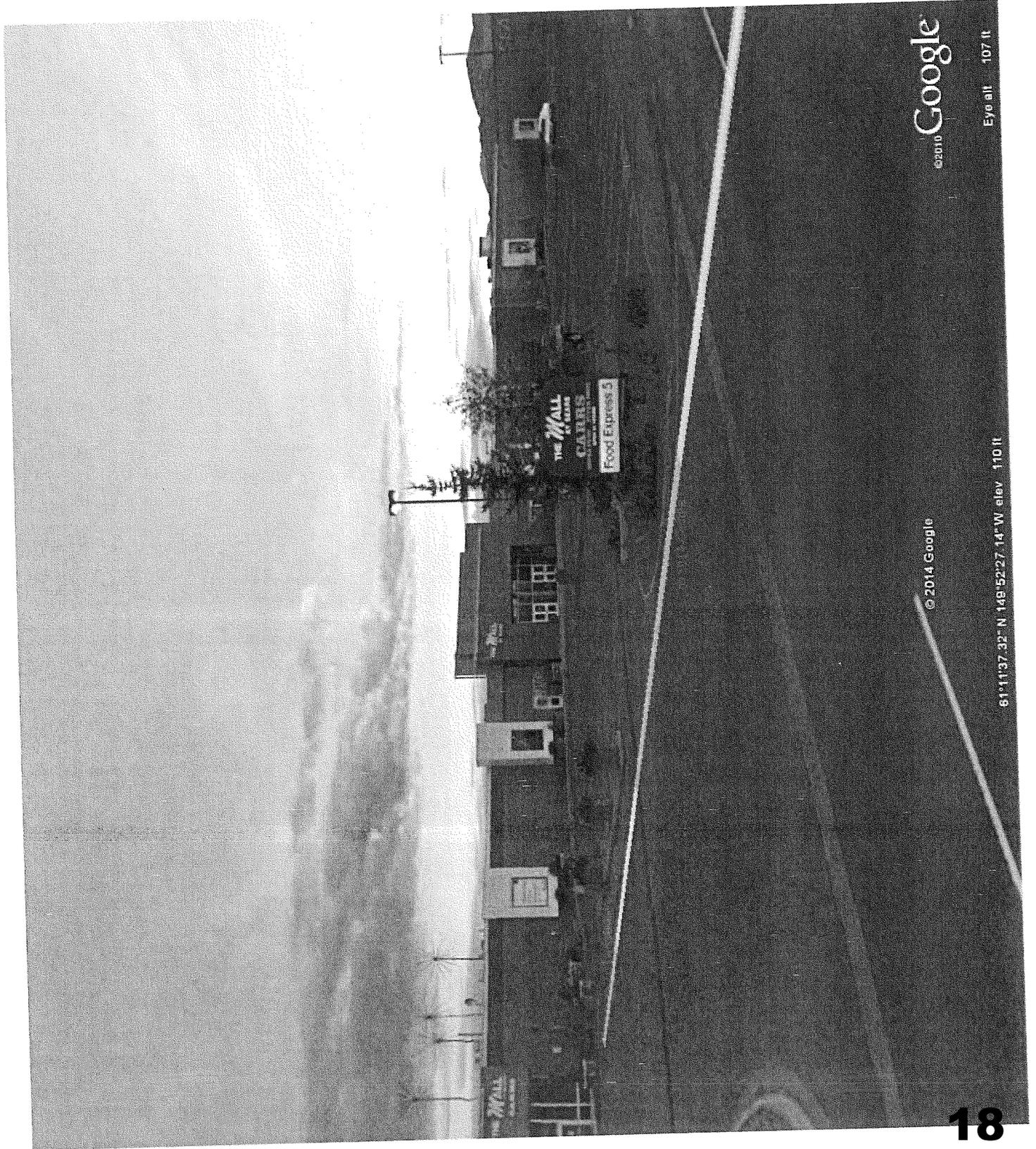
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61°11'41.46" N 149°52'18.74" W elev 145 m

Eye alt 114 m



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Eye alt 107 ft

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61° 11' 37.32" N 149° 52' 27.14" W elev 110 ft

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2014-040

A RESOLUTION APPROVING AN AMENDMENT TO A LARGE RETAIL ESTABLISHMENT SITE PLAN IN THE B-3 (GENERAL BUSINESS) DISTRICT, IN ACCORDANCE WITH AMC 21.55.130 AND AMC 21.50.320; WITHIN N1/2, NE ¼, NE ¼, SECTION 30, T13N, R3W, S.M., ALASKA; GENERALLY LOCATED SOUTH OF NORTHERN LIGHTS BOULEVARD AND WEST OF THE SEWARD HIGHWAY, IN ANCHORAGE.

(Case 2014-0094; Parcel ID No. 009-042-01)

WHEREAS, a request was received from Sears Roebuck and Company, to amend a large retail establishment site plan in the B-3 (general business) district, in accordance with AMC 21.55.130 and AMC 21.50.320; within N1/2, NE1/4, NE1/4, Section 30, T13N, R3W, S.M.; generally located south of Northern Lights Boulevard and west of the Seward Highway, in Anchorage; and

WHEREAS, the Planning and Zoning Commission reviewed this request on the consent agenda on July 14, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Anchorage Planning and Zoning Commission that:

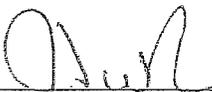
- A. The Commission makes the following findings of fact:
1. The site plan complies with the standards found in AMC 21.55.130 and AMC 21.50.320, with the conditions of approval.
 2. A pedestrian access connection is an important safety and economic benefit between the Nordstrom Rack entrance and the main entrance to the mall through the Sears store.
 3. Northern design elements should be implemented where possible; the covered walkway between entrances is important.
 4. The loading dock addition while necessary for the use, does not promote the balance of the existing building that is without a prominent front side and divides the pedestrian access.
- B. The Commission approves the large retail establishment site plan, subject to the following conditions:
1. All construction and improvements related to this approval shall be substantially in compliance with the application, narrative, and with the following plans on file with the Planning Division, except as modified by conditions of this approval:

700 E. Northern Lights Blvd. Renovation, prepared by RIM architects/DOWL HKM; sheets D201, A101, A201, A202, C101, C102, C103, L101, L501, and L502 dated 4/07/2014.

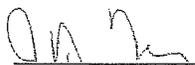
2. A notice of zoning action, including a copy of the approved Commission resolution for this case, shall be filed with the State Recorder's Office and proof of such shall be submitted to the Department of Planning.
3. Submit a copy of the updated site plan that shows the required sight distance triangles per ADOT&PF standards. Verify the removed trees are replaced on a one-to-one basis.
4. Amend the site plan to show pedestrian walkway striping for pedestrian access to the east entry doors from the sidewalk along Northern Lights Boulevard.
5. Submit a copy of the updated elevation plan to show an overhang awning along at least sixty (60) percent of the east elevation building length.
6. Submit a landscape plan to include the landscape budget required by AMC 21.55.130 towards improving landscaping along Northern Lights Boulevard.
7. A lighting plan shall be submitted for review and approval.
8. Amend the plan to include signage, or otherwise to SIGNIFICANTLY promote access to the common areas of the mall through the Sears store.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission this 14th day of July, 2014.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 4th day of August, 2014. This written decision/resolution of the Planning and Zoning Commission is final and any party may appeal it within twenty (20) days to the Board of Adjustment pursuant to Anchorage Municipal Code 21.30.030.



Jerry T. Weaver, Jr.
Secretary



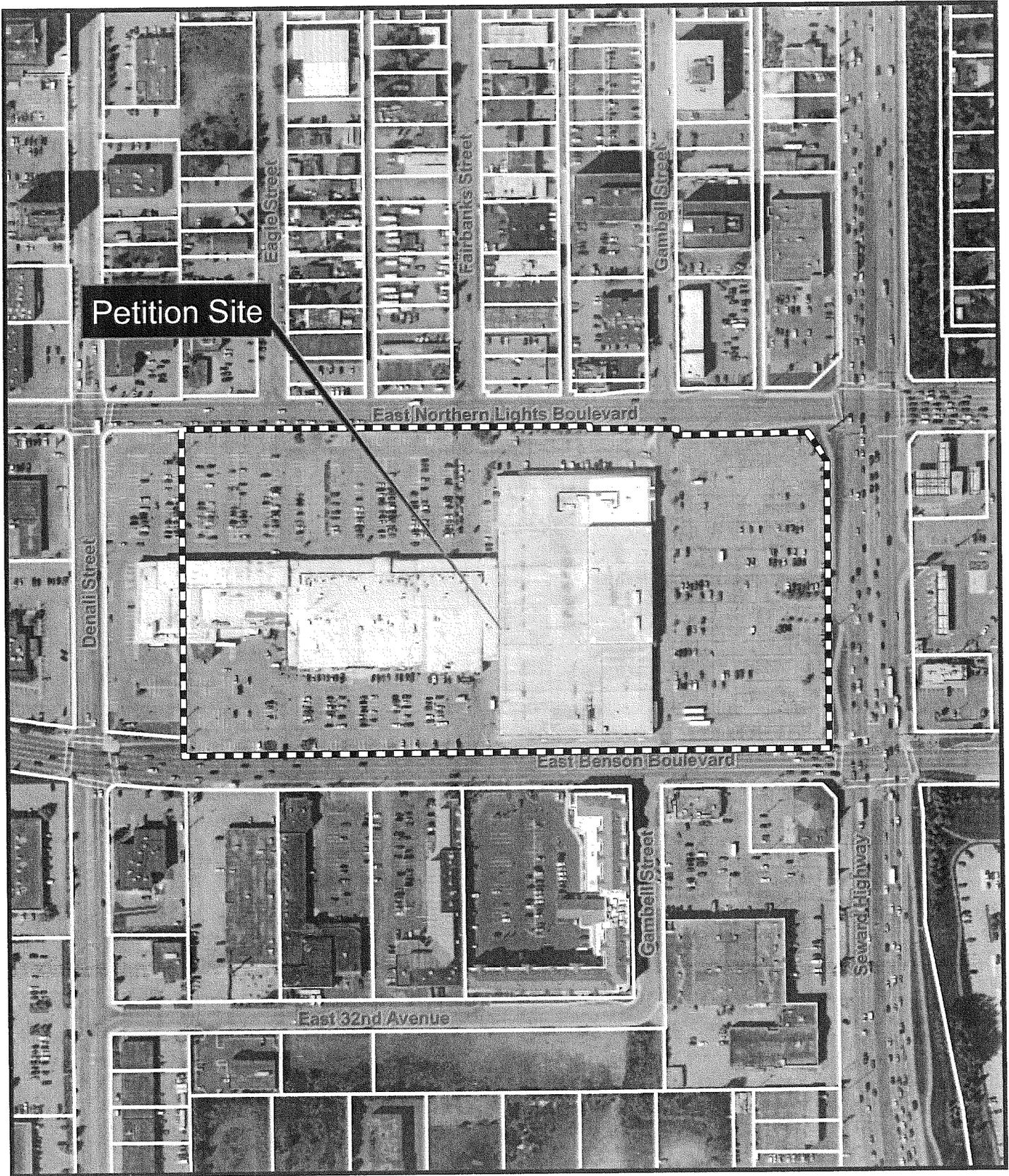
J.A. Fergusson
Chair

(Case 2014-0094; Parcel ID No. 009-042-01)

so

**ZONING AND
LOCATION MAPS**

2016-0023



2

APPLICATION

MUNICIPALITY OF ANCHORAGE



Community Development Department

Phone: 907-343-7931

Fax: 907-343-7927

Mayor Dan Sullivan

Title 21 Code Selection

For review and approval of my project, Nordstrom Rach Site Plan Review,
I choose to be regulated by:

"Old" Title 21 (expires December 31, 2014)

"New" Title 21 (becomes effective January 1, 2014)

I understand that my application will be reviewed and acted on using the provisions of the code version I have selected, and that this selection is final.*


Signature of Petitioner or Petitioner's Representative

5/12/2014

Date

Michelle Ritter

Printed Name

*Should the petitioner wish to switch the applicable version of code at any time after this form is submitted, a new application is required and new application fees will be assessed. The case will then be scheduled as a new application in accordance with the cut-off date schedule.

For office use only:

2014-0094
Permit/Case Number

10/1/13

SEARS HOLDINGS CORPORATION

Charles A. Ross
Director of Construction

Sears Holdings Corporation
6060 Rockside Woods Blvd, N
Suite 117
Independence, OH 44131

Phone: (216) 264-5929
Cell: (216) 816-8747
Charles.Ross0@searshc.com

May 6, 2014

Ms. Erika McConnell, Manager
Current Planning Division
Municipality of Anchorage
P O Box 196650
Anchorage, AK 99519-6650

Subject: Letter of Authorization for Limited Large Retail Establishment Site Plan
Review for Nordstrom Rack at the Mall at Sears

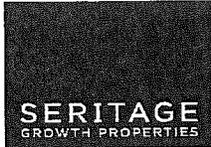
Dear Ms. McConnell:

This letter serves as authorization for DOWL HKM to submit a Limited Large Retail Establishment Site Plan Review Application for parcel no. 009-042-01, legally described as T13N R3W SEC 30 N2NE4NE4 PTN Parcel 1. Sears, Roebuck and Co. is the current owner of said property, and we authorize DOWL HKM to act as petitioner representative.

Sincerely,
Sears, Roebuck and Co.



Charles A. Ross
Director of Construction



Seritage SRC Finance LLC
489 Fifth Avenue, 18th Floor
New York, New York 10017

May 12, 2016

Shawn M. Odell
Senior Planner
Municipality of Anchorage
Planning Division
PO Box 196650
Anchorage, AK 99519-6650

Re: *Case 2014-0094, Nordstrom Rack, Limited Large Retail Establishment
Site Plan Review*

Dear Mr. Odell,

This is to provide the Planning Department and Planning and Zoning Commission notice of and information related to the current owner of the property under review in the above mentioned Case, and to provide authorization for DOWL HKM, RIM Architects and Davis Wright Tremaine LLP to act as petitioner representatives.

As you know, on May 12, 2014, Sears, Roebuck and Co. (“Sears”) filed its Application for Site Plan Review in the above referenced case, to be considered at a public hearing before the Planning and Zoning Commission on June 13, 2016. On July 7, 2015, Seritage SRC Finance LLC (“Seritage”) purchased the subject property, and was further assigned and assumed “all of [Sears’] right, title and interest in and to any and all agreements, documents, and other instruments not otherwise assigned by [Sears] to [Seritage]...affecting or related to the real property....” Copies of the Warranty Deed and Assignment and Assumption of Recorded Agreements and Documents are attached hereto respectively as Exhibits A and B. As a result of the July 7, 2015 sale and assumption, Seritage is the proper owner and applicant in Case 2014-0094.

This letter further services as authorization for DOWL HKM and Davis Wright Tremaine LLP to act as petitioner’s representative in Case 2014-0094. Seritage will appear and be available for the Commission at the June 13, 2016 public hearing, but further authorizes DOWL HKM, RIM Architects and Davis Wright Tremaine LLP to respectively address any technical or legal issues that may come up.

Page 2

Please feel free to contact me via e-mail mfermand@seritage.com or telephone at if you have any questions about any of the foregoing.

Very truly yours,

Seritage SRC Finance LLC



Matthew Fernand, Vice President

cc: James E. Bry
Timothy Potter, DOWL HKM
Timothy Ridenour, RIM Architects
Joseph Reece, Davis Wright Tremaine LLP

NYSE: SRG

Application for a Site Plan Review

Municipality of Anchorage
 Planning Department
 PO Box 196650
 Anchorage, AK 99519-6650



PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) Scarnati, David / Sears, Roebuck and Co.	Name (last name first) Ritter, Michelle ACIP / DOWL HKM
Mailing Address 6060 Rockside Woods Blvd, N, Suite 117 Independence, OH 44131	Mailing Address 4041 B Street Anchorage, AK 99507
Contact Phone: Day: (216) 264-5901 Night:	Contact Phone: Day: (907) 562-2000 Night:
FAX:	FAX:
E-mail: david.scarnati@searshc.com	E-mail: mritter@dowlhkm.com

*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

PROPERTY INFORMATION		
Property Tax #(000-000-00-000): 009-042-01		
Site Street Address: 600 E. Northern Lights Boulevard		
Current legal description: (use additional sheet if necessary) T13N R3W SEC 30 N2NE4NE4 PTN Parcel 1 (Sears Mall)		
Zoning: B3	Acreage: ~18	Grid # SW1631

SITE PLAN APPROVAL REQUESTED
<input type="checkbox"/> Special limitation <input type="checkbox"/> Public facility <input type="checkbox"/> Public facility project landscaping <input checked="" type="checkbox"/> Other: Limited Large Retail Establishment

I hereby certify that I (am) (I have been authorized to act for) owner of the property described above and that I petition for a site plan review in conformance with Title 21 of the Anchorage Municipal, Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the site plan. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff, the Planning and Zoning Commission or Urban Design Commission for administrative reasons.

5/12/2014 | Michelle Ritter
 Date | Signature (Agents must provide written proof of authorization)

Application for site plan review continued

Accepted by FM	Poster & Affidavit MA	Fee \$3,780	Case Number 2014-0094
-------------------	--------------------------	----------------	--------------------------

COMPREHENSIVE PLAN INFORMATION			
Anchorage 2020 Urban/Rural Services: <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural			
Anchorage 2020 West Anchorage Planning Area: <input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside			
Anchorage 2020 Major Urban Elements: Site is within or abuts:			
<input checked="" type="checkbox"/> Major Employment Center	<input checked="" type="checkbox"/> Redevelopment/Mixed Use Area	<input type="checkbox"/> Town Center	
<input type="checkbox"/> Neighborhood Commercial Center	<input type="checkbox"/> Industrial Center		
<input type="checkbox"/> Transit - Supportive Development Corridor			
Eagle River-Chugiak-Peters Creek Land Use Classification: N/A			
<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Parks/opens space	<input type="checkbox"/> Public Land Institutions
<input type="checkbox"/> Marginal land	<input type="checkbox"/> Alpine/Slope Affected	<input type="checkbox"/> Special Study	
<input type="checkbox"/> Residential at _____ dwelling units per acre			
Girdwood- Turnagain Arm N/A			
<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Parks/opens space	<input type="checkbox"/> Public Land Institutions
<input type="checkbox"/> Marginal land	<input type="checkbox"/> Alpine/Slope Affected	<input type="checkbox"/> Special Study	
<input type="checkbox"/> Residential at _____ dwelling units per acre			

ENVIRONMENTAL INFORMATION (All or portion of site affected)					
Wetland Classification:	<input checked="" type="checkbox"/> None	<input type="checkbox"/> "C"	<input type="checkbox"/> "B"	<input type="checkbox"/> "A"	
Avalanche Zone:	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Blue Zone	<input type="checkbox"/> Red Zone		
Floodplain:	<input checked="" type="checkbox"/> None	<input type="checkbox"/> 100 year	<input type="checkbox"/> 500 year		
Seismic Zone (Harding/Lawson):	<input type="checkbox"/> "1"	<input checked="" type="checkbox"/> "2"	<input type="checkbox"/> "3"	<input type="checkbox"/> "4"	<input type="checkbox"/> "5"

RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion of site)	
<input type="checkbox"/> Rezoning - Case Number:	
<input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat - Case Number(s):	
<input type="checkbox"/> Conditional Use - Case Number(s):	
<input type="checkbox"/> Zoning variance - Case Number(s):	
<input type="checkbox"/> Land Use Enforcement Action for	
<input checked="" type="checkbox"/> Building or Land Use Permit for	
<input type="checkbox"/> Wetland permit: <input type="checkbox"/> Army Corp of Engineers <input type="checkbox"/> Municipality of Anchorage	

DOCUMENTATION	
Required:	<input checked="" type="checkbox"/> Original application with signature(s), 35 copies of application, plus 35 sets of: <input checked="" type="checkbox"/> Site plan to scale depicting: building footprints; parking areas; vehicle and pedestrian circulation; lighting; grading; landscaping; signage; drainage and project location. <input checked="" type="checkbox"/> Building plans to scale depicting: floor plans; building elevations; exterior colors and textures. <input checked="" type="checkbox"/> Application and narrative: explaining the project; planning objectives; construction and operation schedule; final ownership <input type="checkbox"/> Assembly Ordinance enacting zoning special limitations, if applicable. N/A <input checked="" type="checkbox"/> Watershed sign off form, completed
Required if indicated: N/A	<input type="checkbox"/> Air quality impact <input type="checkbox"/> Traffic impact analysis <input type="checkbox"/> Economic impact analysis <input type="checkbox"/> Soils analysis <input type="checkbox"/> Noise impact analysis <input type="checkbox"/> Holding capacity of the land analysis <input type="checkbox"/> Shadow impact analysis

Application for site plan review continued

PUBLIC FACILITY PROJECT LANDSCAPING REVIEW STANDARDS (if applicable)
The Urban Design Commission shall consider the following criteria in reviewing public facility project landscaping under this section. Each standard must have a response in as much detail as it takes to explain how your project satisfies the standard. The burden of proof rests with you. Use additional paper if needed.:
Cost. N/A
Feasibility. N/A

Explain how planning and design criteria are met by the proposed landscape plan:
The external impacts generated by the public facility project on adjacent areas. The landscape elements of the public facility project should complement, maintain or improve the landscape quality of adjacent neighborhoods and areas. N/A
The degree to which the landscape elements contribute to on-site use of the public facility project. The landscape elements of the public facility project should enhance safe, efficient and comfortable public use. N/A
The visual attractiveness of the landscaping and its enhancement of the architecture of the public facility project, including the integration of internal and exterior architectural themes. N/A

Application for site plan review continued

PUBLIC FACILITY STANDARDS (if applicable)

The Planning and Zoning Commission shall review a proposed site plan for consistency with the goals, policies and land use designations of the comprehensive development plan and other municipal plans adopted by the assembly, conformity to the requirements of this title, and the effects of the proposal on the area surrounding the site.

N/A

SPECIAL LIMITATION STANDARDS (if applicable)

The Planning and Zoning Commission shall review the proposed site plan governed by special limitation for consistency with the special limitations, goals, policies and land use designations of the comprehensive development plan and other municipal plans adopted by the assembly, conformity to the requirements of this title, and the effects of the proposal on the area surrounding the site. Each special limitation standard must have a response in as much detail as it takes to explain how your project satisfies the standard. The burden of proof rests with you. Use additional paper if needed.:

N/A

GENERAL SITE PLAN REVIEW STANDARDS (AMC 21.50.200) (if applicable)
The Planning and Zoning Commission shall review the proposed site plan governed by the general site plan review standards for consistency with conformity to the requirements of this title, and the effects of the proposal on the area surrounding the site. Each standard must have a response in as much detail as it takes to explain how your project satisfies the standard. The burden of proof rests with you. Use additional paper if needed.:
Explain how the proposed site plan meets the criteria for its approval established under this title.

Explain how the proposed conditional use will not have a permanent negative impact on the items listed below substantially greater than that anticipated from permitted development:
1. Pedestrian and vehicular traffic circulation and safety.
2. The demand for and availability of public services and facilities.
3. Noise, air, water or other forms of environmental pollution.
4. The maintenance of compatible and efficient development patterns and land use intensities.

INTRODUCTION

Site Description

Sears, Roebuck and Co. is preparing tenant space for the Nordstrom Rack retail store within the existing Sears store, located at the Mall at Sears, located in the Midtown area of Anchorage, Alaska. The site is on NE 1/4 T13N, R3W, Section 30, Parcel 1, Seward Meridian in Municipality of Anchorage (MOA) grid SW1631. The property is zoned B-3, a general business district. The Mall at Sears is bounded by Northern Lights to the north, Seward Highway to the east, Benson Boulevard to the south, and Denali Street to the west (Figure 1 – Location Map). The site Access to the site is from each of the surrounding streets. There are three driveways from Northern Lights Boulevard, three from Benson Boulevard, and one driveway each from the Seward Highway and Denali Street. The development surrounding the site is retail, restaurants, and a bank.

Nordstrom Rack will be located within the northeast portion of the existing Sears store. Proposed external changes include the addition of a loading dock, façade improvements, and new entry features. The existing Mall at Sears was originally constructed back in the 1960s, and as such is an approved site plan under Anchorage Municipal Code (AMC) 21.55.130. The new Nordstrom Rack will fall under the parameters of the limited site plan review portion of that section of code. However, the new loading dock addition must comply with the standards of AMC 21.50.320 in terms of the structure and any new necessary site improvements such as landscaping, if required. The existing portion of the site will require site enhancement proportional to the 10 percent requirement of AMC 21.55.130. The loading dock addition is minor in comparison with the overall existing building, so the site plan review will be done as a non-public hearing (consent agenda) before the Planning and Zoning Commission (PZC).

Project Description

The project includes the addition of a loading dock to the north, east, and west elevations (Appendix A – Architectural Drawings and Appendix B – Civil Site Plan). Façade improvements, which have been designed to blend portions of the old facility with ongoing architectural improvements to the Mall at Sears, have been provided as part of the 10 percent improvements.

Façade improvements that will be constructed as part of the 10 percent improvements include the proposed Nordstrom Rack storefront and updating the Sears's entry on the east elevation and new entry features on the west elevation. The façade improvements are in conjunction with interior improvements to the space being leased by Nordstrom Rack.

Property Ownership

Sears, Roebuck and Co. owns the Sears store at the Mall at Sears and will lease a portion of the store to the Nordstrom Rack. Sears, Roebuck and Co. has provided a letter authorizing DOWL HKM to pursue the Limited Large Retail Establishment Site Plan Review on their behalf.

GENERAL SITE PLAN REVIEW STANDARDS (AMC 21.50.200)

Explain how the proposed site plan meets the criteria for its approval established under this title.

Explain how the proposed site plan will not have a permanent negative impact on the items listed below substantially greater than that anticipated from permitted development.

a. Pedestrian and vehicular traffic circulation and safety.

The proposed loading dock addition will not have a permanent negative impact on pedestrian and traffic circulation and safety. Landscaping and curbing are provided to the north building elevation which provides a more defined vehicular circulation route and provides a barrier between pedestrian and vehicular circulation. Additionally, the new design provides convenient handicap parking. Beyond this, pedestrian circulation associated with new development does not negatively impact existing pedestrian and vehicular traffic.

b. The demand for and availability of public services and facilities.

Public utilities are available for the site. Municipal Light and Power (ML&P), ENSTAR Natural Gas, Anchorage Waste Water Utility (AWWU), General Communications, Inc. (GCI), and Alaska Communication Systems (ACS) all have infrastructure in place at the project site. The new development will not require additional public services and utilities.

The site is served by the Anchorage Fire and Police Departments. There are People Mover bus stops on Benson and Northern Lights Boulevards, as well as Denali Street.

The proposed addition and site improvements are not creating a new use and are not expected to put undue demands on the available utilities or public services and facilities.

c. Noise, air, water or other forms of environmental pollution.

It is not expected that this development will have a negative impact on noise, air, or water.

d. The maintenance of compatible and efficient development patterns and land use intensities.

The site is located in the Midtown area of Anchorage and is zoned B-3 (Figure 2 - Zoning Map). The neighboring properties to the north, south, east, and west are all zoned B-3. The Anchorage Bowl Comprehensive Plan (Anchorage 2020) identifies this area as both a Major Employment Center and a Redevelopment/Mixed Use Area. Major employment centers are to be the most intensely developed areas within the MOA and should serve as focal points for the highest concentration of office employment, together with supporting commercial and retail opportunities. Redevelopment/Mixed Use Areas are identified near all major employment centers. Residential redevelopment near these sites will be at medium to high-densities to enable more people to live close to work.

The neighboring land uses include a mix of retail, commercial office, and high-density residential (to the northeast). This project is in line with maintaining compatible and efficient development and land use intensity in the project area.

PUBLIC HEARING SITE PLAN REVIEW (AMC 21.50.320)

The new loading dock addition is subject to the standards of AMC 21.50.320:

Vehicular Access

Primary access for this type of development should be from a street designated collector or greater. As mentioned before, the site is bounded by Northern Lights to the north, Seward Highway to the east, Benson Boulevard to the south, and Denali Street to the west. Access to the site is from each of the surrounding streets. The Seward Highway is designated a Freeway in the Official Streets and Highways Plan (OSHP), Benson and Northern Lights Boulevards are designated as Major Arterials, and Denali Street is designated a Minor Arterial. These designations are all greater than a collector.

Traffic Impacts

The loading dock addition will not create additional traffic trips. A Traffic Impact Analysis is not required.

Drainage

The existing site is relatively flat (Appendix B – Civil Site Plan). The grading and drainage plan for this development is designed in accordance with Titles 21 and 23 of the AMC. Positive drainage will be provided away from the building, across the parking lot, and across the drive aisles. Stormwater runoff will be sheet drained to curbs and gutters and will be collected by existing stormwater catch basins within the project area. The existing catch basins discharge into the State of Alaska Department of Transportation stormwater system within Northern Lights Boulevard. The site is currently completely paved and this planned redevelopment will not increase the imperviousness of the site over five-percent, thus additional stormwater detention will not be required.

Visual and Noise Buffers

Most of the Mall at Sears would not meet current landscape requirements for Title 21 due to the fact that the mall was constructed prior to current requirements. The landscape design for the loading dock addition follows current MOA Title 21 land use requirements for the location where improvements are proposed. The new landscape enhancements, as part of the overall development package, represent an improvement in the direction toward compliance. (Appendix C – Landscape Plan).

Outdoor Storage or Display Areas

There will be no outdoor storage or display areas.

Trash Collection and Recycling

As shown on the site plan (Appendix C), a screened trash receptacle will be located at the “back of the house”.

Snow Storage or Removal

Snow will be plowed and removed from site.

Parking

In 2001, a parking count was done for the entire mall for a proposed 14,240 square foot expansion (Appendix D – Parking Study). At that time the mall had a total parking requirement of 1,025 stalls and a total of 1,203 parking stalls are currently provided at the site. The recently proposed Burger Fi development at the Mall at Sears, under separate review, will require the loss of three parking spaces. This proposed project will result in the loss of an additional 19 parking spaces. An overall total of 1,181 parking spaces will be provided to the site, which is an excess of 156 required parking spaces.

Pedestrian Access

The loading dock will have no impact on existing pedestrian access.

Community Spaces

There are a variety of community spaces provided at the Mall of Sears. The food court provides an ample seating area. As well, there are sitting and gathering spaces throughout the mall.

Delivery and Loading Spaces

The loading dock addition will provide delivery and loading spaces at the “back of the house”, along the north side of the building (Appendix A).

Exterior Signs

Exterior signage will be provided by future tenants. One signage piece will be relocated and permitted separately by the building owner. No Building signage is to be incorporated in this project.

Building Signage

There is no new signage included in this project. Any signage shown is for placeholder locations and will be refined by future tenant and owner led projects.

Outdoor Lighting

New down lighting will be incorporated into new canopies and entry features. No new site lighting is proposed.

Northern Design Characteristics

Covered entryways at all new entrances and exits are provided. As previously discussed, the proposed building entries provide protection from the elements, as well as lighted pathways and wayfinding. Snow will be shed to flat roofs and held.

Aesthetic Characteristics

This project combines the existing aesthetic of an aging property and provides a bridge from the recently renovated south façade work of the mall building to the future renovations to be made to the north side of the building. We are providing opportunities for individual retailers to have specific identities while providing a common backdrop. These include the minor improvement to the existing Sears entry, a new paint scheme that helps to reinforce the building's identity, and an addition of a loading dock. Utilizing additional materials in the pallet will provide opportunities to tie all of the future renovations together in a more cohesive fashion.

LARGE RETAIL ESTABLISHMENTS (AMC 21.55.130)

The MOA requires up to 10 percent of the construction cost be used towards site enhancements, specifically in the following areas listed in order of importance:

1. Vehicular and pedestrian safety improvements;
2. Blending of the exterior of the old facility and the new facility; and
3. Landscaping and drainage improvements.

Ten Percent Improvements

The existing portion of the site will require site enhancement proportional to the 10 percent requirement of AMC 21.55.130. The overall cost for the loading dock addition will be approximately \$334,600, which requires \$33,460 in site enhancements. The overall site enhancements, as outlined in Appendix E, demonstrate there will be approximately \$224,100 in site enhancements, which is almost 67-percent of the cost of the loading dock addition.

Blending of the Exterior of the Old and New Facility

In 2010 and 2011, interior and exterior renovations were done to the south side of the Mall at Sears. The exterior renovations were limited to new exterior entryways with associated architectural building articulations. The objective of the improvements for this project is to be

consistent with previous façade changes to the south side of the mall, while providing branding identification for the Nordstrom Rack development.

APPENDIX A
ARCHITECTURAL DRAWINGS

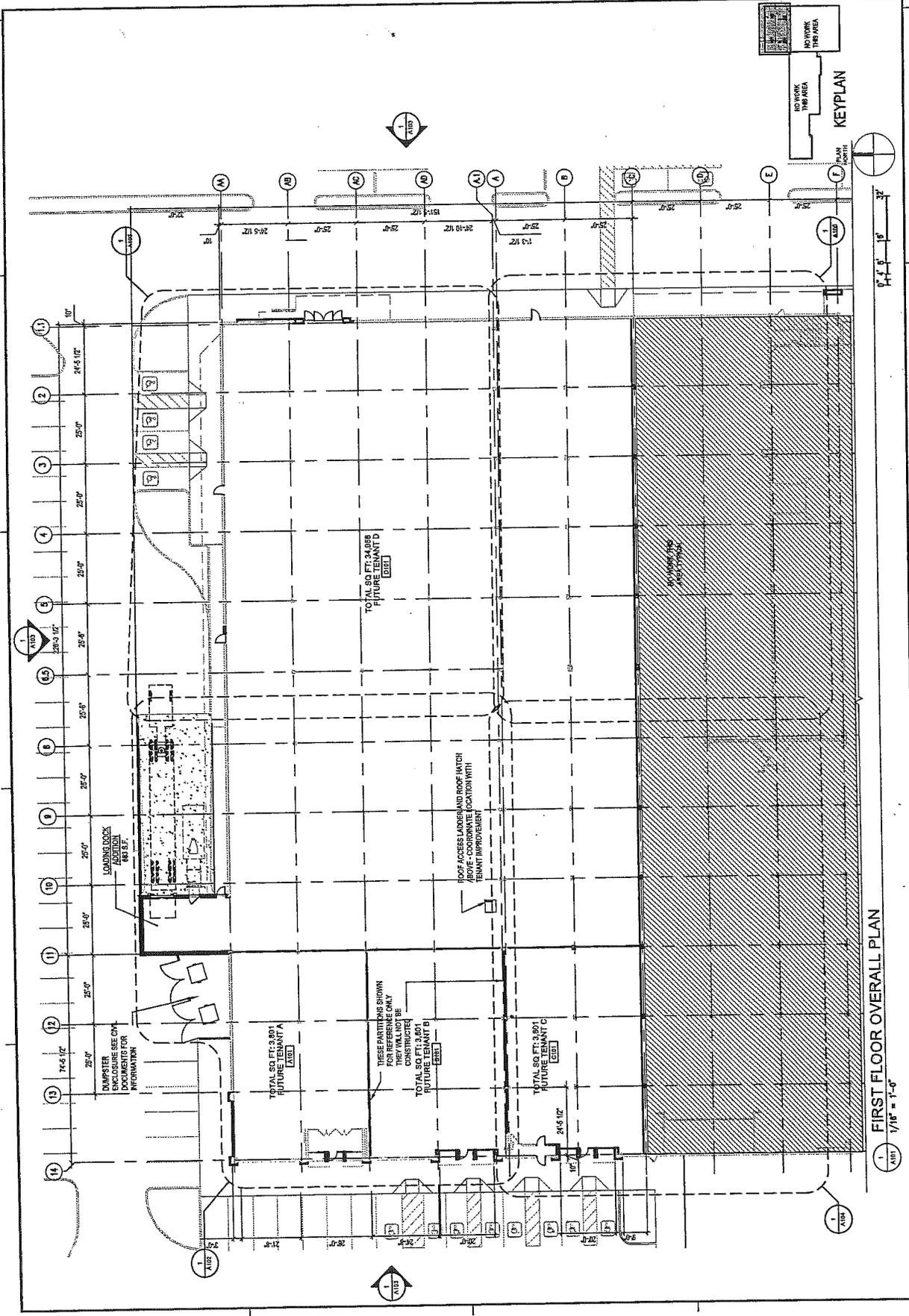


PERMIT SET

700 E. NORTHERN LIGHTS BLVD RENOVATION
 SEARS HOLDING
 700 E NORTHERN LIGHTS BLVD, ANCHORAGE, AK
FIRST FLOOR OVERALL PLAN

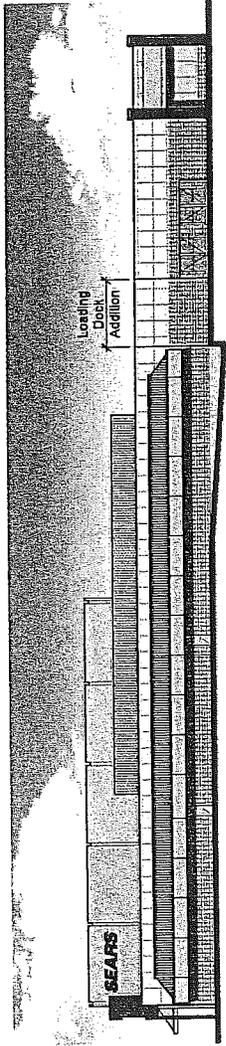
DATE	DESCRIPTION
2013.04.07	PROJECT NO. 11012
	DRAWN BY: JENNIFER
	CHECKED BY: JLD
	SCALE: AS SHOWN
	SHEET DESCRIPTION

PLAN
 DWG NO: **A101**
 SHEET 37 OF 81

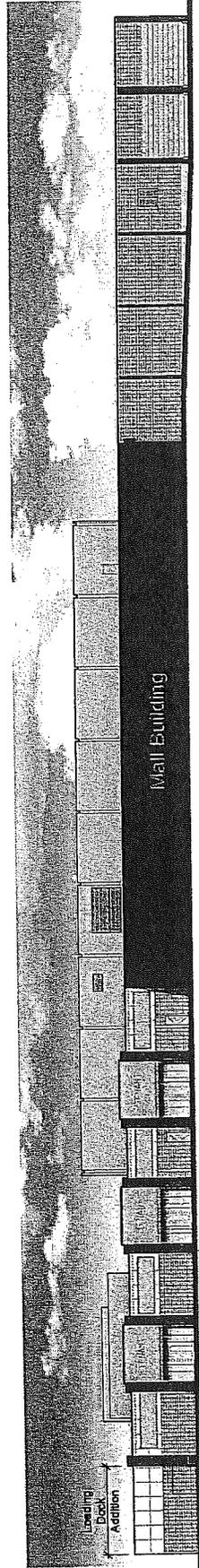




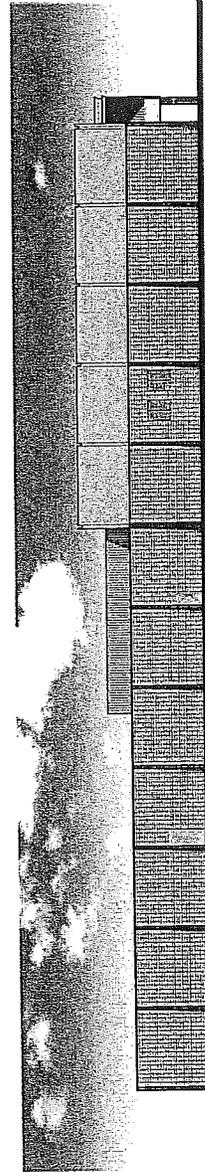
700 E. Northern Lights
May, 2014



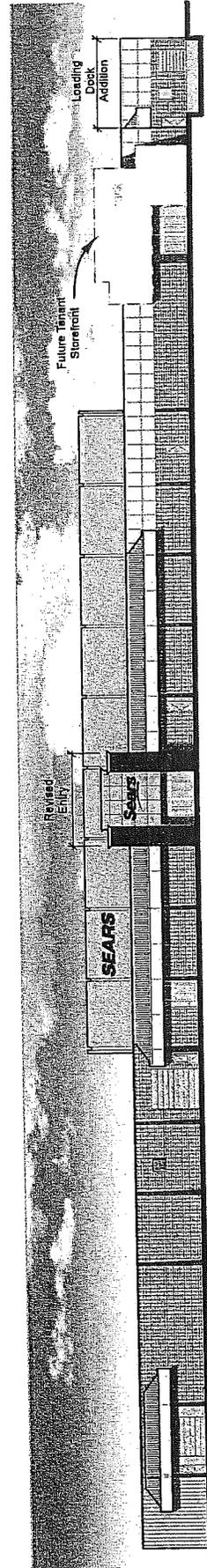
North Elevation



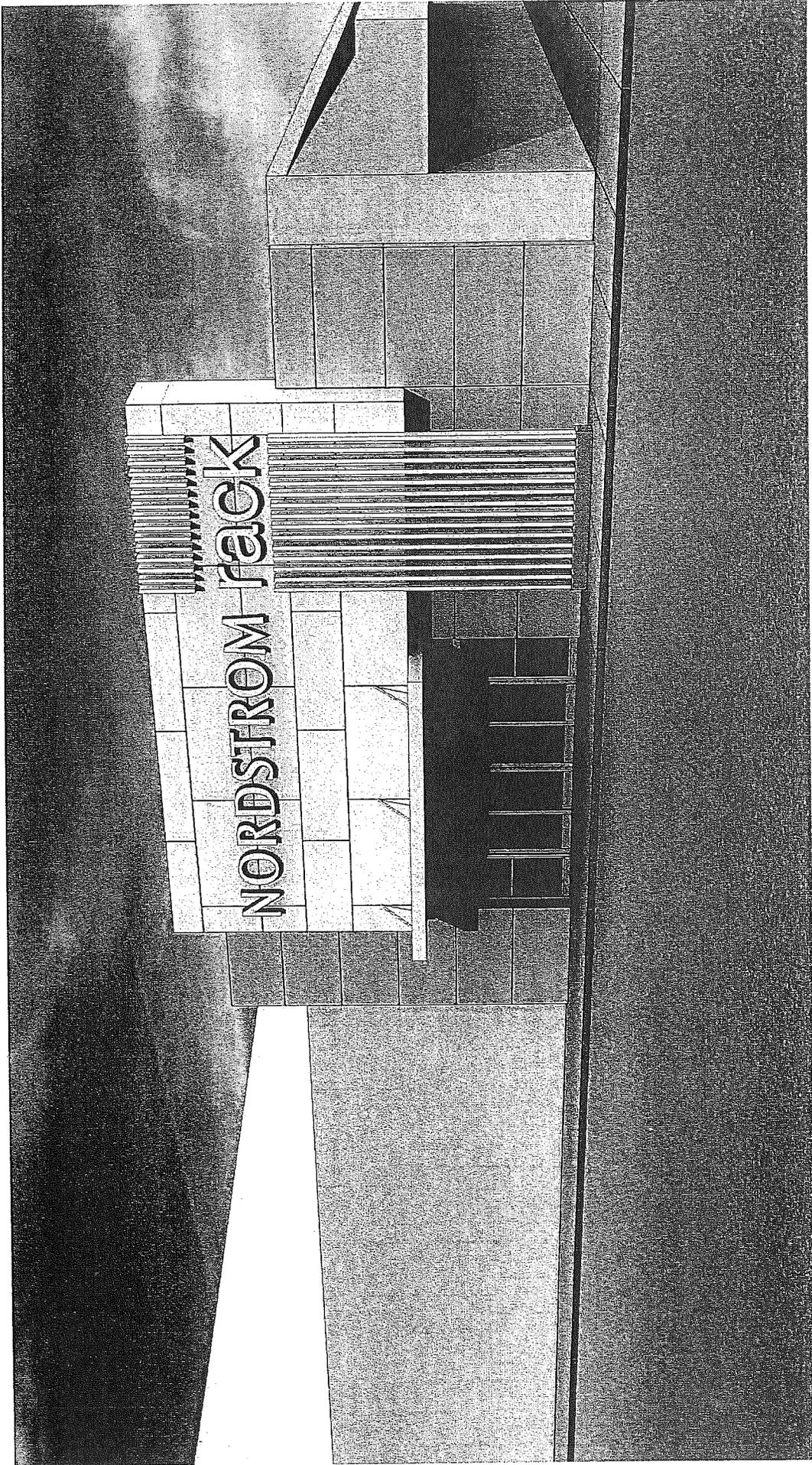
West Elevation



South Elevation



East Elevation



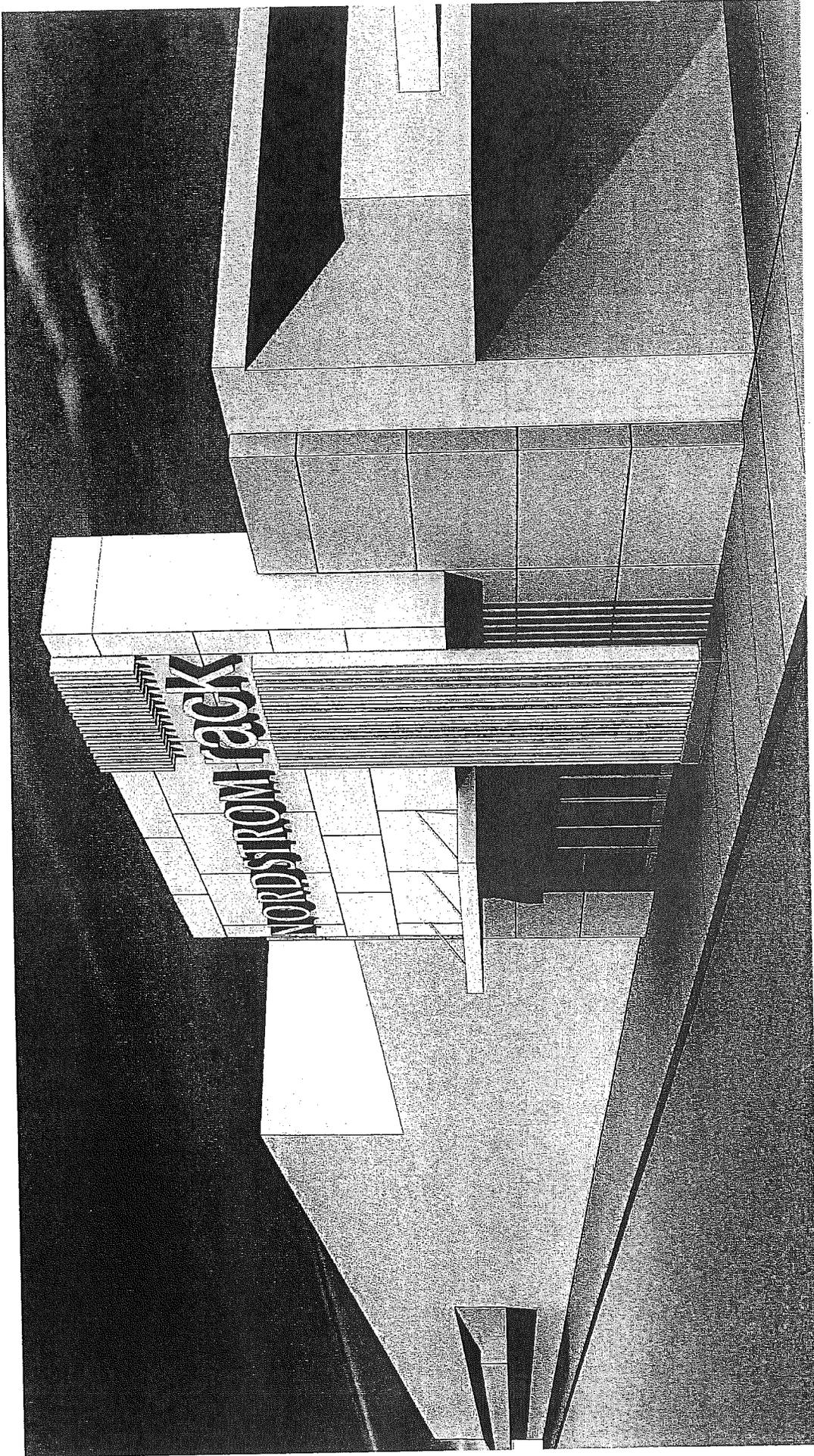
1

RENDERING OPTION A

NORDSTROM RACK AT
ANCHORAGE
ANCHORAGE, AK

PROJECT #: 214348.00
DATE: MARCH 27, 2014

CALLISON **NORDSTROM rack**



2

RENDERING OPTION A

NORDSTROM RACK AT
ANCHORAGE
ANCHORAGE, AK

PROJECT #: 214348.00
DATE: MARCH 27, 2014

 **CALLISON** **NORDSTROM rack**

APPENDIX B
CIVIL SITE PLAN

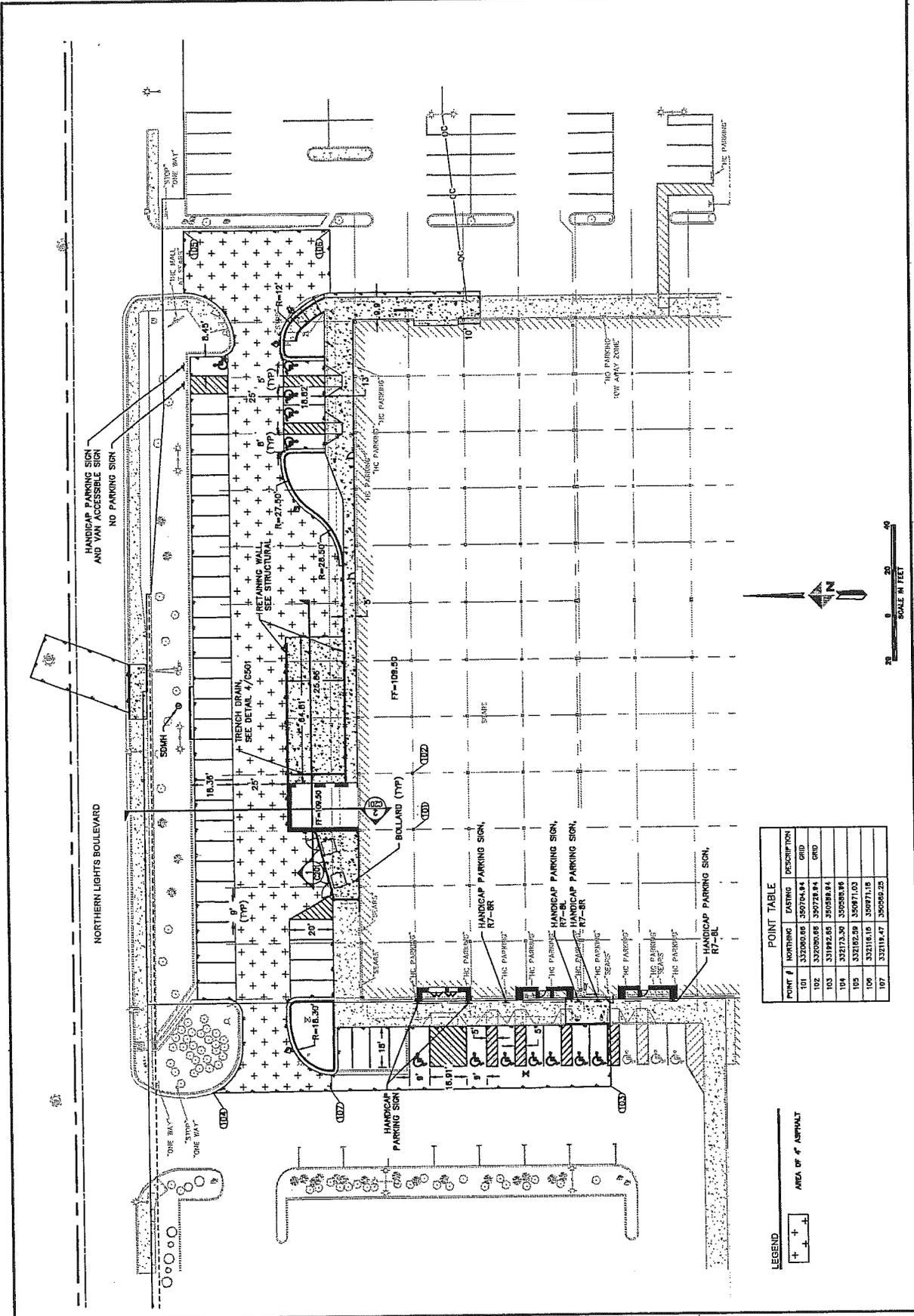


PERMIT SET

700 E. NORTHERN LIGHTS BLVD RENOVATION
 SEANS HOLDING
 700 E NORTHERN LIGHTS BLVD, ANCHORAGE, AK
 CIVIL SITE PLAN

PROJECT TITLE:	700 E. NORTHERN LIGHTS BLVD RENOVATION
OWNER:	SEANS HOLDING
SHEET:	CIVIL SITE PLAN
DATE:	2014.07.07
PROJECT NO.:	141012
DRAWN BY:	ROL
CHECKED BY:	BS
DATE:	2014
BY:	RIM Architects LLC
SHEET DESCRIPTION:	CIVIL SITE PLAN

DWG NO: **C102**
 SHEET 9 OF 87



POINT TABLE

POINT #	EASTING	NORTHING	DESCRIPTION
101	335050.68	350704.84	GRID
102	335050.68	350728.84	GRID
103	331922.68	350584.84	
104	332173.50	350584.84	
105	332182.59	350971.03	
106	332114.15	350971.15	
107	332114.47	350584.23	

LEGEND

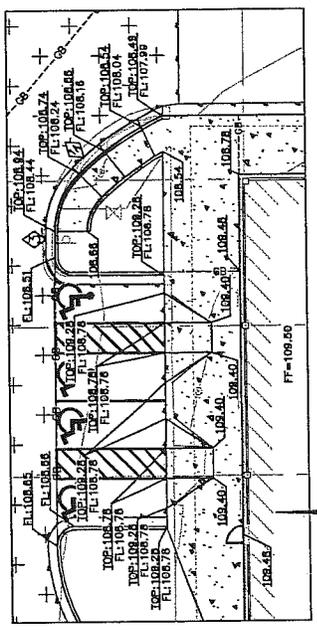
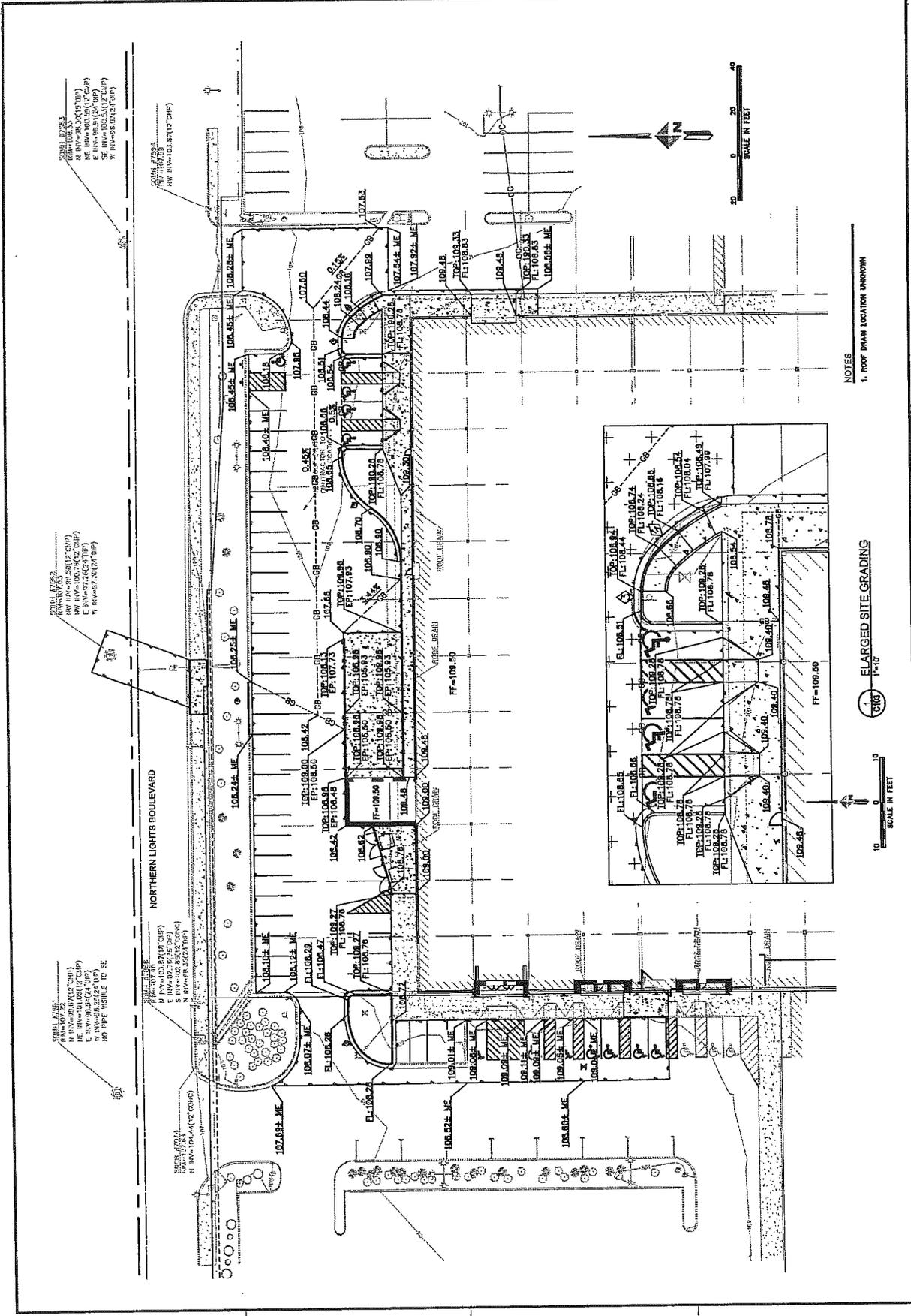
+	AREA OF ASPHALT
---	-----------------



PERMIT SET

700 E. NORTHERN LIGHTS BLVD RENOVATION
 SEANS HOLDING
 700 E NORTHERN LIGHTS BLVD, ANCHORAGE, AK
 CIVIL GRADING PLAN

PROJECT	700 E. NORTHERN LIGHTS BLVD RENOVATION
OWNER	SEANS HOLDING
SHEET	CIVIL GRADING PLAN
DATE	2014.03.07
PROJECT NO.	41012
DRAWN BY	TRIM
CHECKED BY	TRIM
SCALE	AS SHOWN
SHEET DESCRIPTION	CIVIL GRADING PLAN
DWG NO.	C103
SHEET	7 OF 87



SMALL PIPES
 8" DIA. (10.00) (17' CWP)
 6" DIA. (10.00) (17' CWP)
 4" DIA. (10.00) (17' CWP)
 3" DIA. (10.00) (17' CWP)
 2" DIA. (10.00) (17' CWP)

SMALL PIPES
 8" DIA. (10.00) (17' CWP)
 6" DIA. (10.00) (17' CWP)
 4" DIA. (10.00) (17' CWP)
 3" DIA. (10.00) (17' CWP)
 2" DIA. (10.00) (17' CWP)

SMALL PIPES
 8" DIA. (10.00) (17' CWP)
 6" DIA. (10.00) (17' CWP)
 4" DIA. (10.00) (17' CWP)
 3" DIA. (10.00) (17' CWP)
 2" DIA. (10.00) (17' CWP)

NOTES
 1. ROOF RAIN LOCATION UNKNOWN

ENLARGED SITE GRADING
 1"=10'

SCALE IN FEET
 0 10 20



SCALE IN FEET
 0 20 40

APPENDIX C
LANDSCAPE PLAN



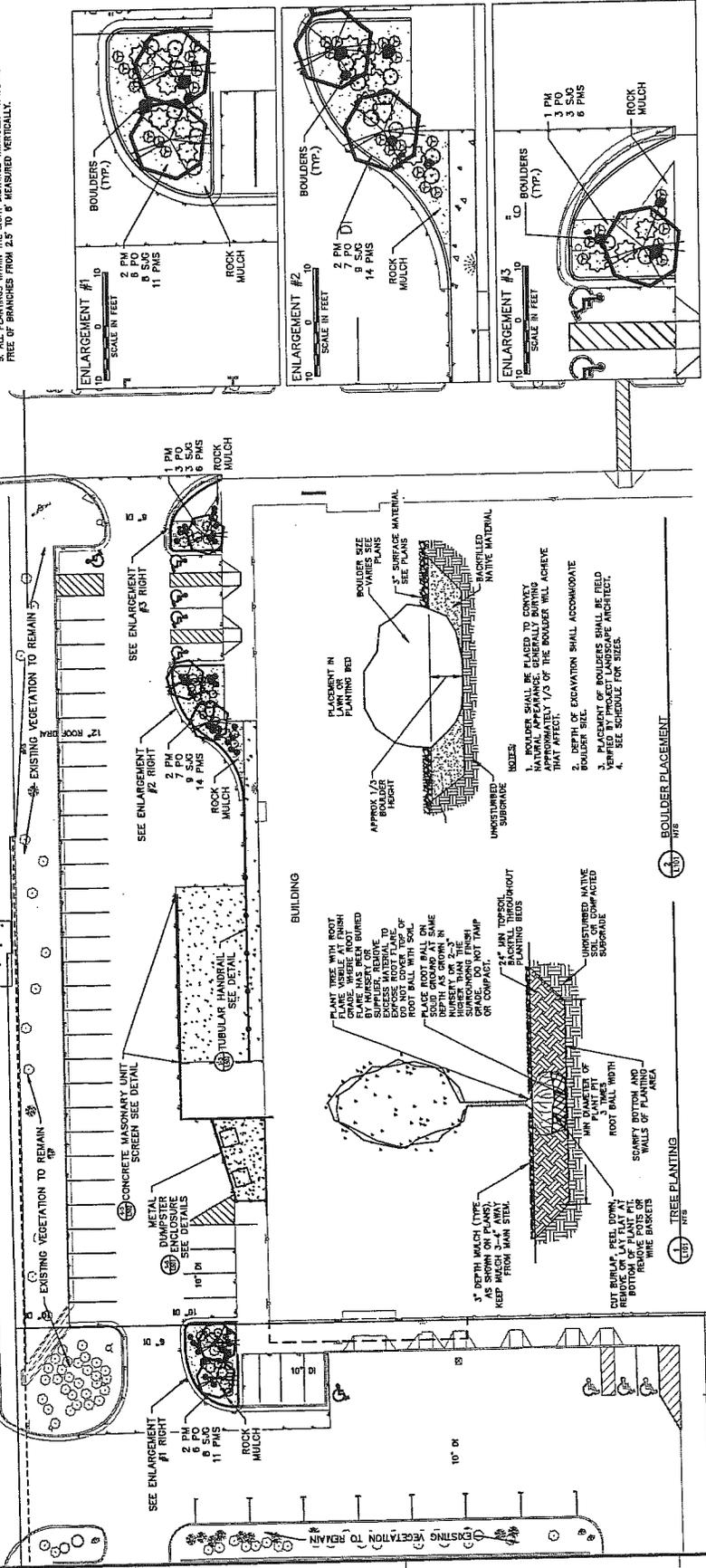
PERMIT SET

700 E. NORTHERN LIGHTS BLVD RENOVATION
 700 E. NORTHERN LIGHTS BLVD, ANCHORAGE, AK
 SEAS HOLDING
 CIVIL GRADING PLAN

MARK	DATE	DESCRIPTION
DATE	2014.04.07	
PROJECT NO.	14012	
DRAWN BY	TR	
CHECKED BY	ES	
CUSTOMER	2014 Rim Architects LLC	
SHEET DESCRIPTION	LANDSCAPE PLAN	
DWG NO.	L101	
SHEET	11	OF 87

LANDSCAPE NOTES

- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING AND HEATING REGULATORY CODE (IMC) AS CURRENTLY AMENDED UNLESS OTHERWISE STATED OTHERWISE ON THE DRAWINGS.
- ALL PLANT MATERIAL SHALL CONFORM TO AMERICAN STANDARD FOR NURSERY STOCK, AND 280.1-2004.
- CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT ABOUT SITE CONDITIONS THAT PRESENT LANDSCAPE MATERIAL.
- ALL ROCK MULCH SHALL BE 1" MINUS SCREEN FINE ROCK FREE OF BRANCHES FROM 2.5' TO 6' MEASURED VERTICALLY.

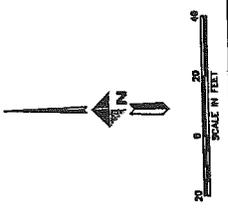


LANDSCAPE SCHEDULE

SYMBOL	DESCRIPTION	QUANTITY	NOTES
(Symbol)	ROCK MULCH	1,310 sf	2" MINUS SEWER FILTER ROCK
(Symbol)	LANDSCAPE BOULDERS (SEE DETAIL)	3	SEE DETAILS
(Symbol)	LARGE (3'-4' SHORTEST DIAGONAL)	02	IF SEE DETAILS
(Symbol)	TUBULAR PIPE HANDRAIL		

PLANT SCHEDULE

SYMBOL	KEY	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE	SPACING	NOTES
(Symbol)	PM	1	AMUR CHERRY	<i>Prunella moskoti</i>	2.5" cal	As Shown	BAR
(Symbol)	PO	1	EASTERN REDBARK	<i>Chorizanthe ovata</i>	30" H	As Shown	#2 Center
(Symbol)	SAC	1	COLDLAK SPRUCE	<i>Salix lapponum</i>	24" H	As Shown	#2 Center
(Symbol)	PMS	1	MUSCO PINE SLOWGROW	<i>Pinus strobus</i>	12" H	As Shown	#2 Center



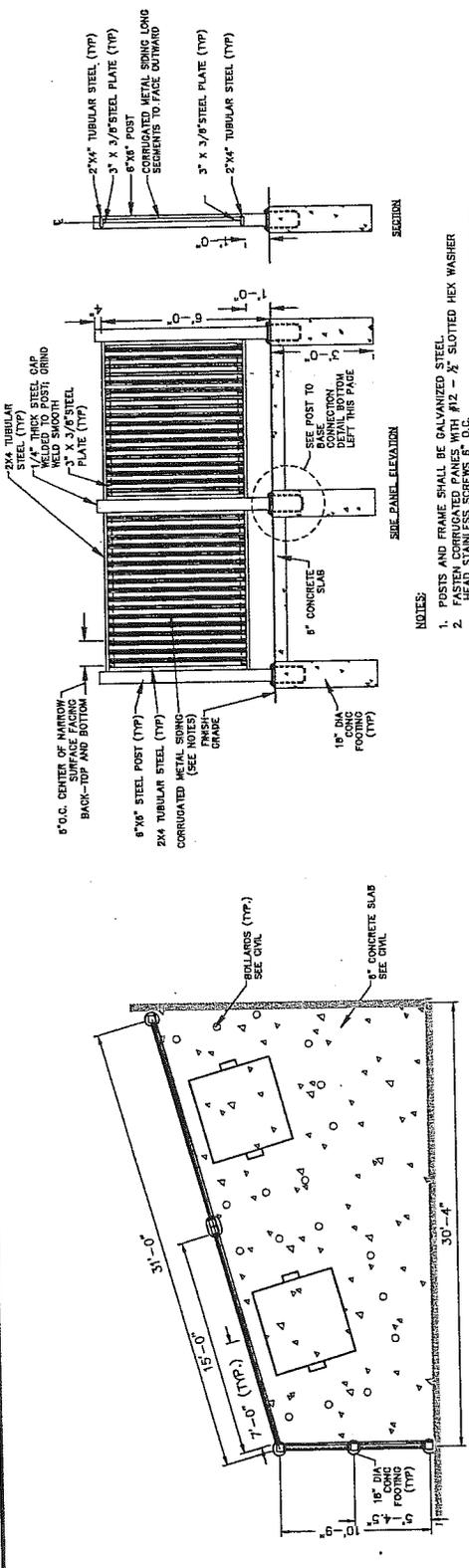


PERMIT SET

700 E. NORTHERN LIGHTS BLVD. ANCHORAGE, AK
RENOVATION
SEAS HOLDING
OWNER:
PROJECT:
SHEET:
TITLE:

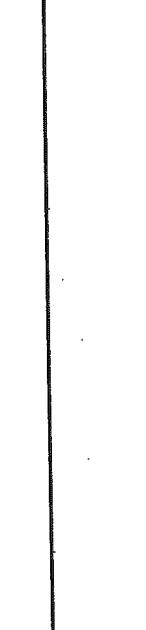
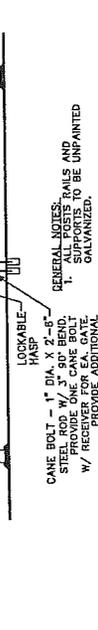
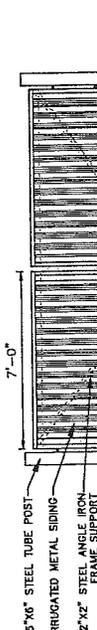
DATE	DESCRIPTION
2013.03.07	ISSUED FOR PERMIT

PROJECT NO.: 2013.03.07
DRAWN BY: JRM
CHECKED BY: JRM
2013 TRIM ARCHITECTS LLC
SHEET DESCRIPTION:
LANDSCAPE DETAILS
DWG NO.: L501
SHEET 12 OF 67



NOTES:

1. POSTS AND FRAME SHALL BE GALVANIZED STEEL.
2. FASTEN CORRUGATED PANES WITH #12 - 1/2" SLOTTED HEX WASHER HEAD STAINLESS STEEL BOLTS GALVANIZED METAL SIDING, UNPAINTED SIDING TYPE
3. FLEX-B-BECK BY FLEXSPAN P.O. Box 815 253 Railroad St. Sandy Lake, PA 18145

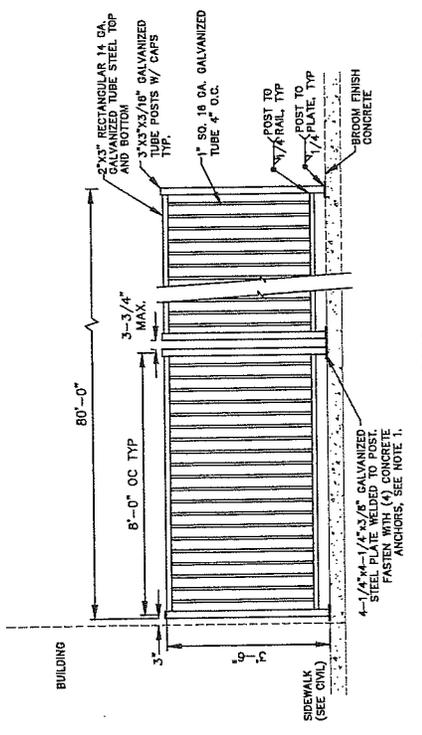




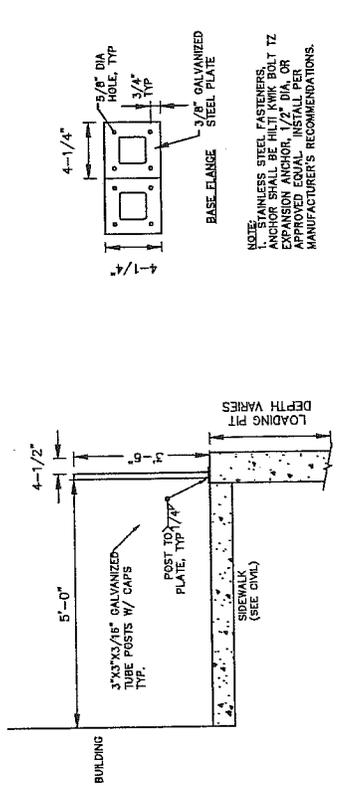
700 E. NORTHERN LIGHTS BLVD RENOVATION
700 E NORTHERN LIGHTS BLVD, ANCHORAGE, AK

PROJECT	700 E. NORTHERN LIGHTS BLVD RENOVATION
TITLE	LANDSCAPE DETAILS
OWNER	SEARS HOLDINGS
SHEET	LANDSCAPE DETAILS

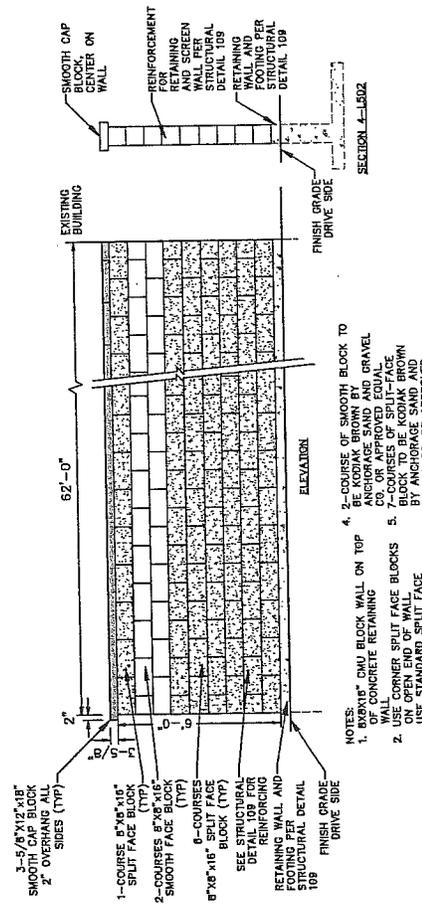
LANDSCAPE DETAILS
DWG NO: **L502**
SHEET 13 OF 87



1 TUBULAR HANDRAIL ELEVATION



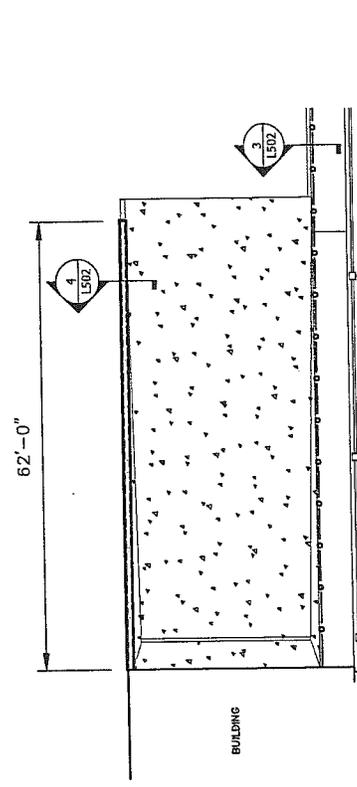
2 TUBULAR HANDRAIL SECTION



CONCRETE MASONRY UNIT SCREEN ELEVATION

NOTES:
1. 8" CMU BLOCK WALL ON TOP BE KODIAK BROWN BY ANCHORAGE SAND AND GRAVEL CO. OR APPROVED EQUAL.
2. USE CORNER SPLIT FACE BLOCKS TO BE KODIAK BROWN BY ANCHORAGE SAND AND GRAVEL CO. OR APPROVED EQUAL.
3. AS INDICATED ABOVE, BLOCK INLET CRAY, BY ANCHORAGE SAND AND GRAVEL CO. OR APPROVED EQUAL.
4. 2-COURSE OF SMOOTH BLOCK TO BE KODIAK BROWN BY ANCHORAGE SAND AND GRAVEL CO. OR APPROVED EQUAL.
5. BLOCK TO BE KODIAK BROWN BY ANCHORAGE SAND AND GRAVEL CO. OR APPROVED EQUAL.
6. ALL JOINTS CONCAVE TOELED.

3 CONCRETE MASONRY UNIT SCREEN ELEVATION



4 CONCRETE MASONRY UNIT SCREEN PLAN

APPENDIX D
PARKING STUDY

D57548-CF
SKANED BY NOA

DOWL
ENGINEERS
A Division of DOWL LLC

December 5, 2001
W.O. D57548

Mr. Steve Ellis
Code Enforcement Manager
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

RECEIVED
DEC 11 2001
CODE ENFORCEMENT/
ABATEMENT

Subject: Request for Parking Count Confirmation
The Mall at Sears - Anchorage, Alaska

Dear Mr. Ellis:

I appreciated meeting with you on Friday, November 30, 2001 at the office of Carr-Gottstein Properties. During the meeting we discussed the various uses at the Mall at Sears and how those uses relate to the parking requirements for the facility. Subsequent to the meeting, we conducted an on-site review of the space utilization at the mall.

Based on the field observations, it was determined that attic space used for storage and other purposes did not have to be included in the calculation of Gross Leasable Areas. These areas do not meet the criteria to be called "mezzanines" and therefore do not impact the parking requirements. Two of the retail tenants in the mall (Whittle Winds and Natural Wonders) were determined to have true second floor uses that do contribute to the parking requirements. After reviewing the Carrs store and mall tenants we toured the Sears store. You determined that the truck loading dock did not have to be included in the gross leasable area calculations. In addition, warehouse/storage space would be calculated separately from the retail space and the office/employee area on the second floor would not count toward the parking requirements.

Based on these field observations and DOWL Engineers' field measurements, the areas of retail use have been calculated. The attached spreadsheet shows the various areas and parking requirements based on both the gross leasable area and warehouse uses. The current mall has a total parking requirement of 1,025 stalls and a total of 1,203 are provided on the site. This results in a total of 178 parking stalls above the code requirement as the site is currently configured.

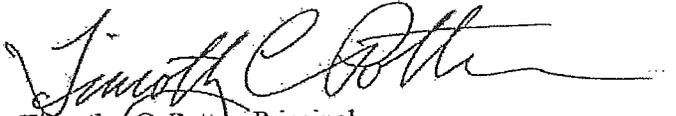
The proposed Carrs store expansion has been reviewed and the additional area (14,240 square feet) addressed in the spreadsheet. This proposed expansion would increase the total parking requirement to 1,068 stalls. The site plan for the post Carrs expansion indicated a revised total parking count of 1,187 stalls. This would result in the site having a total of 119 parking stalls above the code requirement.

These excess parking stalls would support an additional 29,750 square feet of retail space based on the parking requirement of 4.0 stalls per 1,000 square feet of gross leasable area. Any future development or expansion at the Mall at Sears could use these excess parking stalls to meet the parking requirements based on code in effect at that time. If parking stalls are impacted by future development, the expansion retail space (29,750 square feet), as currently calculated may be reduced.

Mr. Steve Ellis
Code Enforcement Manager
Municipality of Anchorage
December 5, 2001
Page 2

Carr-Gottstein Properties needs to confirm that if the Carrs expansion is completed there is expansion capacity at the site. The above calculations clearly indicate that after the Carrs store is expanded, a total of 29,750 square feet of additional retail space could be supported by the proposed 1,187 parking count. Your concurrence with respect to the parking calculations addressed above would be greatly appreciated.

Sincerely,
DOWL Engineers



Timothy C. Potter, Principal
Director of Planning

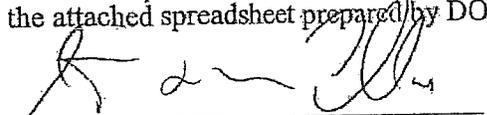
Attachment: Spreadsheet – Sears Mall Area Calculations

c: Mr. Bob Mintz, Carr-Gottstein Properties

D57548.Ellis.TRM.TCP.120501.mas

Concurrence:

I have completed a site visit of the Mall at Sears and concur with the parking calculations presented in the attached spreadsheet prepared by DOWL dated December 3, 2001.



Steve Ellis, Code Enforcement Manager

12-11-01
Date

Gross Leaseable Area Calculations**Existing Mall Per October 2001 Survey**

Area Description	Ground Floor (SF)	Second Floor (SF)	Common Areas (SF)	GLA (SF)
Carrs Store	42,947	0	0	42,947
*Sears Store	138,682	10,698	0	149,380
NW Mall Leasable Area	8,766	0	-105	8,661
NE Mall Leasable Area	10,867	380	-1,124	10,123
South Mall Leasable Area	43,632	248	-1,415	42,465
**Subtotal =	244,894	11,326	-2,644	253,576

Mall after Proposed Carrs Expansion

Area Description	Ground Floor (SF)	Second Floor (SF)	Common Areas (SF)	GLA (SF)
Carrs Store	57,187	0	0	57,187
*Sears Store	138,682	10,698	0	149,380
NW Mall Leasable Area	8,766	0	-105	8,661
NE Mall Leasable Area	10,867	380	-1,124	10,123
SW Mall Leasable Area	7,255	0	0	7,255
SE Mall Leasable Area	32,835	248	-1,415	31,668
**Subtotal =	255,592	11,326	-2,644	264,274

* Sears area does not include office/utility rooms/truck dock (17,235 SF) or warehouse (10,977 SF).

** Calculation based on offsetting exterior building wall by 1.00 foot (8" block plus interior wall).

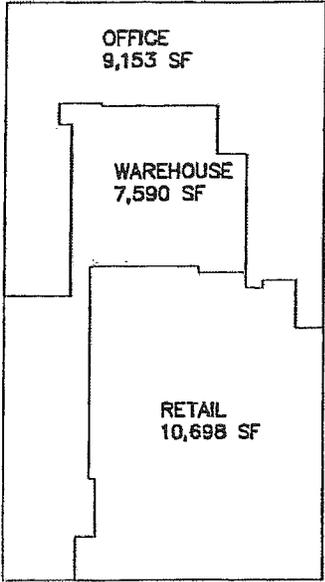
GLA = Gross leasable area as defined by Anchorage Municipal Code (21.45.080.H.2)

Parking Requirements Per Municipal Code Title 21

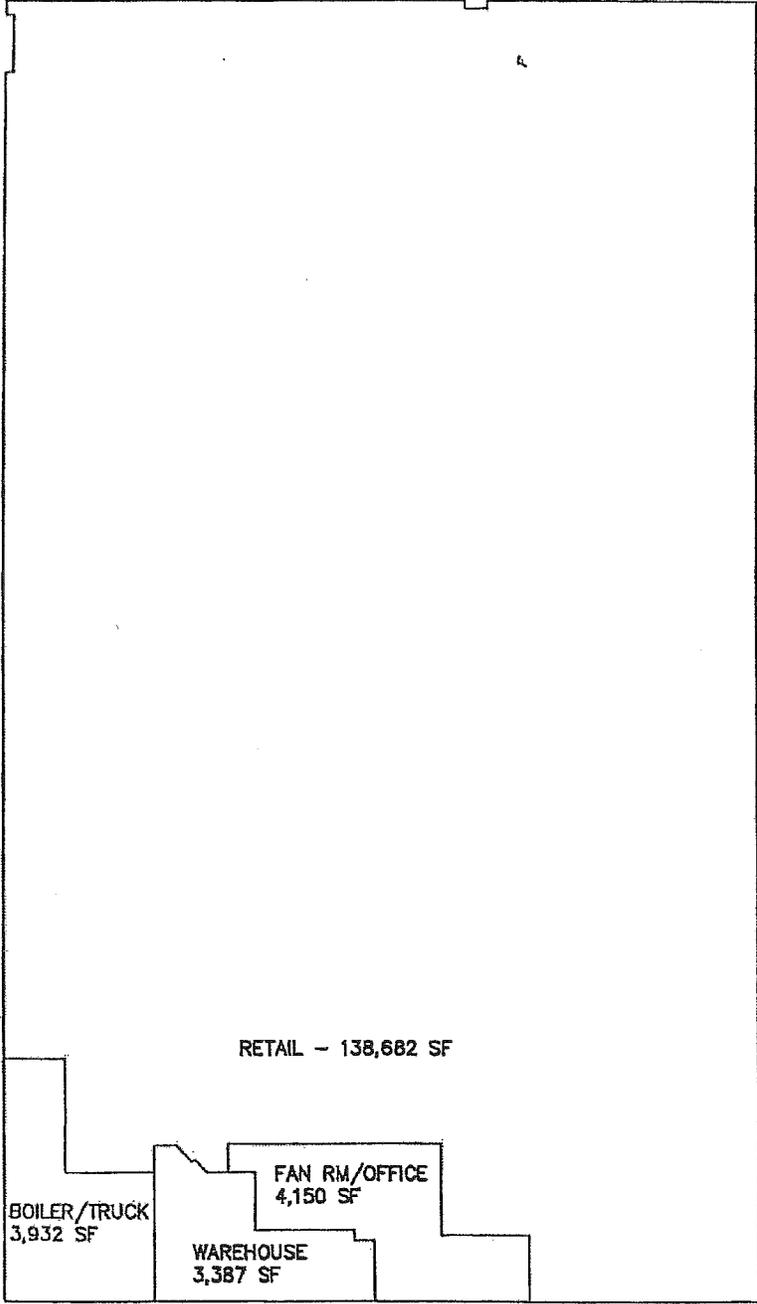
Existing Mall	GLA (SF)	Title 21 Parking	Required Parking	Provided
GLA	253,576	4.0 per 1,000 sf	1,014	
Warehouse	10,977	1.0 per 1,000 sf	11	
			1,025	1,203
			Excess parking =	178
Post Carrs Expansion	GLA (SF)	Title 21 Parking	Required Parking	Provided
GLA	264,274	4.0 per 1,000 sf	1,057	
Warehouse	10,977	1.0 per 1,000 sf	11	
			1,068	1,187
			Excess parking =	119

Expansion based on Parking Counts

Mall Configuration	Excess Parking	Title 21 Parking	Expansion GLA
Existing Mall	178	4.0 per 1,000 sf	44,500
Post Carrs Expansion	119	4.0 per 1,000 sf	29,750



SEARS SECOND FLOOR
AREAS BY USE TYPE



SEARS FIRST FLOOR - AREAS BY USE TYPE

S09°57'00"E
1316.91'

NORTHERN LIGHTS BOULEVARD

S08°57'00"E
571.05'

N00°02'35"E
4.05'

S09°57'00"E
76.07'

S09°57'00"E
4.59'

S09°57'00"E
146.65'

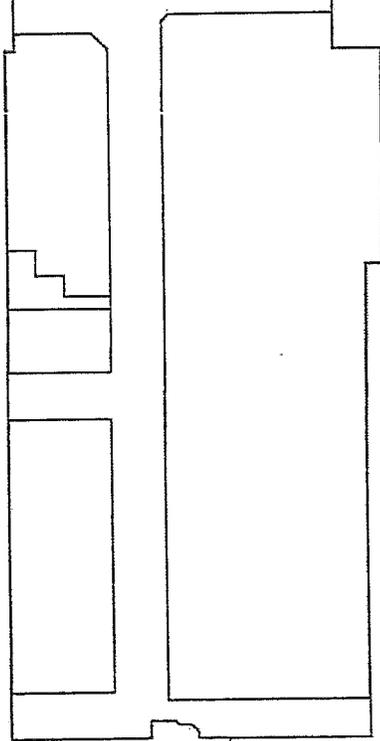
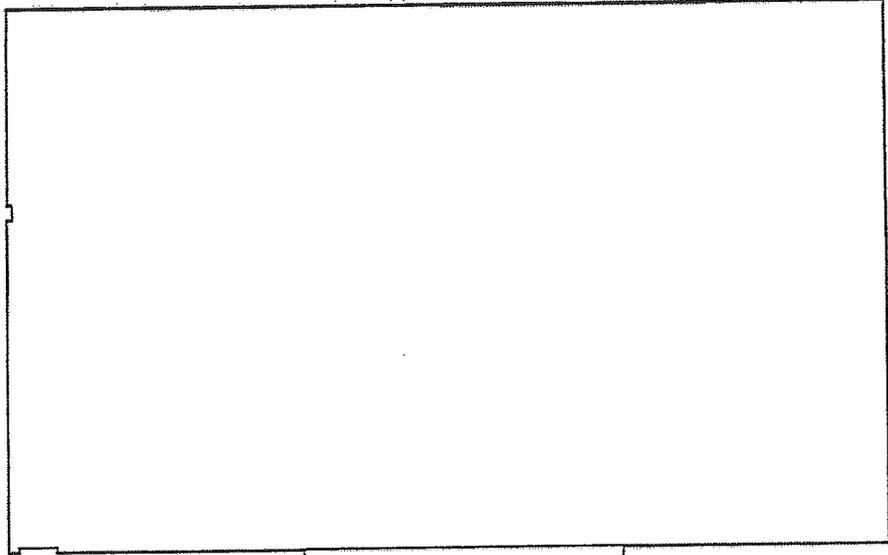
1-80-
BT. Max

S09°57'00"E
93.24'

S09°57'00"E
10.30'

S09°57'00"E
1.00'

S09°57'00"E
255.1'



S09°57'00"E
1009.56277'

S09°57'00"E
86.11'

S09°57'00"E
1316.91'

S09°57'00"E
648.00'

S09°57'00"E
1637.56277'

BENSON BOULEVARD

383
6/23
APP
RE

S89°57'00"E
1318.01'

NORTHERN LIGHTS BOULEVARD

S89°57'00"E
571.05'

S89°57'00"E
142.95'

S89°57'00"E
76.00'

S89°57'00"E
4.45'

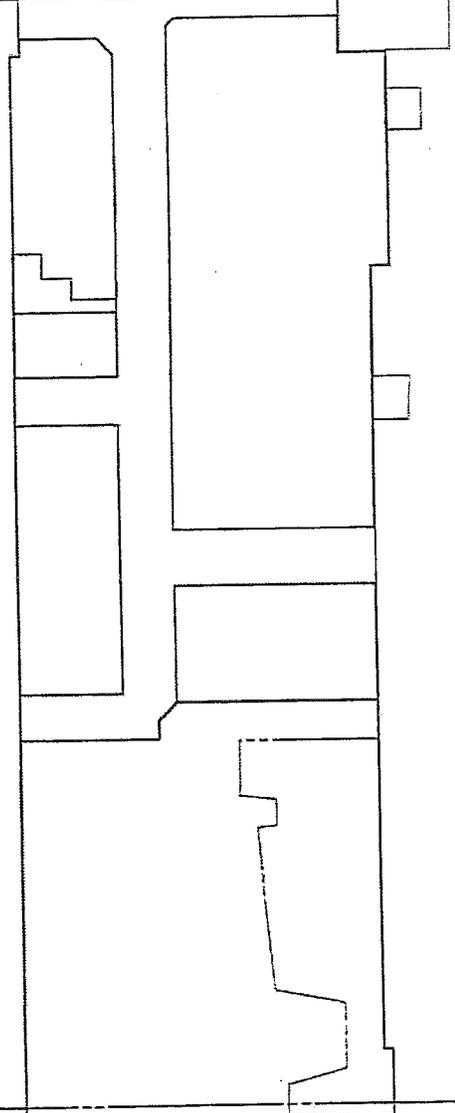
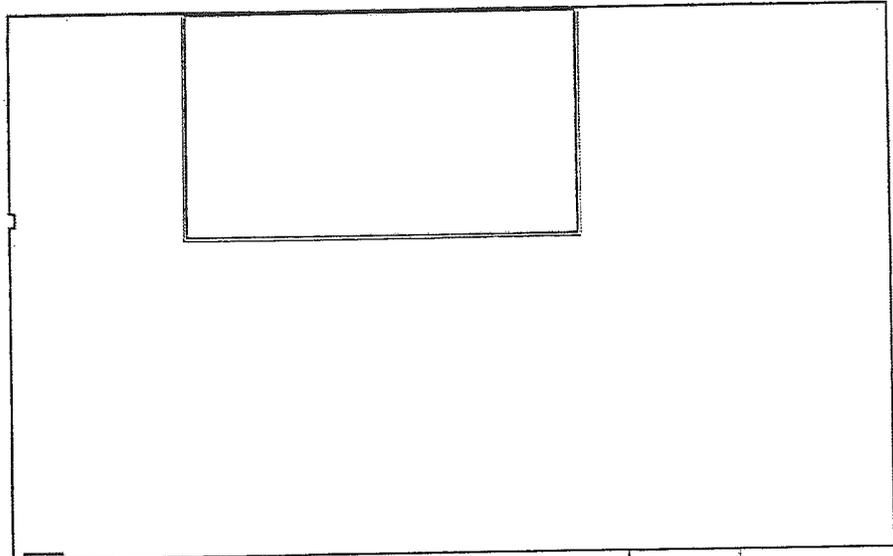
S89°57'00"E
02.70'

S89°57'00"E
1.30'

S89°57'00"E
03.24'

S89°57'00"E
13.00'

S89°57'00"E
255.01'



S89°57'00"E
140°12'37.77\"/>

S89°57'00"E
141°02'33.77\"/>

S89°57'00"E
140°02'33.77\"/>

BENSON BOULEVARD

S89°57'00"E
140°02'33.77\"/>

APPENDIX E
CONSTRUCTION COST BREAKDOWN

Sears/Nordstrom Rack Cost Analysis



Analysis of Cost for Sears/Nordstrom Rack Proposed Exterior Expansion

Exterior Expansion Estimate	Estimated Cost Projection	10% Improvements Estimate	Estimated Cost Projection
Loading Dock Area		Exterior EIFS, Paint, Entries	
Relocate Water Line for Loading Dock	\$28,000	Demo Canopies/Entries	\$20,000
Tie-in Storm Drain for Loading Dock Trench Drain	\$70,000	Frame/Prep New Entries	\$35,000
Demo Existing Canopy	\$4,500	Exterior Insulated Finish System (EIFS)	\$32,000
Demo Paving	\$4,800	Paint Exterior Walls	\$70,800
Excavation/Backfill	\$26,000	New Aluminum Storefronts	\$86,300
Footings/Foundation Walls	\$72,200		
Concrete Slabs	\$26,900		
CMTU Walls Building and Ramp	\$38,400		
Railings/Dumpster Enclosure Gate	\$17,600		
Structural Steel/Decking	\$21,600		
Roofing	\$10,200		
Doors/Seismic Jts.	\$5,400		
Finishes	\$9,000		
Total	\$334,600		
10% for Improvement Total	\$33,460	Total Improvements	\$224,100

**DEPARTMENT AND
PUBLIC
COMMENTS**



MUNICIPALITY OF ANCHORAGE

Development Services Division

Right of Way Section

Phone: (907) 343-8240 Fax: (907) 343-8250

DATE: June 19, 2014
TO: Planning Division, Current Planning Section
THRU: Jack L. Frost, Jr., Right of Way Supervisor
FROM: Lynn McGee, Senior Plan Reviewer
SUBJ: Comments on Planning and Zoning Commission case(s) for July 14, 2014.

Right of Way Section has reviewed the following case(s) due June 13, 2014.

14-0094 Section 30, T13N R3W, Portion of Parcel 1, grid 1631
(Limited Site Plan Review, Large Retail Establishment)
Right of Way Section has no objections or comments on this action at this time.
Review time 15 minutes.

14-0101 Additional Terminal Reserve, GSA, Parcel PLO 3532, grid 1230
(Rezoning from B-2C to PC)
Right of Way Section has no objections or comments on this action at this time.
Review time 15 minutes.

Kimmel, Corliss A.

From: Bunnell Kristine
Sent: Monday, June 16, 2014 11:21 AM
To: Kimmel, Corliss A.
Subject: Case 2014-0094

RECEIVED

JUN 16 2014

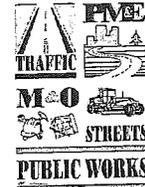
MUNICIPALITY OF ANCHORAGE
ZONING DIVISION

Please try to provide striped pedestrian walk-way through parking lot area from Northern Lights for a safer route for pedestrian travel.

Kristine Bunnell
Senior Planner | Project Manager
Municipality of Anchorage
Long Range Planning Section
bunnellkr@muni.org
907.343.7993



Municipality of Anchorage
Public Works Department
Project Management & Engineering Division



RECEIVED

MEMORANDUM

JUN 13 2014

DATE: June 13, 2014

TO: Erika McConnell

FROM: Steven Ellis

SUBJECT: P&Z Comments from Watershed Management Services

MUNICIPALITY OF ANCHORAGE
ZONING DIVISION

Watershed Management Services (WMS) has the following comments for the July 14, 2014, Planning and Zoning Commission Meeting.

2014-094, Limited Site Plan Review for a large retail establishment (Nordstrom Rack).
WMS has no comment.



MUNICIPALITY OF ANCHORAGE
Traffic Division



RECEIVED

MEMORANDUM

JUN 13 2014

DATE: June 13, 2014

TO: Erika B. McConnell, Current Planning Section Supervisor,
Zoning and Platting Division

MUNICIPALITY OF ANCHORAGE
ZONING DIVISION

THRU: Stephanie Mormilo, PE, Municipal Traffic Engineer
Kristen Langley, Associate Traffic Engineer

FROM: Dwayne Ferguson, PE, Assistant Traffic Engineer

SUBJECT: Traffic Division comments for the Planning and Zoning Commission
hearing to be held on Monday, July 14, 2014.

2014-0094 Request for a Limited Site Plan Review per AMC 21.55.130 and
AMC 21.50.320 for a large retail establishment (Nordstrom Rack)
in the B-3 (general business) district.

Traffic Engineering has no objections.

2014-0101 Request for Rezone from B-2C (central business-periphery) district
to PC (planned community) district.

Traffic Engineering has no conceptual objections with the proposed Design
Guidelines 3.0. Please consider the following entries:

Page 5. Level 2 Development Review - b.ii.2: *An approved traffic impact
analysis with suggested mitigation proposals...*

Page 6. Parking Guidelines

Goals and Intent - the guidelines suggest that an Intermodal Transportation
Facility, coupled with existing off-street parking should be adequate to meet most
needs within the district. The report should clarify the methodology or parking
studies which have been used to determine the minimum requirements for off
street parking in the District.

Off-Street Surface Parking - the guidelines suggest that the availability of
abutting parking within walking distance to the project location be within 1000
feet. However, AMC Title 21 "old" currently requires that abutting parking be
located within 800 feet of the primary entrance of the uses served. It may be
beneficial and for the proposed Design Guidelines to be consistent with the
present maximum walking distance.

Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

RECEIVED

JUN 13 2014

MEMORANDUM

MUNICIPALITY OF ANCHORAGE
ZONING DIVISION

DATE: June 12, 2014
TO: Erika McConnell, Supervisor, Planning Section, Planning Division
FROM: Paul Hatcher, Engineering Technician III, AWWU Planning
SUBJECT: Zoning Case Comments
Hearing Date: July 14, 2014
Agency Comments Due: June 13, 2014

AWWU has reviewed the materials and has the following comments.

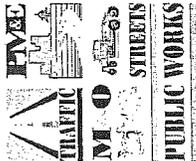
14-0094 T13N R3W SEC 30 N2NE4NE4 PTN PARCEL 1 (SEARS MALL), Limited Site Plan Review per AMC 21.55.130 and AMC 21.50.320 for a large retail establishment (Nordstrom Rack) in the B-3 (general business) district, Grid SW1631

1. AWWU water and sanitary sewer are available to this parcel.
2. AWWU has no objection to this site plan.

14-0101 ADDITIONAL TERMINAL RESERVE GSA PARCEL PLO 3532, Request for Rezone from B-2C (central business-periphery) district to PC (planned community) district, Grid SW1230

1. AWWU water and sanitary sewer are available to this parcel.
2. AWWU has no objection to this rezone.

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2721 or the AWWU planning section at 564-2739, or e-mail paul.hatcher@awwu.biz

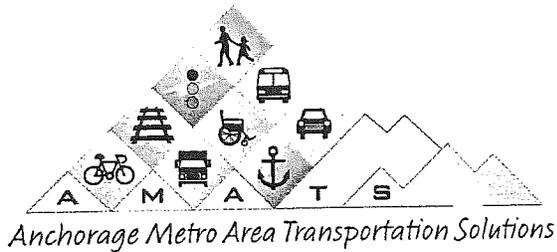


Project Review Form

Project Name: Nordstrom Rack at Sears site plan review	Project No: 2014-0094
Project Status: <input type="checkbox"/> Design Study <input type="checkbox"/> 35% <input type="checkbox"/> 65% <input type="checkbox"/> 95% <input checked="" type="checkbox"/> Other Rezone Request	
Name/Title: Sandy Hansen, Planning Tech / Randy Bergt, Project Engineer	
Organization / Department: Public Transportation / People Mover	
Phone Number: 343-8213 or 343-8285 Date: June 11, 2014	

Page/ Sheet No.	Reviewer	Comment	Response
1)		NO Comment	
2)			
3)		Thank you for the opportunity to review.	
4)			
5)			
6)			
7)			
8)			
9)			
10)			
11)			
12)			
13)			
72			
15)			

RECEIVED
 JUN 11 2014
 MUNICIPALITY OF ANCHORAGE
 ZONING DIVISION



MUNICIPALITY OF ANCHORAGE
 Community Development Department,
 Transportation Planning Section
 Non-Motorized Transportation Coordinator
 Planning & Development Center, 4700 Elmore Road
 P. O. Box 196650, Anchorage, AK 99519-6650
 voice (907) 343-8368, facsimile (907) 249-7806
 E-mail: schanche@cityofanchorage.org

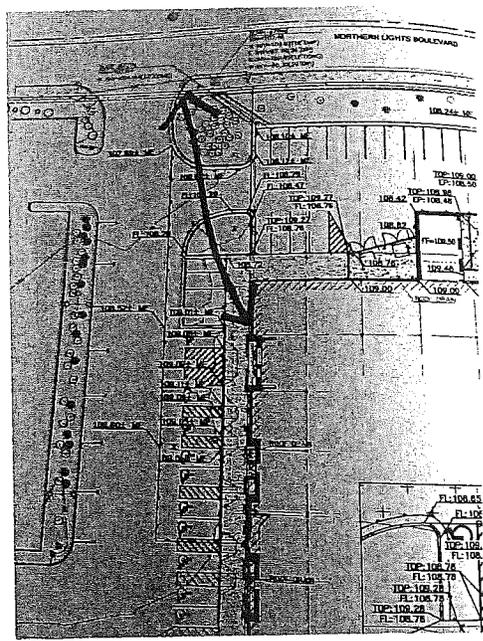
RECEIVED

DATE: June 12, 2014
 TO: Erika McConnell, Planning Officer
 FROM: Lori Schanche, Non-Motorized Transportation Coordinator
 SUBJECT: **2014-0094 Nordstrom Rack - REVISED**

JUN 26 2014

PLANNING DIVISION

The Sears Mall has a lack of pedestrian access from the Northern Lights Boulevard sidewalk to the west and eastern entry doors where these improvements are proposed. We request a walkway from the sidewalk thru the planting beds to the doorways on the western and eastern side. Since work is being done in the parking lot this work is appropriate and will create easier pedestrian access.



This request is consistent with the **Pedestrian Plan** specifically the following sections;

- Goal 4** *Improve community connectivity by providing safe, convenient, year-round pedestrian routes within and between neighborhoods, commercial centers...*

Policy 4.2

Provide for pedestrian circulation within and to commercial development.

Goal 6 *Encourage development patterns that increase and enhance pedestrian use.*

Policy 6.1

Promote land use and site design that make walking convenient and enjoyable.

Action Item Recommendations

5. Require convenient, direct walkway and trail connections even where roads are cul-de-sacs or circuitous, where appropriate in relation to surrounding terrain.

7. During site plan review, recommend design of parking lots to provide direct access to front doors of facilities and move access driveways away from front doors of facilities.

Cc: Craig Lyon, AMATS

MUNICIPALITY OF ANCHORAGE



Planning & Development Services Dept.
Development Services Division

RECEIVED Building Safety

JUN 06 2014

MUNICIPALITY OF ANCHORAGE
BUILDING SAFETY DIVISION

MEMORANDUM

Comments to Miscellaneous Planning and Zoning Applications

DATE: June 6, 2014

TO: Erika McConnell, Manager, Zoning and Platting

FROM: Ron Wilde, P.E.
Building Safety

SUBJECT: Comments for Case 2014-0094
Nordstrom Rack

No Comment



THE STATE
of **ALASKA**

GOVERNOR SEAN PARNELL

Department of Transportation
and Public Facilities

CENTRAL REGION
Planning

4111 Aviation Avenue
Anchorage, Alaska 99502
Main: 907.269.0520
Fax: 907.269.0521

RECEIVED

JUN 05 2014

MUNICIPALITY OF ANCHORAGE
ZONING DIVISION

June 4, 2014

Erika McConnell, Planning Section Manager
MOA, Community Development Department
Planning Division
P.O. Box 196650
Anchorage, Alaska 99519-6650

RE: MOA Zoning Review

Dear Ms. McConnell:

The Alaska Department of Transportation and Public Facilities, ADOT&PF, Central Region platting review committee has no comments on the following zoning applications:

- 2014-0089; Tudor Centre
- 2014-0101; Additional Terminal reserve GSA Parcel PLA 3532

The ADOT&PF Central Region platting review committee has no comments on the following plan amendment:

- 2014-0105; Hillside District Plan Land Use Plan Map Amendment

The ADOT&PF Central Region platting review committee has comments on the following zoning applications:

2014-0094; Nordstrom Rack Limited Large Retail Site Plan

- The landscaping at the driveways from the lot to Northern Lights Boulevard is a concern for ADOT&PF. The west most driveway has a tree blocking the drivers ability to see traffic as they exit onto the roadway. The east most driveway looks to have a tree that might impact driver vision. As such, we require that the ADOT&PF sight distance triangles founds in the Alaska Highway Preconstruction Manual page 1160-17, figure 1160-8 be added to the site plan for the access points onto Northern Lights Boulevard. Any landscaping that falls within these sight triangles must be removed.

2014-0098; West High School & Romig Middle School Site & Landscaping Plan

- ADOT&PF has no objection to the site & landscaping plan.
- ADOT&PF supports long term access to Northern Lights Boulevard and Benson. This would help to alleviate the traffic on Minnesota Drive as users try to access the schools.

"Keep Alaska Moving through service and infrastructure."

2014-0106; Rezone Lake Otis and Huffman

- Access to Huffman Road is problematic. ADOT&PF strongly recommends all access to Lake Otis Parkway for any future development.
-

Sincerely,

A. Lyons for

Aaron Jongenelen

Anchorage Area Planner

/djl

cc: Tucker Hurn, Right of Way Agent, Right of Way
Scott Thomas, P.E., Regional Traffic Engineer, Traffic Safety and Utilities
Jim Amundsen, P.E., Highway Design Group Chief

Kimmel, Corliss A.

From: Wilson, Karleen K.
Sent: Wednesday, May 28, 2014 3:19 PM
To: Blake, Lori A.; Kimmel, Corliss A.
Subject: Case No 2014-0094

RECEIVED

MAY 28 2014

MUNICIPALITY OF ANCHORAGE
ZONING DIVISION

Site Address should be on "Cover Sheet" as 700 E Northern Lights Blvd (not 600); please update all records for this case to 700 E Northern Lights Blvd.

Thanks,

Karleen Wilson

Addressing Official
Municipality of Anchorage
Address Data Management, GIS
907.343.8168 (my desk)
907.343.8222 (option #3)



**Municipality of Anchorage
Development Services Department
Building Safety Division**



MEMORANDUM

RECEIVED

MAY 28 2014

DATE: May 28, 2014

TO: Erika McConnell, Manager, Current Planning Section

FROM: Deb Wockenfuss, Civil Engineer, On-Site Water and Wastewater Program

SUBJECT: Comments on Cases due June 13, 2014

**MUNICIPALITY OF ANCHORAGE
ZONING DIVISION**

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

2014-0094 Limited Site Plan Review for Nordstrom Rack

No objection

The Basic Questions – Case 2016-0023:

PLANNING DEPARTMENT

According to the Municipal Code, can the proposed Rack Plan be approved?

Does the proposed site plan:

- | | | |
|--|------|------|
| 1. Make it more or less convenient for customers to reach all the retail space in the Mall? | More | Less |
| 2. Make more or less safe for customers to reach all the retail space in the Mall? | More | Less |
| 3. Make the Mall more or less economically viable than when all the spaces are connected? | More | Less |
| 4. Make the Mall more or less conducive to shopping in Anchorage in the winter? | More | Less |
| 5. Make it more or less convenient for shoppers to reach places where they can congregate and relax | More | Less |

The Facts:

1. **Less** (96% of Mall shoppers agreed) It's now a 3-block round trip to get to & from the Mall common area to the Rack space.
2. **Less** (96% of Mall shoppers agreed) Many shoppers are showing us that the most convenient way to visit both the Mall stores and the Rack is to park on the north side of the Mall and travel down the service road which is just not safe. Even if they go through the Sears store they still have to go outside again (on ice and snow much of the year) to get to the Rack.
3. **Less** (93% of Mall shoppers agreed) Cutting off the Rack from the rest of the Mall is having a negative impact on cross-shopping, therefore it is not compatible with the development pattern of the site.
4. **Less** - Shoppers now have to walk outside twice to go from the Mall to space to the Rack space and back.
5. **Less** (90% of Mall shoppers agreed) Even if the Rack adds a few chairs, it hardly provides space for visitors to congregate as the standard calls for, and as is available in the Mall Common areas

What does this mean?

Since the answer to questions 1, 2 and 3 are clearly “Less”, it confirms that according to the Code’s “General standards for site plan approval” the Commission cannot approve the plan. These questions directly relate to **AMC 21.50.200**, which says a site plan can **ONLY** be approved if there is **no negative impact** on pedestrian circulation and safety, and that compatible development patterns are maintained.

Since the answers to questions 1, 2, 4 & 5 are clearly “Less,” it confirms that the proposed plan is a move away from conformity and therefore the Commission cannot approve it. **AMC 21.55.010** and **21.55.100** both state that a site cannot move away from conformity.

Prepared by Linda Boggs
(907)696-0646

P & Z Commission/Nordstrom Rack Case 2016-0023
Planning Division/MOA Community Development Dept.
PO Box 196650
Anchorage, AK 99519-6650

RECEIVED

JUN 30 2016

PLANNING DEPARTMENT

June 30, 2016

Dear Commissioners,

We were very taken aback with the Seritage attorney Joe Reece's inference that since the Mall Merchants didn't appeal all of the points in the BOA decision it somehow gave the other findings credibility. We believe that the Board of Adjustment's decision was incorrect on all the issues, however, the finding on whether the Planning & Zoning Commission was required to hold a public hearing was the most obvious and transparent error.

Commission member Bailey noted this during the recent hearing: in Judge Guidi's Decision she emphasized that when the Commission errs by failing to hold a public hearing, people affected by the resulting decision are deprived of a meaningful right to judicial review, since there is no chance to address their objections and build a record for appeal. In this case, we decided to rely specifically on the public hearing violation and not to ask the Superior Court on rule on other issues, not because we thought the BOA findings had any merit, but because the hearing would give the public the chance to "articulate their objections" and make a record before the Commission on the other issues.

With all the work that went into getting the chance to come back to the Commission on this matter, it is very discouraging that Staff did not seek legal advice when there were clearly differing opinions on what the Superior Court decision meant and instead sided with the petitioners. None of us want to try to get all the participants back to testify again, but we do hope that the Commissioners will take the time to review what was shared at the hearing, in light of the fact that there is much more at stake here than what they originally thought when they heard it the first time.

We understand that revisiting this now that the store is built is not an ideal situation, but Sears clearly chose to take the risk of moving ahead with the project knowing there was an appeal pending. We hope you will take the time to uphold the Municipal Code and chose the **best** decision for the people of Anchorage.

Sincerely,



Dick Stallone
Owner, Stallone's Menswear
Representing Sears Mall Merchant Appellants

Excerpt from Superior Court Order:

Of course, someone adversely affected by a proposed modification may appeal the Commission's decision to the Board. But, any right of appeal is meaningless without an opportunity to build an evidentiary record at the level of the initial decision. Under the default procedure of consent agenda approval, the Commission hears no evidence and holds no discussion before approving an application for modification. Consequently, neighbors and nearby businesses negatively affected by a modification are left with nothing on which to base an appeal except the application itself. Any such appeal will place an appellant at an unfair disadvantage, as the application will likely highlight a proposal's economic

ORDER REVERSING THE DECISION OF THE BOARD OF
ADJUSTMENT
Case No. 3AN-15-06026 CI, December 2, 2015.

Page 10 of 12

benefits and minimize any potential drawbacks and complications. Thus, the ability to appeal, without a meaningful opportunity for public input, does not adequately protect affected parties' interests.

RECEIVED

JUN 30 2016

HELLENTHAL AND ASSOCIATES

2200 Vanderbilt Circle
Anchorage, Alaska 99508
(907) 276-1001
hellenthal@gci.net (e-mail)

PLANNING DEPARTMENT

TO: Anchorage Planning and Zoning Commission
FROM: Marc Hellenthal
RE: Mall at Sears Intercept Study / Case No. 2016-0023
DATE: June 27, 2016

Members of the Commission:

Please accept these materials in support of my verbal public testimony given June 13, 2016, regarding the Mall at Sears Intercept Study conducted by my firm.

In early 2016, Hellenthal & Associates was commissioned to conduct a face-to-face survey of patrons at the Mall at Sears (in the Mall common area). We talked to 400 people, and we asked them a series of questions.

The goal of this survey was to get the shoppers' feedback on the changes that had been made in the Mall, specifically as they relate to the requirements of the Municipal Code. We assumed that Seritage would continue to lease to power center tenants like the Rack, so for most of the questions we referred to "any stores that only faced the Seward Highway with no interior connection to the Mall," rather than naming the Rack specifically.

The first findings I wanted to share relate to the general standards for site plan approval (AMC 21.50.200) which state a site plan cannot be approved if it has a negative impact on public safety, or fails to maintain compatible and efficient development patterns.

- Regarding the safety issue, a very sizable majority (95.5%) of The Mall patrons believe Sears removal of the north side sidewalk made it less safe for people walking between the Nordstrom Rack and the rest of The Mall.
- We also found was that in The Mall at Sears patrons' opinion (96.3%), new stores only facing the Seward Highway are not compatible with the rest of The Mall.
- Shoppers also told us that this configuration **discourages cross-shopping**, as a huge

majority (92.8%) of the Mall patrons would be more likely to shop at more stores if all stores were connected to a common interior hallway. Cross-shopping is a vital component of the success of a mall, further emphasizing that the proposed site plan is not compatible with the rest of the development.

- From what we can gather, “efficient development patterns” breaks down to “does the plan discourage additional car trips?” Here we found that it does just the opposite, as 27.3% of the Mall patrons who are going to shop at the Nordstrom Rack and at the stores in the rest of The Mall are very likely to get in their car and drive from one place to the other.

We also wanted to look at how proposed plan affected the Mall in terms of several of the Large Retail Establishment standards (AMC 21.50.320). First, the Pedestrian Access standard starts with: *The establishment shall provide sufficient accessibility, safety, and convenience to pedestrians, customers and employees.*

- Overwhelmingly (96.3%) of The Mall at Sears patrons consider stores facing the Seward Highway with no interior connection to the rest of The Mall as negatively impacting accessibility and convenience.
- And finally, Mall patrons (89.5%) believe that stores that only face the Seward Highway should not be able to count the seating areas in The Mall as meeting the Community Spaces standard which states establishments must provide areas where customers and visitors can congregate and relax.
- We did not think we needed to ask shoppers what they thought about having to go back outside to get to the Rack store.

In summary, patrons’ responses indicate that they believe adding stores that are not connected to the rest of the Mall represent a *decrease* in convenience, access and safety, and are not compatible with the rest of the Mall. Responses also indicated shoppers would be more likely to shop at *more* stores, if those stores were connected with a common interior hallway. All of these opinions were expressed by an overwhelming majority of respondents (from 92% to 96%, depending on the question).

For more detail, please see the attached survey instrument, which includes all questions and the final tally for each. If you have any further questions, please do not hesitate to contact me.

THE MALL AT SEARS RESEARCH SURVEY

February 24th to March 4th, 2016

Sample size = 400 margin of error \pm 4.90%

INTRODUCTION AND METHODOLOGY

This report presents an analysis of a survey of The Mall at Sears adult customers. The survey measured properties of adult customers' shopping, demographics, behaviors and attitudes toward access to and from the Nordstrom Rack and The Mall at Sears.

Research typically involves estimating the characteristics of a designated population. Because of the costs of conducting a census of all items in a population and the adequacy of sample results, sample statistics were used to make statistical inferences concerning population parameters.

Four hundred (400) of The Mall at Sears adult customers were interviewed between February 24th and March 4th, 2016. Interviewing was conducted face-to-face by professionally trained interviewers. All of The Mall at Sears adult customers had an equal chance of being interviewed.

Interviewing was conducted between 11:00 am and 6:00 pm Monday through Sunday.

Margin of error

At a 95% confidence level, the empirical proportions reported in this survey can be projected, within plus or minus 4.90%, to all of The Mall at Sears adult customers. This means one can be 95% sure that the frequencies reported in this survey are within \pm 4.90% of the true The Mall at Sears adult customers population proportions.

THE MALL AT SEARS RESEARCH SURVEY

February 24th to March 4th, 2016

Sample size = 400; margin of error \pm 4.90%

HELLENTHAL AND ASSOCIATES

2200 Vanderbilt Circle
Anchorage, Alaska 99508

(907) 276-1001
hellenthal@gci.net (e-mail)

Hello, I am _____ from Hellenthal and Associates. We are conducting a Mall at Sears research survey to get your opinions regarding retail shopping.

1. Does adding stores that only face the Seward Highway (the Mountains) with no direct interior connection to the rest of The Mall negatively impact the accessibility and convenience of shopping at The Mall?

NEGATIVELY IMPACT	FREQUENCY	PERCENT
Yes.....	385.....	96.3%
No.....	14.....	3.5%
Don't know.....	1.....	0.3%

2. In your opinion, are new stores that only face the Seward Highway (the Mountains) with no direct interior connection to The Mall compatible with the rest of The Mall?

COMPATIBLE WITH MALL	FREQUENCY	PERCENT
Yes.....	15.....	3.8%
No.....	385.....	96.3%

3. Would you be more likely or less likely to shop at more stores at The Mall, if all the stores were connected to a common interior hallway?

COMMON INTERIOR HALLWAY	FREQUENCY	PERCENT
More likely.....	371.....	92.8%

Less likely.....2.....0.5%
 Don't know.....27.....6.8%

4. Sears removed the sidewalk on the North side of their building (Downtown/Northern Lights side) in order to accommodate a loading dock for trucks. Some people still use this outdoor route to go between the Nordstrom Rack and the rest of The Mall. Did Sears removal of the sidewalk make it less safe for people walking between the Nordstrom Rack and the rest of The Mall?

REMOVAL OF SIDEWALK LESS SAFE	FREQUENCY	PERCENT
Yes.....	382.....	95.5%
No.....	13.....	3.3%
Don't know.....	5.....	1.3%

5. If you are going to shop at the stores like Nordstrom Rack that only face the Seward Highway (the Mountains) and also shop at the stores in the rest of The Mall -- are you very likely, somewhat likely, somewhat unlikely, or very unlikely to get in your car and drive from one place to the other?

LIKELIHOOD OF DRIVING CAR	FREQUENCY	PERCENT
Very likely.....	109.....	27.3%
Somewhat likely.....	3.....	0.8%
Neutral/Don't know (NOT READ).....	53.....	13.3%
Somewhat unlikely.....	30.....	7.5%
Very unlikely.....	205.....	51.3%

6. Current Municipal code says that large retail buildings are supposed to provide areas where customers and visitors can congregate and relax. Should stores that only face the Seward Highway (the Mountains) with no direct interior connection to the rest of The Mall, be able to count the seating areas in this part of The Mall as meeting that requirement?

COUNT MALL SEATING AREAS	FREQUENCY	PERCENT
Yes.....	32.....	8.0%
No.....	358.....	89.5%
Don't know.....	10.....	2.5%

7. GENDER

GENDER	FREQUENCY	PERCENT
Male.....	95.....	23.8%
Female.....	305.....	76.3%

This completes the survey. Thank you for helping us -- goodbye.

RE: Case 2016-0023 Nordstrom Rack

Dear Commissioners,

I like to consider myself a fairly active 96-year-old, and enjoy accompanying my daughters and granddaughters on outings whenever I can. One of these trips last fall, was to go with my daughter to the new Nordstrom Rack that she'd been so excited about. There seemed to be a lot of people at the store and I looked at a few things but when I needed to sit and rest I became really annoyed because there was nowhere in the store for me to sit and rest, but there were benches in the Mall.

It would be great if you could get to the Mall from the Rack store but I'm using a walker now and the prospect of walking down the street on one side or all the way through the Sears store on the other side was more than I wanted to take on. So unfortunately, at least on that trip I feel like I had to cut my daughters' fun short because I could only stand so long while she shopped.

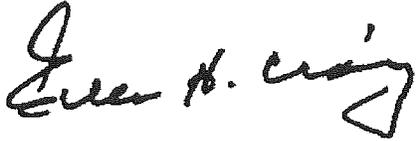
It seemed like a crazy set up, to have the Rack so disconnected from the rest of the Mall, but when I saw the story in the Senior Voice I thought I should comment. It really is a disservice to the community to allow these stores to carve up the Sears Mall, which was once a very convenient place to shop. I don't see how you can approve something that is bad for shoppers and bad for the other stores in the Mall and I hope that you reconsider your decision.

I have been involved in Senior issues around the state for many years now including serving on the Alaska Commission on Aging, Pioneer Home Advisory Board and the still sit am still part of the Municipality's Senior Citizen Advisory Board.

I think I speak for all seniors here too, in saying that changes like these that make buildings less accessible and less-winter friendly make it harder for us to enjoy what Anchorage has to offer. With all the work that the people of Anchorage put into making the city more livable, I just have to wonder if it's worth the bother when someone always manages to find a way to skirt the rules, as it looks like Sears has done this time.

I sincerely hope you reconsider what you have allowed here and decide in favor of the people this time.

Sincerely

A handwritten signature in black ink that reads "Ella Craig". The signature is written in a cursive style with a large initial "E" and a stylized "C".

Ella Craig
1416 Birchwood
Anchorage, AK 99508
(907)279-2878

2016-0023	<p>I am a shop owner for Human NERDS Clothing Co. Ever since The Rack came through, we have experienced a huge decrease in sales forcing the store to shutdown due to the lack of revenue to cover our overhead expenses. We have noticed a significant decrease in traffic flow and the separation of the mall does not add any fluidity to the mall nor does it provide accessibility for clients to freely shop from one store to another. This has caused not only financial distress to business owners but emotional distress as well. It does not look right for The Rack to be separated from the rest of the mall and for customers to walk outside and around the building. This is a huge safety concern for many types of people to include the disabled persons, for instance. The mall needs to really consider the safety of all patrons, to maintain a welcoming environment for both consumers and vendors, so the mall can successfully thrive and be sustainable for many more years to come.</p>
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RECEIVED

JUN 29 2016

PLANNING DEPARTMENT

Planning and Zoning Commission

June 13, 2016

Case #: **2016-0023**

Case Title: Remand from Superior Court (Case 3AN-15-06026 Cl; Judge Guidi), a public hearing site plan review per AMC 21.55.130 and AMC 21.50.320 for a large retail establishment (Sears Mall/Nordstrom Rack) in the B-3 (general business) district.

Agenda Item #: **G.1** Supplementary Packet #: **1**

Comments submitted after the packet was finalized

Additional information

Other:

Sent by email: yes no

2016-0023	The first time I went to the Rack I was very confused. I thought I must be missing some connecting hallway or doorway from inside the mall or something. So, since I was parked on the "back" side of the mall, I just wandered around the outside of the building, dodging traffic, until I found the Rack entrance. But it was icy and dangerous with people driving fast in that lot anyway, so I thought the whole thing was odd. It would be much better in a climate like Alaska's to have an inside entrance, or at least a covered access from the Mall.	Susan	Morgan
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RECEIVED

JUN 09 2016

PLANNING DEPARTMENT

Leola Holloway
8860 Centennial Circle
Caswell Court, Apt 418
Anchorage AK 99504

RECEIVED

JUN 09 2016

PLANNING DEPARTMENT

June 8, 2016

Dear Commissioners,

I am a recently disabled senior who has lived in Anchorage for over 40 years. Where I used to be able to get everywhere on foot, I'm now restricted to getting around on a scooter. I also used to enjoy visiting all the malls in Anchorage, but since I'm less mobile I pretty much stick to the Mall at Sears, because it is so central and easy to get around in.

I was in the clothing and fashion industry for most of my "work life," and I still like to look my best, so I was excited to see the new Nordstrom Rack come to the Mall. But my excitement turned to disappointment when I went to take a look for myself. I entered the Mall like I normally do, from the newer Benson entrance, because the handicapped parking is so convenient there. But once I got inside, the the only way I could figure out get to the Rack was to go around on the Northern Lights side, down the road, along with the cars. It was really very unnerving, and something I didn't want to repeat.

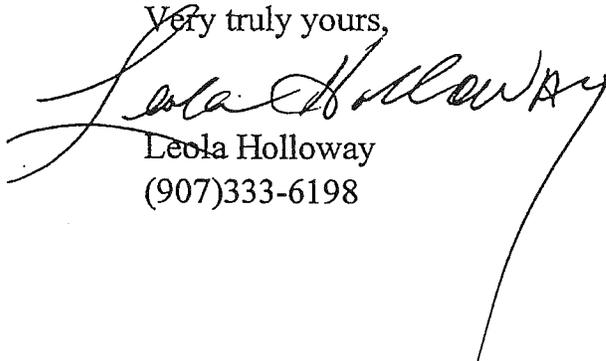
The people at the Rack told me I could get back to the Mall through Sears, but when I started that way I saw the sidewalk was completely taken up with merchandise racks, and people were having to walk in the street to get around them. So back down the road I went - but never again! I called the Mall office that day to complain about how unsafe it was, but they said that that was Sears property and they had no control of it. However, they did call me back a few weeks ago to tell me if I was really concerned about it, I should let you know. So here I am.

Maybe you disagree, but it should not be terrifying to go shopping. Especially in a Mall that used to be so easy to get around. Whoever came up with this set-up must have been crazy, as I'm sure the Rack is losing a lot of business from the Mall customers who aren't up for such a trek. And how you as the Commission could approve a situation like this is just beyond me.

And I'll tell you, I'm not the only one that feels this way. I live in senior housing now and I think everyone here feels the same way. Why, the Mall isn't even a "mall" anymore since the stores aren't all connected.

You would think in situations like this that public safety should be the first consideration, but obviously it is not. I hope when you reconsider this decision you put the public's safety first. I would think that is your public duty.

Very truly yours,

A handwritten signature in cursive script that reads "Leola Holloway". The signature is written in black ink and is positioned above the printed name and phone number.

Leola Holloway
(907)333-6198

2016-0023	Please fix the pedestrian access Northside of Sears mall. Somehow it got messed up when The Rack store went in and it never get fixed back up.	Alan Smith
-----------	--	------------

RECEIVED

JUN 07 2016

PLANNING DEPARTMENT

2016-0023	Watching the video of shoppers trying to get into the store at the Sears Mall is terrifying! There is no way I would EVER go there to shop if I had to walk through that much traffic - especially in the winter! How the city let the improvements be completed without a sidewalk to keep shoppers safe is not good! Changes need to be required to keep people safe.	VALERIE	CANZLER
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RECEIVED

JUN 08 2016

PLANNING DEPARTMENT

Planning and Zoning Commission

June 13, 2016

Case #: **2016-0023**

Case Title: Remand from Superior Court (Case 3AN-15-06026 CI; Judge Guidi), a public hearing site plan review per AMC 21.55.130 and AMC 21.50.320 for a large retail establishment (Sears Mall/Nordstrom Rack) in the B-3 (general business) district.

Agenda Item #: **G.1.** Supplementary Packet #: **2**

Comments submitted after the packet was finalized

Additional information

Sent by email: yes **X** no

From: Levi Nilsson <apogeestudios@gmail.com>
Sent: Friday, June 10, 2016 11:59 AM
To: Johnson, Sandra L
Subject: Testimony on The Nordstrom Rack for Monday, June 13, 2016 Meeting

JUN 10 2016

PLANNING DEPARTMENT

To Whom It May Concern:

I am writing to you today because I have serious safety concerns about the new traffic flow that has been established at the Mall at Sears as a result of the installation of the Nordstrom Rack Store. I have been a vendor in the Mall for over 15 years now and have enjoyed an excellent relationship with all the merchants there. This winter was the first season where I had people complaining about parking in the Sears lot and not being able to easily access the main body of the Mall.

Out of curiosity, I parked my vehicle on the side of the Mall where the sidewalk used to be, but has been removed and re-purposed as the loading dock for the Nordstrom Rack. I was appalled at what I saw. Whole families, people with walkers, wheel chairs, crutches, small children and all manner of person were forced to walk in the street to transition between the front and rear parking areas. There were no sidewalks, crosswalks designated, no stop signs in evidence, nothing. Often, vehicles use this same thoroughfare to transition between the lots, so there were instances where we had multiple vehicles traveling both directions on a barely two car wide lane, while other cars tried to pull out of the parking spaces located perpendicular and adjacent to the roadway, bicycles passing and foot traffic trying to navigate slippery streets while being assaulted by all these impediments. Several people fell while navigating between the Sears side and the main Mall parking lots, simply because there was NO SAFE WAY FOR THEM TO TRANSITION BETWEEN THE LOTS.

Several things would have improved this situation:

- 1) Direct access to the Mall should have been required in the planning of the new Nordstrom Rack space. People should not have to transition out of the structure to move between stores that, by their understanding, are part of the Mall. No other space in the Mall or connected to the Mall is designed this way and the Nordstrom Rack should not be an exception.
- 2) An ADA compliant double wide walkway with barriers to protect pedestrians from vehicles should have been installed along the Nordstrom Rack side of the building from parking lot to parking lot. This should have taken priority over a loading dock that is only used occasionally and could have been worked into the plan in another manner.
- 3) ALL parking on that section of the lot along the pass through between the main lots should have been located on the BUILDING side of the street, not the street side. Cars should have been parked up against the barricade to further protect pedestrians and also allow persons parking there to go directly to a protected sidewalk and back without having to cross a slippery two lane thoroughfare.

I hope the Planning Commission will take these concerns into serious account when making their decision on this issue. I believe this poses as real and immediate public health risk and, if it is not mitigated in the manner outlined above, could result in serious injury or even death. As a person who visits and does business in the Mall on a regular basis, I want my patrons, my friends and my family to feel safe on this property. Please mitigate these problems by requiring a change in the current plan.

Thank you for your kind consideration.

Sincerely,

--

Levi S. Nilsson
Apogee Studios
Mail: 205 E Dimond Blvd #608
Anchorage AK 99515
Physical: 7120 Old Seward Highway STE 204
(907) 561-9766
www.apogeestudios.com
apogeestudios@gmail.com

LAW OFFICES OF
HOLMES WEDDLE & BARCOTT
A PROFESSIONAL CORPORATION

701 WEST EIGHTH AVENUE, SUITE 700 · ANCHORAGE, ALASKA 99501-3408
 TELEPHONE (907) 274-0666 · FAX (907) 277-4657

June 10, 2016

RECEIVED

JUN 10 2016

PLANNING DEPARTMENT

VIA FACSIMILE – 343-7927

Members of the Anchorage Planning and
 Zoning Commission

RE: Case No. 2016-0023 (Nordstrom Rack; Sears Mall)

Members:

We represented retail merchants at the Sears Mall in appeals from the PZC's August 4, 2014, decision concerning the Sears application for limited site plan review. The principal legal complaint of our clients at that time was that the PZC did not conduct a public hearing on the application. That meant the PZC and (on appeal) the Board of Adjustment ("BOA") did not have a complete record regarding the problems presented by the Sears application. The BOA decided that the Municipal Code does not require a public hearing. But in an appeal of that BOA decision, the Alaska Superior Court disagreed. The Court ruled that the Code requires a public hearing. Since failure to comply with the public hearing requirement made the proceedings illegal, the Court had to set aside the BOA decision. The case was sent back to the Municipality so the PZC could start over at "square one" with a public hearing.

It is worth noting here that this legal fiasco was not the PZC's fault. Sears asked the Planning staff to put the application on the PZC's consent agenda, even though the Sears representative had handled many similar limited site plan cases in which public hearings were held; and the Planning staff complied with the Sears request. After learning of the PZC's decision, but before the PZC had adopted its resolution based on that decision, our clients became aware of the decision. They protested to the Planning Division that the Municipal Code required a public hearing requirement, and they asked that the Planning Division take affirmative action to correct this mistake before the PZC action became final. However, to our knowledge the Planning Division never even told the PZC about this problem. So, the legal question of whether or not a public hearing was required did not even come up at the PZC level.

Since the record is still open for comments by the applicant, the staff and interested members of the public, we cannot be sure about what issues or arguments will be raised in this case. However, we are aware of some that have surfaced so far. Our clients asked us to prepare this letter to the PZC stating their position:

Anchorage PZC
June 10, 2016
Page 2

1. PRIOR BOA DECISION VOID. The BOA decision, having been reversed by the Court's decision issued on December 2, 2015, has no legal effect whatsoever. It is void. In the Superior Court appeal the retail merchants relied on their argument that the BOA and PZC decisions were void due to violation of the public hearing requirement. The Court was not asked to take on the other issues discussed at the BOA level, because it is a settled principle of law that if the BOA decision were to be thrown out by the Court (which is what happened) then the BOA's decision would be void as to everything the BOA addressed. And that was the outcome of the case.

2. MOVING AWAY FROM CONFORMITY WITH STANDARDS IS NOT ALLOWED. A Large Retail Establishment ("LRE") that existed before the current Code provisions were enacted by the Assembly, which was constructed before the Code's current LRE standards were enacted by the Assembly in 2001, may not be modified in a way that increases its nonconformity with the Code's standards. AMC 21.55.130.

3. THE 10%-OF-PROJECT COSTS LIMITATION IS NOT RELEVANT IN THIS CASE. When the owner of a LRE that predates adoption in 2001 of the current LRE standards wants to modify the property and requires limited site plan approval to do so (as is the case here), the Municipality has an opportunity to encourage the property owner to undertake measures to reduce the degree of the LRE's nonconformity with the standards. The Assembly recognized that this legal authority could be abused by a too-aggressive Planning Department or PZC, so the Assembly imposed a limit on what could be required of the LRE property owner in this regard. AMC 21.55.130.A says that "[t]he cost of compliance with the standards set forth in 21.50.320 shall not exceed ten percent of the cost of the expansion, reconstruction, renovation, or remodeling." This limitation applies to measures required to bring the property into a greater degree of conformity, not to the separate concern that the modification should not result in "back-sliding" into a greater degree of nonconformity.

4. CODE REQUIRES CONSIDERATION OF IMPACTS TO THE INTERIOR OF THE LRE PROPERTY. The impact of the proposed limited site plan in this case upon the flow of pedestrians outside the building is inextricably intertwined with its impact upon pedestrian access and flow inside the building. If the LRE owner makes changes to the exterior that cause pedestrian movement outside the building to be more difficult, dangerous, or simply inconvenient, the magnitude of this problem will depend upon the ease of pedestrian movement inside the building. To make this point using the words of the Code, for the PZC to determine whether the LRE provides "sufficient accessibility, safety, and convenience to pedestrians, customers and employees," as is required by AMC 21.50.320.J, the PZC has to consider interior access opportunities. When interior access is more convenient, then potential problems with exterior access, safety and convenience will be less pronounced.

In its staff report, the Planning Department stated that "use internal to the structure is not included in any type of review standards" and that "interior remodeling is exempted by AMC 21.55.130." This is not true. What the Code says is that if a proposed remodel of a LRE that existed prior to enactment of the LRE standards in 2001 only involves the interior of the property, the limited site plan approval requirement is not triggered. AMC 21.55.130.A. But

Anchorage PZC

June 10, 2016

Page 3

this does not mean that when the limited site plan approval requirement applies, because the proposed remodel involves the exterior of the property, the PZC may not take into consideration impacts upon the interior of the property. That would be a nonsensical reading of AMC 21.55.130.A.

One of the important LRE standards under AMC 21.50.320.K is that “[a]ppropriate interior and exterior public areas shall be provided and maintained for customers and visitors to the site to congregate and relax.” To apply this standard the PZC must, of necessity, examine the impact of the proposed remodel upon interior access. If a remodel creates new retail space in an existing LRE like the Sears Mall, that has “public areas for customers and visitors to the site to congregate and relax,” it would violate this provision to wall off the newly-created retail space so that customers cannot move freely between the new premises and the interior public areas. The argument that interior impacts and concerns are, categorically, outside the scope of the PZC’s evaluation of the proposed limited site plan would make it impossible to apply this provision of the Code.

5. CODE REQUIRES SIDEWALKS ALONG PARKING LOT. AMC 21.50.320.J requires that “[s]idewalks shall also be provided along the full length of any building where it adjoins a parking lot.” There is a parking lot adjacent to the building on the east end of the north side (facing West Northern Lights Blvd.). The Sears remodel removed the sidewalk that is required by this Code provision and left in its place an active traffic lane. That violates the Code. Providing a striped sidewalk route that connects the building with the public sidewalk on West Northern Lights does not solve that problem. That striped sidewalk to “link the site to [the] existing public sidewalk” may satisfy the requirement of the second sentence of AMC 21.50.320.J. But the next sentence of this Code provision (the third sentence) says “[s]idewalks shall also be provided along the full length of any building where is adjoins a parking lot.” Complying with the second sentence of AMC 21.50.320.J does not excuse Sears from complying with the third sentence.

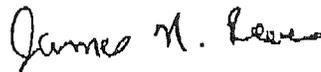
6. THE CLAUSE IN AMC 21.50.320 STATING THAT IT IS TO BE APPLIED “IN A MANNER PROPORTIONATE” TO THE PROPOSED MODIFICATION OF THE LRE PROPERTY DOES NOT ALLOW “BACK-SLIDING” INTO A GREATER DEGREE OF NONCONFORMITY. In the lawsuit Sears asserted that it should be allowed to modify its property in a way that would make the property even more noncompliant with the LRE standards of AMC 21.50.320 after the modification than it was before, if Sears could show that the cost of complying with the standards would be disproportionately high relative to the cost of its proposed modification. Under this theory, the LRE owner could simply construct some cheap ancillary structure that requires elimination of existing sidewalks (or other design feature required by Code) and then refuse to replace them because doing so would be “disproportionately” expensive. This argument runs head on into the rule stated in AMC 21.55.100 that changes in characteristics that increase the degree of nonconformity with the standards are not allowed. That kind of back-sliding is bad policy, and it is prohibited by the Code. The only sensible interpretation of the “in a manner proportionate” provision is that it specifies the criteria the PZC should apply in deciding what requirements to impose, as

Anchorage PZC
June 10, 2016
Page 4

conditions of approval of a LRE limited site plan, to rectify existing noncompliance and thereby move the property in the direction of greater conformity with the Code's standards.

While this dispute was making its way through the appeal process, and faced with the possibility that it would lose the case, Sears chose to take a risk and go ahead with build-out of its challenged project. Our clients objected to that action at the time, questioning the legality of the building permit because Sears obtained it without disclosing that its required limited site plan approval, being on appeal, was not yet final. Since the Court's ruling last winter that the Code required a public hearing, Sears's tenant Nordstrom Rack has been conducting business in the newly-remodeled premises without an approved site plan -- and, therefore, in violation of the Municipal Code. The matter has now come back to the PZC as Case No. 2016-0023 for a fresh look at the proposed limited site plan, with a public hearing. We rely on the members of the PZC to give the case the objective evaluation that it requires, without being improperly influenced by the fact that Sears jumped the gun with this project before the question of its legality could be decided by the Court.

Very truly yours,



James N. Reeves

JNR/pm

X:\6155\28149\Corr\PZC.061016.doc

RECEIVED**Comments regarding Case #2016-0023 Nordstrom Rack (Sears Mall) Remand****JUN 10 2016**

June 4, 2016

PLANNING DEPARTMENT

Dear Commissioners,

I have helped the Sears Mall Merchants with marketing for many years. Because of concern for how the Rack was going to be integrated with the rest of the Mall, I was asked to attend the Commission meeting back in 2014 where the site plan amendment was discussed by the Commission, and have assisted them with elements of their appeal. I also want to mention that since the tenants lease (vs. own) their space they were not included on the notice mailing list in 2014, so seeing the case being included as part of the consent agenda was a bit of a surprise.

What I heard at the meeting and saw again in the transcripts, was that every Commissioner there had concerns about the negative impacts of the site plan amendment in terms of safety, and in terms of moving away from conformity in the areas of access, northern design elements and cutting off the community spaces.

It was disheartening to watch, as even with all the concerns that were voiced, staff and the Sears representatives managed to convince the Commission members that those concerns were all things you (and the public) were going to have to live with. That all the Commission had say in was how the 10% allowance could be spent to move the building towards conformity.

Honestly, that seemed ridiculous then and it still is today.

- Chapter 21.50 which governs standards for the approval of site plans also states specifically that no site plan shall be approved if that site plan has a negative impact on public safety. (AMC 21.50.200 B. 1.)
- The Intent of the chapter (AMC 21.55) that the Large Retail Establishment section of the Code falls under specifically states that "that nonconformities shall not be enlarged."
- Staff was correct in their 7/14/2016 memo to the Commission where they stated that "the code does allow developments to move out of conformity." (AMC 21.55.100) However for some reason they chose to ignore that section of the code and instead recommended the plan be approved.
- No guarantee was obtained for the interior access through Sears. Seritage is now working to lease the rest of the Anchorage Sears store, and most of their Outside deals seem to be with other single-entrance "power center" tenants like the Rack. If dedicated interior access is not part of the site plan amendment there is no reason to think it will be available for long – leaving the driveway as the only access to the Mall.

So you clearly had another option back in 2014, but one that no one that was *allowed* to speak at that meeting wanted to mention to you. You could have dismissed the plan based on the fact that it did not meet the standards of the rest of the code. It was a lot of work to back for this public hearing, but I am thankful that you now have a chance to look at this decision again.

There was no question at the meeting and there is no question now, that removing the sidewalk has a negative impact on public safety. Any rational human being will also agree that the overall site is less convenient, less northern-climate friendly and the community spaces are less accessible than when all the stores had interior connections to the Mall's common area.

At one point I understand that Sears and Carr Gottstein Properties discussed a plan that would solve these problems, by providing an interior connection to the rest of the Mall. Instead Sears took a shot at getting this site plan through so they would not have to give up the space for an interior connection, and it worked.

This time I encourage the Commission to look at the bigger picture and to act on the concerns that you voiced in 2014, and that many others are voicing now. Please acknowledge your overall responsibility to the public and the code, and refuse to approve this site plan amendment because of the safety and conformity problems that it brings with it.

Sincerely,



Linda Boggs
5500 Wild Mountain Dr.
Eagle River AK 99577
(907)696-0646

Anchorage Planning & Zoning Commission

RE: Case #2016-0023

Dear Commissioners:

My business has had a kiosk inside the Sears Mall for many years. As a business, we were obviously disappointed that the Nordstrom Rack didn't have an entrance coming into the Mall or near a main Mall entrance.

But more importantly, I want to describe some of the new hazards and complaints the Nordstrom Rack layout has created.

Because we are in the middle of the Mall, I hear a lot of complaints about how inconvenient it is that people have to go around the building to go between the Rack and the Mall. I get questions why there's no more sidewalk, or why the mall is doing things this way, and I can't answer them. It's embarrassing.

Especially in the winter, between the snow, dark, no sidewalk —and more cars going back and forth—we are all very concerned that there is going to be a bad accident or somebody will fall in front of a car.

You can tell people to go through one store to get to another, but if they don't see it and it's not obvious, they don't always want to do that. On top of that it is way too far and they still have to go outside too! It is especially hard if they have a walker or a stroller to deal with.

As a business owner in the Sears Mall, I ask you to please reconsider this plan in light of the dangers and inconvenience it has created. These are unnecessary and unacceptable risks, and there has got to be a better way.

Thank you.

Sincerely,



Cristina Briones

Cace Place

907-229-7845

Anchorage Planning and Zoning Commission
c/o Tyler Robinson, Chair

RE: Case 2016-0023

Dear Mr Chairman:

My wife and I are the owners of Lemon Tree, a store located in one of Anchorage's best-known landmarks and shopping centers, the Mall at Sears. Since we opened we've invested a lot of time and money into our store. And, like others in Anchorage, we originally welcomed the arrival of Nordstrom Rack.

However, we never expected they'd be allowed to "detach" themselves from the rest of the Mall and to remove the sidewalk on the easiest route to get to their store. We were very surprised and concerned that the planning department would allow the site to be changed from a mall to basically a glorified strip center.

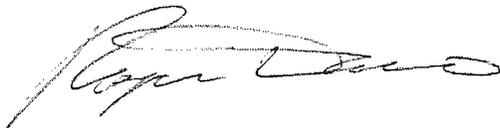
What is really going on here is a complete change of the character of the Mall at Sears (if we can even call it a "mall" anymore). It has gone from a customer-friendly, climate-controlled environment to a chopped-up, inconvenient maze. A Mall customer now has to walk the equivalent of 3 city blocks to get from the Mall stores to the Nordstrom Rack, and over a block of that is outside. It's a real disservice to the shoppers who visit this mall.

Also, from what I hear, Sears has not formally guaranteed access between any new stores that they put on the east side of the site to the rest of the stores in the Mall, which means eventually the only route back and forth will be on the service road next to the new dumpster. And even the current access through the store is basically an insider's secret, since nothing on the Mall side indicates that shoppers can reach the Rack through Sears. On top of that, what is going to happen if the Sears store were to close? (We keep hearing of Sears closures around the country, so this needs to be considered.)

At a time that's been exciting for the Mall in many ways, these changes have been an unfortunate setback, causing new access problems, new parking and pedestrian traffic dangers, and lots of shopper confusion.

We ask you to take a serious look at the impacts of these changes and help us preserve the character and value of the Mall at Sears as a MALL—for the benefit of shoppers, businesses, and the future of Anchorage. Thank you for your consideration.

Sincerely,



Review new comments
 Review rejected comments
 Review ALL comments

Only Comments After this date:

Case#	Comments	First Name	Last Name	Address	Email	City	phone	Time stamp
2016-0023	Please fix the pedestrian access Northside of Sears mall. Somehow it got messed up when The Rack store went in and it never get fixed back up.	Alan	Smith	1507 atkinson drive	mralansmith@gmail.com	anchorage	2062011883	6/7/2016 11:34:48 AM
2016-0023	Watching the video of shoppers trying to get into the store at the Sears Mall is terrifying! There is no way I would EVER go there to shop if I had to walk through that much traffic - especially in the winter! How the city let the improvements be completed without a sidewalk to keep	VALERIE	CANZLER	4000 W DIMOND BLVD SUITE 240	VALERIEC@DENALICOMMERCIAL.COM	ANCHORAGE	9076774615	6/8/2016 2:04:09 PM

	<input type="checkbox"/> Reject	<input type="checkbox"/> Accept	shoppers safe is not good! Changes need to be required to keep people safe. The first time I went to the Rack I was very confused. I thought I must be missing some connecting hallway or doorway from inside the mall or something. So, since I was parked on the	Susan	Morgan	836 M St. Apt. 309		Anchorage	907-770-2891	6/9/2016 2:27:55 PM
			"back" side of the mall, I just wandered around the outside of the building, dodging traffic, until I found the Rack entrance. But it was icy and dangerous with people driving fast in that lot anyway, so I thought the whole thing was odd. It would be much better in a climate like Alaska's to have an inside entrance, or at least a covered access from the Mall. The most sensible thing to do in this situation is to remove the parking spaces along that side of the building. This would							

<input type="checkbox"/> Reject	<input type="checkbox"/> Accept	2016-0023	<p>times. I havent seen a problem with walkin in and out of the store. I sometimes see people walking all over rather than crossing in front of the front door. Maybe just make white lines on where people are allowed to cross. And what seats? I dont remember seeing this. A sidewalk wont stop me from shopping....but ease of getting in and out of the parking lot with my car will change my mind on going there or not.</p>	kass	taggart					6/9/2016 9:34:27 PM
<input type="checkbox"/> Reject	<input type="checkbox"/> Accept	2016-0023	<p>I recall wanting to go from the Nordstrom Rack to thw ATT store and not being able to find easy access into the mall. Fortunately the weather was ok. This should be fixed. If you are going to be at a mall location, people should be able to go in and out of your store from a mall entrance in addition to outside facing doors. Otherwise you should be a stand alone business away from a mall. In the</p>	Shelly	Morgan	8561 Ridgeway Ave	Truckincats@gmail.com	Anchorage	907-301-3448	6/10/2016 6:29:11 AM

<input type="checkbox"/> Reject	<input type="checkbox"/> Accept	2016-0023	people should be able to enter through from the mall, and not have to fight parking lot traffic to get in and pick up stuff. It's just dangerous.	Robin	Scheff	2602 Eide Street	mobiledogtrainer@gmail.com	Anchorage	9077178299	6/10/2016 9:03:00 AM
<input type="checkbox"/> Reject	<input type="checkbox"/> Accept	2016-0023	I would like to appeal the approval of the Nordstrom design. Ever since it opened, we have had customers complaining about not being able to get to the Rack from the mall and to the Mall from the Rack. Setting the Rack up on purpose so that it is not a part of the Mall was hubris on Nordstrom's part. We were all excited to have the Rack come to Alaska and dismayed by the cavalier way they deliberately ignored the requirements for access. Further, the only way to get to the Rack from the Mall currently is to go through Sears. If Sears is leased out, there will be no access at all. Anchorage deserves better.	Sarah	Mayfield	600 East Northern Lights, Suite 175	mayfield@mtaonline.net	Anchorage	907.267.9244	6/10/2016 9:13:23 AM

<input type="button" value="Reject"/>	<input type="button" value="Accept"/>	2016-0023	I am the Interim President of MidTown Community Council. We chose not to take a position on this at our monthly meeting on June 8. However, we are overall supportive of strengthening existing and new businesses and improving safe access to them.	Peggy	Robinson	PO Box 241724	probinson@ak.net	Anchorage	9076326436	6/10/2016 11:54:14 AM
<input type="button" value="Reject"/>	<input type="button" value="Accept"/>	2016-0023	Unsafe to walk outside of the mall without sidewalks.	Nicole	Bucy					6/10/2016 11:54:38 AM
			Dear Members of the Commission, I am a 21-year resident of Anchorage, writing to express my concern about your streamlined approval of changes at the Mall at Sears, including those that you yourselves understood would be worse for the site, and for the public. The Mall is so well-known locally it has landmark status. When I was researching my picture book on Alaska, "Alaska Then and Now: Anchorage, Juneau, Fairbanks," I							

Reject

was struck by how important and central this Mall has been in shaping our community. (It appears in an aerial shot from 1969 on page 56, and again in a similar picture almost 40 years later.) For years, I've enjoyed going to the Mall. Even with all the other new options in town, I like to shop there for gifts as well as for eyeglasses, shoes and – recently – I even picked up a chainsaw when I saw, on the way out, that wildfires threatened our neighborhood. There's a big advantage in the impulse-shopping accessibility of a mall! Recently, I've had colleagues (with no connection to the mall) invite me to Steamdot for business meetings. But, though it is central to our daily activities, Anchorage shoppers were not well-informed of the changes. So, like most

shoppers, I only found out about the changes at the Rack once I tried to get back and forth within the Mall to visit the store. (And even then, I assumed there must be some "inside" entrance through Sears, since this kind of outside-access-only store had never been created here before.) Lately, I was asked to help with the merchants' efforts. And what I've learned has prompted me to write you about my concerns as a private citizen. I have looked at your decision-making more closely than most members of the public are likely to do. And now that I understand what's happened and have learned more, I am not only disappointed, but I feel a loss of confidence in the Commission, to learn that a plan that you yourselves saw was dangerous could be allowed with your blessing, under rules whose intent was to

2016-0023

Accept

Sonya=

Senkowsky

5636 Wild Mountain Drive

sonya@alaskawriter.com

Eagle River

9076965925

6/10/2016 11:57:26 AM

make us a more pedestrian-friendly, safer community. In fact, the more I'm finding out, the less I understand. It seems to me as though the commission was able to find endless semantic reasons to approve this project – but does not recognize in the Code any useful way to address the legitimate concerns the Commission obviously shares with many of us regarding safety and access. Even if you think your approach adheres to the code as you have traditionally enforced it, none of this is the intent, as stated in Municipal Code. I ask you to please take another look at the overriding intent of the Big Box rules and to realize that you have a big responsibility before you: to keep developments moving in the right direction – toward safety, toward inclusiveness of those

		<p>of all ages and abilities, and toward sensible construction, which maintains the positives of the past while moving forward. Thank you for your consideration. Sincerely, Sonya Senkowsky</p>	Laura	Davidson	9420 West Lake Drive	twopintslo@yahoo.com	Eagle River	9075295849	6/10/2016 1:16:43 PM
<input type="button" value="Reject"/>	<input type="button" value="Accept"/>	<p>To whom it may concern, Upon the completion of the The Rack, I was disappointed to see that I could not access the store directly from the Mall. My routine is to drive into the South parking lot of the Mall and go in through the center entrance, make a loop through the Mall and end up in Sears at the North side of the Mall. I find it very inconvenient and unsafe to go out side to get to the Rack. Traffic is a huge concern, as well as an often slippery roadway in the winter. Thank you for your time in hearing my concerns. Respectfully, Laura Davidson Eagle River</p>							

		<p>of all ages and abilities, and toward sensible construction, which maintains the positives of the past while moving forward. Thank you for your consideration. Sincerely, Sonya Senkowsky</p>							
		<p>To whom it may concern, Upon the completion of the The Rack, I was disappointed to see that I could not access the store directly from the Mall. My routine is to drive into the South parking lot of the Mall and go in through the center entrance, make a loop through the Mall and end up in Sears at the North side of the Mall. I find it very inconvenient and unsafe to go out side to get to the Rack. Traffic is a huge concern, as well as an often slippery roadway in the winter. Thank you for your time in hearing my concerns. Respectfully, Laura Davidson Eagle River</p>	Laura	Davidson	9420 West Lake Drive	twopintslo@yahoo.com	Eagle River	9075295849	6/10/2016 1:16:43 PM
Reject	2016-0023								
Accept									

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>I do not wish to have my safety disregarded. I do not wish to walk the road to get from one store to the rest of the mall (wish it&#39;s connected to). I also feel it&#39;s a customer dissatisfaction when shopping to have to walk so far when it&#39;s really close. Another customer dissatisfaction, I do not shop regularly at the rack because I do not wish to risk my safety to walk with traffic. I feel that there should be an adequate entrance from the mall to the rack. In the months it&#39;s cold and icy it becomes more of a risk factor to walk the roadway where people aren&#39;t paying much attention in the first place.</p>	<p>Misty</p>	<p>Levitt</p>	<p>4106 Hayes st</p>	<p>Mistylevitt@gmail.com</p>	<p>Anchorage</p>	<p>6/10/2016 1:45:28 PM</p>
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Planning and Zoning Commission

June 13, 2016

Case #: **2016-0023**

Case Title: Remand from Superior Court (Case 3AN-15-06026 CI; Judge Guidi), a public hearing site plan review per AMC 21.55.130 and AMC 21.50.320 for a large retail establishment (Sears Mall/Nordstrom Rack) in the B-3 (general business) district.

Agenda Item #: **G.1.** Supplementary Packet #: **3**

Comments submitted after the packet was finalized

Additional information

Sent by email: yes X no

			</																													

	<p>give a picture of an honest and transparent public process.</p> <p>Nordstrom Rack/Sears Mall: Last year there was so much excitement that the Nordstrom Rack was coming to Anchorage. During construction it was difficult for anyone to see mall access into Nordstrom Rack. Prior to the grand opening of the store, Nordstrom rack employees circulated flyers in the mall letting people know the store would be opening soon. When I asked several Nordstrom Rack employees if there was access from the mall, they simply pointed towards the Sears store and said "yes, you can enter from there." They lied. It is very dangerous especially in the dark to navigate your way from the mall through the parking lot and into their store. During</p>
Reject	

winter the parking lot can get extremely icy. If you observe people who park in front of the Nordstrom Rack store, they don't go anywhere else. They don't go to Sears and they don't go in the mall to shop in the local merchants; stores or even at the indoor farmers' market on Wednesdays and Saturdays. Christmas shopping is hectic with foot traffic and parking. Too many situations where cars are backing up in the dark and people are walking all over the place. Recommend the MOA require inside mall access to the Nordstrom Rack. By asking citizen participation the Planning and Zoning Department is accepting responsibility to these oversights and the first person who gets hurt walking to and from the mall to the Nordstrom Rack will

2016-0023

Accept

Lynn

Clarke

5201 E 22nd Avenue

lrs666@hotmail.com

Anchorage

907-748-5586

6/11/2016 10:44:16 AM

P & Z Commission/Nordstrom Rack Case 2016-0023
Planning Division/MOA Community Development Dept.
PO Box 196650
Anchorage, AK 99519-6650

RECEIVED

JUN 06 2016

PLANNING DEPARTMENT

June 6, 2016

Dear Commissioners,

The Code is clear that the Commission can only approve a site plan that will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety (AMC 21.50.200 B.1). It is also clear that Sears' plan does have such a "permanent negative impact."¹

These excerpts from the meeting transcripts of the July 14, 2014 discussion show that the Commissioners were aware of this:

MR. STRIKE: I mean this is a safety issue, I tell you.

VICE CHAIR DEAN: I just wanted to clarify that, that this is not the best situation for people to walk around.

MR. WALKER: ...in this case, clearly, there is a pedestrian access issue.

MR ROBINSON: ...the addition itself, is in fact, making things worse than what exists today.

(Transcript of PZC Meeting Case 2014-0094, Pages 18, 21, 31 & 34)

The Code also states that no change shall be made to a site that moves it away from conformity, and that change can only be permitted in the direction of conformity (AMC 21.55.100).

Staff's memo on case 2014-0094 brought this requirement to the Commission's attention on page 9, Section P.1: "The code does not allow developments to move out of conformity." There is also no provision in the large retail establishment sections of the Code that allows these sites to become less conforming (AMC 21.50.320 & 21.55.130). In fact, the Intent of the Non-Conforming Uses section of the Code (which the Large Retail Establishment section is part of) states that "It is the intent of this chapter to permit these nonconformities to continue until they are removed, *but not to encourage their perpetuation*. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district." (AMC 21.55.010, emphasis added).

At the hearing, staff also pointed out that the proposed site plan amendment does indeed move the site away from conformity with the LRE standards:

MR. ODELL: ...otherwise the changes to the building and the site either move away from compliance...or make no significant change toward compliance. (Transcript, Page 7).

And no one disagreed with him.

¹ Photos showing pedestrian use of the driveway where sidewalk was removed are included in this document.

It is unclear why the site plan was approved even though it moved away from conformity. However, it is clear the Commission acted on incomplete information.

The staff memo setting forth the Code requirements accurately quoted and addressed all of the relevant Code standards—except one critical to the Commission’s decision making: The staff memo omitted the sentence from the Pedestrian Access standard stating: “Sidewalks shall also be provided along the full length of any building where it adjoins a parking lot.” (AMC 21.50.320 J).² Regardless of why, the critical sentence was omitted and not addressed – and in this case, it matters.

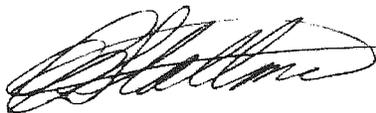
The staff report in 2014 also introduced confusion into the discussion about the Sears proposal's illegal move away from conformity with the LRE standards, by bringing up the separate issue of the Code's 10%-of-project-costs limitation. That limitation has nothing to do with the problem of a proposed modification that would move the property further away from conformity with the Code's LRE standards than the property is before the modification. This 10% limitation applies to conditions of approval imposed by the commission to try to move a "grandfathered" (and thus noncomplying) LRE property in the direction of greater conformity.

It is unreasonable to interpret the Code's 10%-of-project-costs provision as a limit on the Commission’s power to enforce standards that apply to all site plan approvals by Code. That interpretation would mean that the property owner could be allowed to modify the LRE in a way that severely increased the degree of its nonconformity with the Code's standards so long as the property owner spent a small amount of money mitigating that problem to some small degree.

Robert Mintz’ letter to the Commission dated February 19, 2016 shows that, before this proposed site plan was submitted, Sears was involved in developing alternative designs that would not have moved the site away from conformity or jeopardize public safety. Those plans also included ways for the Rack to have its single entrance.

There are ways for this to work for the shoppers, the Rack and the site in general. If the Staff or the Commission are uncomfortable with requiring interior access from the Rack to the rest of the Mall, then we encourage you to simply deny this amendment based on safety and conformity flaws and let Sears bring back a plan that satisfies the requirements of the Code.

Sincerely,



Dick Stallone
Owner, Stallone’s Menswear
Representing Sears Mall Merchant Appellants

² A copy of the Staff report with the missing sentence is attached.

Standards where the Proposed Site Plan Amendment moves away from Conformity

Standards are from AMC 21.50.320

Pedestrian Access. Addressed sentence by sentence

The establishment shall provide sufficient accessibility, safety and convenience to pedestrians, customers and employees.

Any reasonable person will view a change from convenient interior pedestrian access to exterior circuitous access—where they must travel 7-times the distance to reach the same space—insufficiently convenient. A substantial portion of the public could reasonably view it is insufficiently accessible. And, without even bare minimum standards to ensure separation of pedestrians and traffic, safety is undeniably in question as well.

Unobstructed sidewalks shall link the site to existing public sidewalks, its entrances, adjacent transit stops, and abutting residential and commercial areas.

Does not allow for the removal of the sidewalk linking the Rack from the other new spaces Sears is proposing and the rest of the Mall.

Sidewalks shall also be provided along the full length of any building where it adjoins a parking lot.

The sentence that was missing from the original Staff Memo to the Commission. Clearly it shows removing the sidewalk next to the building goes totally against the pedestrian access standard.

Sufficient sidewalks or barriers shall be provided between parked cars and buildings to prevent vehicles from protruding into reasonable pedestrian passage. Sidewalks shall be separated from adjacent streets by an area sufficient for snow storage and to provide a buffer for pedestrians from vehicular traffic.

The solution Staff has proposed, sending pedestrians to Northern Lights is directly opposite of what the standard calls for. Here it specifically states that sidewalks need to be separated from adjacent streets. Also the Northern Lights sidewalk doesn't appear to be maintained in winter.¹

Northern design elements. *The commission may require the provision of design elements that address Anchorage's distinct geography, low light angles, length of days, cold temperatures, wind, snow and ice.*

Before Sears remodeled, the Sears Mall provided near-ideal characteristics in terms of keeping customers out of the weather and off of ice and snow. A change that forces the public out of that comfortable and protected environment to reach any part of the Mall clearly moves the site away from conformity with this standard.

Community spaces. *Appropriate interior and exterior public areas shall be provided and maintained for customers and visitors to the site to congregate and relax.*

There are no Community spaces in the Nordstrom Rack. A plan cuts a space off from the rest of the mall cannot reasonably claim that the mall's seating and gathering areas satisfy this requirement.

Given the actual distance between the Rack and the Community spaces, it would be roughly equivalent to the downtown Nordstrom store counting the seating in the Museum as their Community space.

¹ Photo of winter condition of sidewalk attached to this document

Making people walk outdoors and travel a block and a half to reach the community spaces when they used to be able to access them directly through a climate controlled environment is clearly moving the site away from conformity with this standard.

Sentence from Code that requires sidewalks next to the building where it adjoins a parking lot was omitted from Staff's report to the Commission

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21.50.320 - Public hearing site plan review—Large retail establishment.

J. **Pedestrian access.** The establishment shall provide sufficient accessibility, safety, and convenience to pedestrians, customers and employees. Unobstructed sidewalks shall link the site to existing public sidewalks, its entrances, adjacent transit stops, and abutting residential and commercial areas. Sidewalks shall also be provided along the full length of any building where it adjoins a parking lot. Sufficient sidewalks or barriers shall be provided between parked cars and buildings to prevent vehicles from protruding into reasonable pedestrian passage. Sidewalks shall be separated from adjacent streets by an area sufficient for snow storage and to provide a buffer for pedestrians from vehicular traffic.

Pedestrian access. The establishment shall provide sufficient accessibility, safety, and convenience to pedestrians, customers and employees. Unobstructed sidewalks shall link the site to existing public sidewalks, its entrances, adjacent transit stops, and abutting residential and commercial areas. Sidewalks shall also be provided or barriers shall be provided between parked cars and buildings to prevent vehicles from protruding into reasonable pedestrian passage. Sidewalks shall be separated from adjacent streets by an area sufficient for snow storage to provide a buffer for pedestrians from vehicular traffic.

Sears is not planning to make any pedestrian improvements from existing public sidewalks or transit stops. Landscaping and curbing are provided to the north building elevation which provides a more defined vehicle circulation route and provides a barrier between pedestrians and vehicles. The northeast corner of the sidewalk wrapping the building will be removed and replaced with new concrete. A tubular handrail will be installed between the sidewalk and the loading bay pit.

The Sears Mall has a lack of pedestrian access from the Northern Lights Boulevard sidewalk to the west and east entry doors where improvements are being made. The non-motorized transportation coordinator has requested that a walkway from the sidewalk on Northern Lights Boulevard thru the planting beds to the doorways on the west and east side be constructed. Given the competing priorities of improved pedestrian access and improved landscaping, and the pedestrian connection at the easterly driveway, staff recommends landscaping improvements take precedence over a second pedestrian connection.

Photos Showing Impact to Public Safety: Pedestrians and Traffic

The following screenshots are from videos taken over several days at different times of year, showing unsafe mingling of pedestrian and vehicle traffic to the north of the Rack.



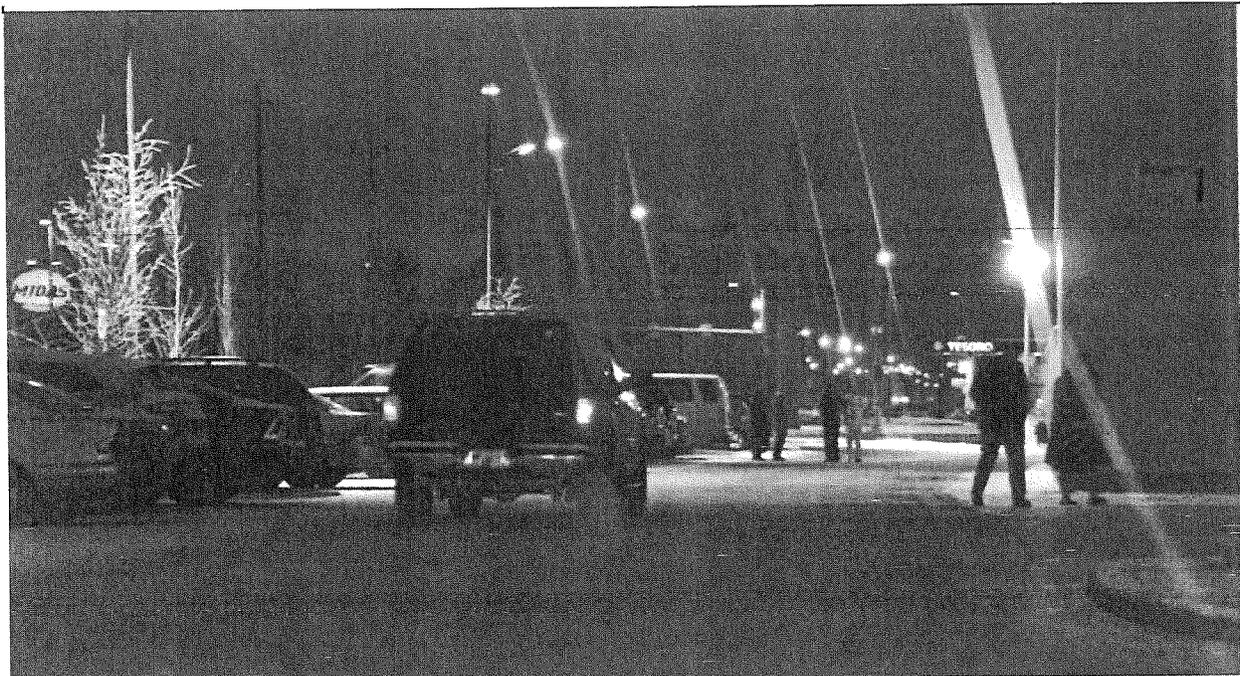
Above, north of the Rack looking east, a car drives around pedestrians who have just crossed the loading dock entry, as another vehicle approaches from behind.



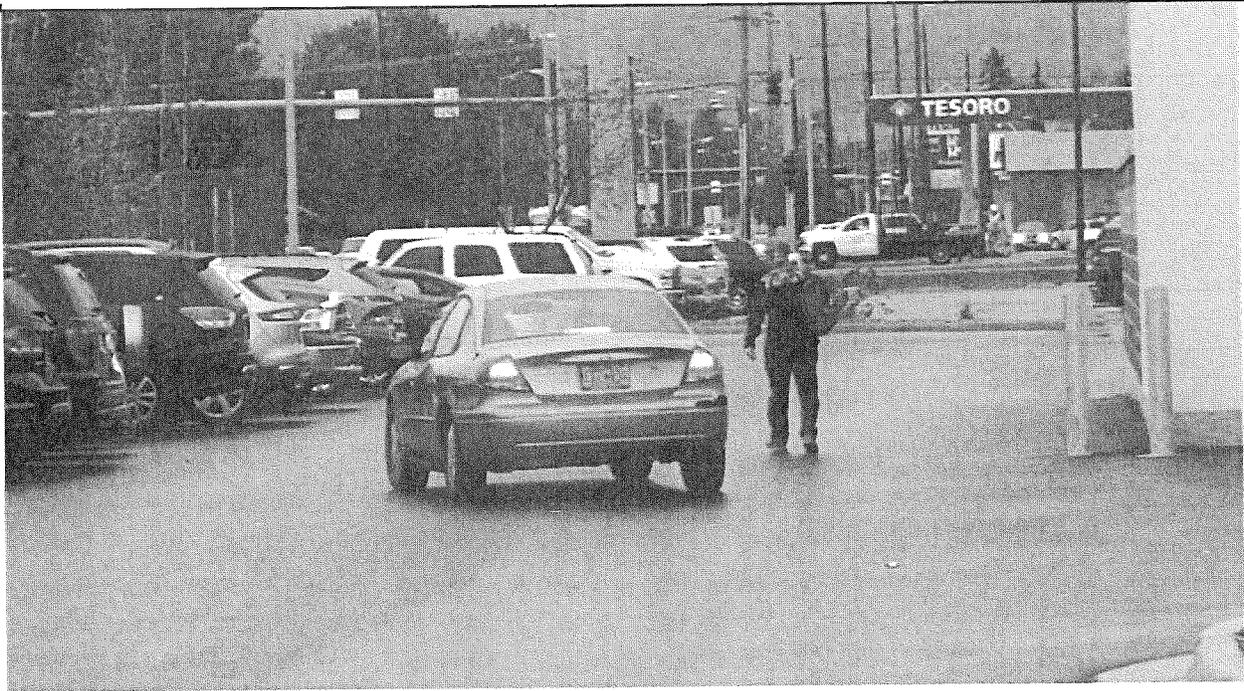
Pedestrians do not consistently stay to the far right as they walk, so drivers either wait or go around, while also having to watch for cars backing out of spaces or coming in from the adjacent busy street.



The situation persists in winter conditions, as people find walking outside provides more convenient access, closer to their vehicles, if they also wish to shop in other Mall stores.



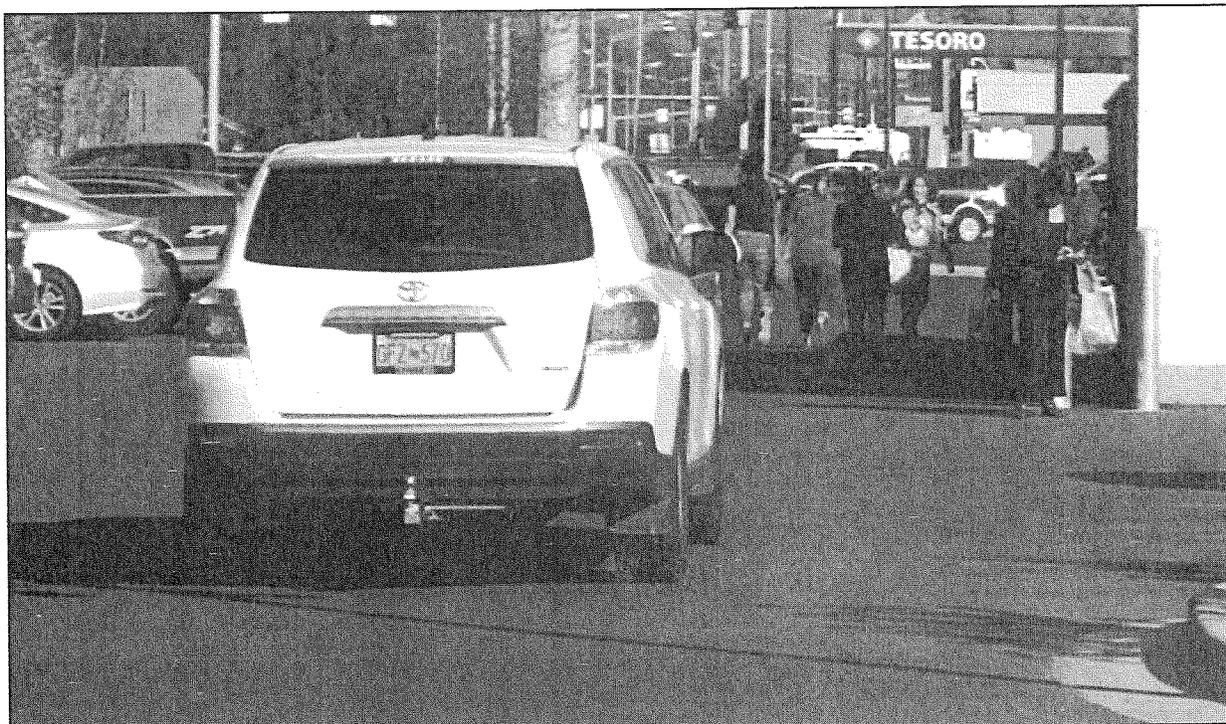
Shoppers will opt for the extra walking outside even if not dressed for the weather.



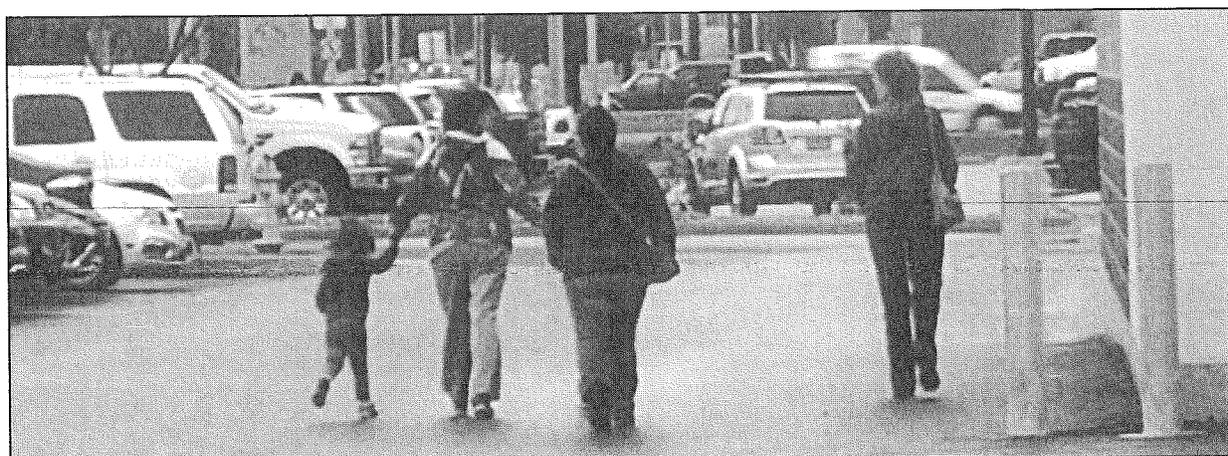
Above, a car that had been trying to go around a pedestrian brakes after the man continued to walk even more in the vehicle's path.



This woman walks even farther in the roadway due to vehicles on both sides. The silver car at far right is dropping off a passenger, while the dark red van at right is backing up.



Of course, pedestrians often walk slowly and can be distracted or inattentive to vehicle traffic. (Note the woman on her cell phone, top right.)



When more people are walking, as may happen during sales, holidays or special events, the impromptu walking path easily extends into parking lot traffic with no buffer, as seen in both photos above.



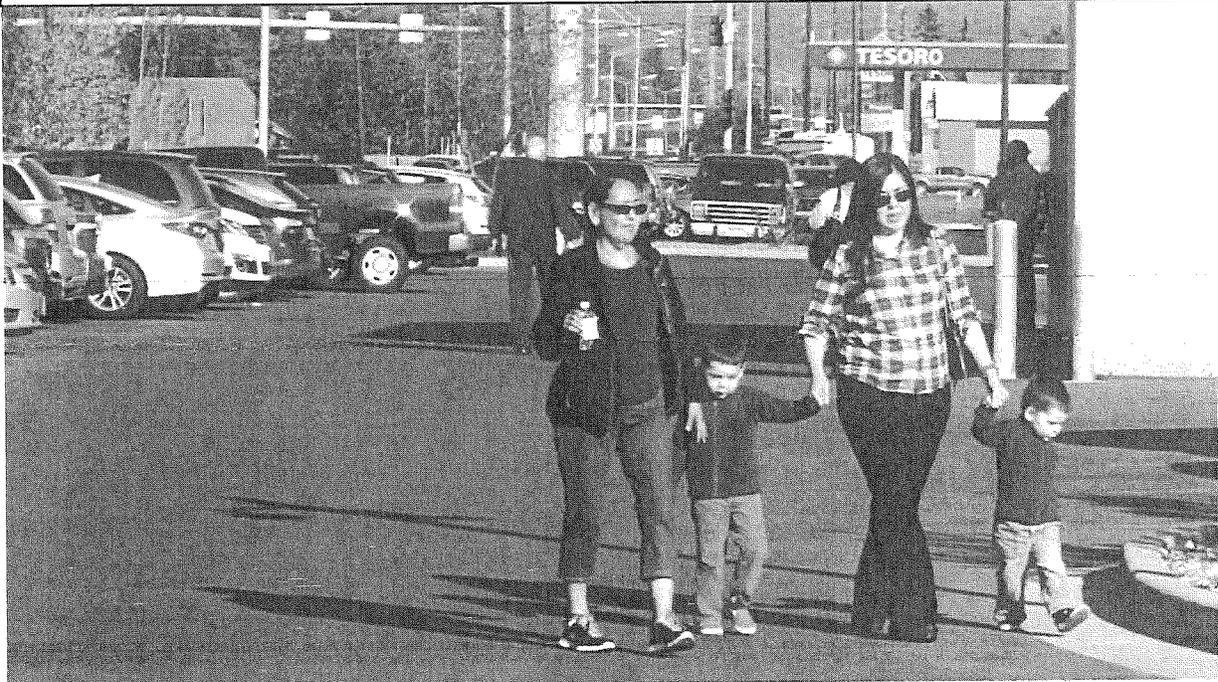
Above, one woman carries a child, as she and others use the drive to the north of the Rack as a walkway. Among the pedestrians is a woman using a walker (shown in the screenshot detail at right).

In the video, as this scene plays out, cars are seen turning from Northern Lights Boulevard and driving in close proximity to all pedestrians pictured.



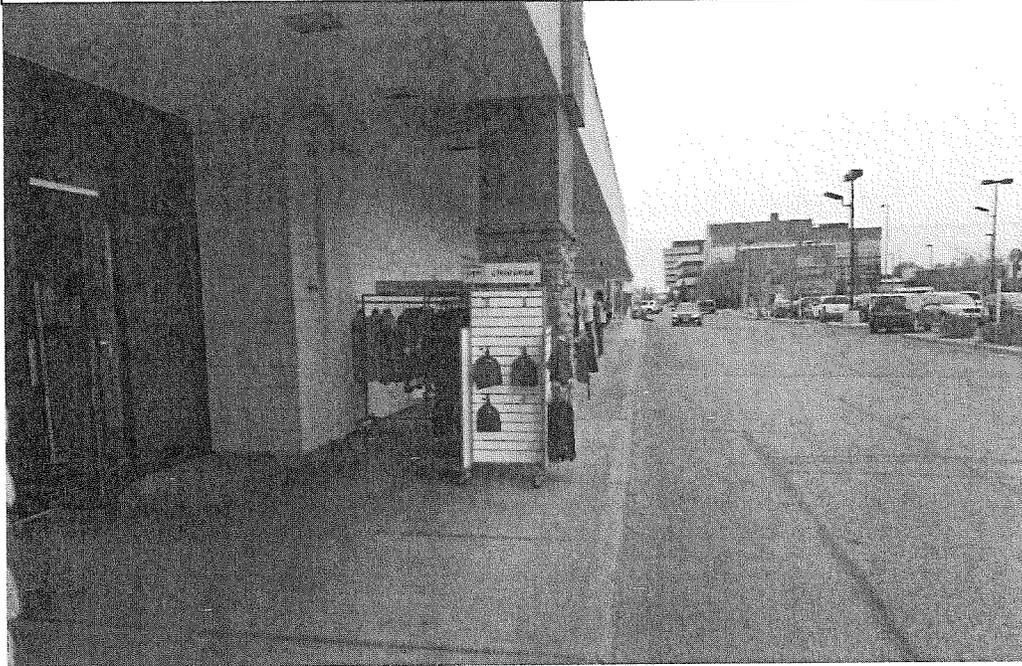


Above, pedestrians mix on the roadway with vehicles and a cyclist.



From young children to seniors, all age groups are at greater risk without a safe way between the Rack and the rest of the Mall at Sears.

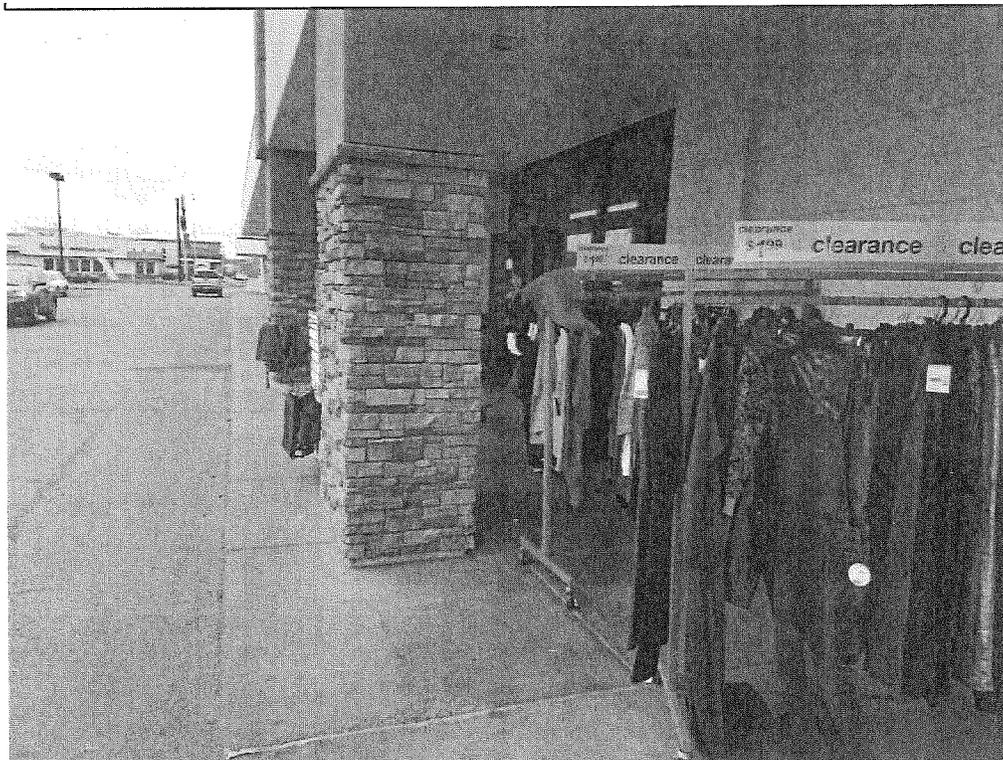
Photos Showing Impact to Public Safety & Accessibility: Obstructed Sidewalks



The only official pedestrian access between the Rack and the rest of the Mall currently involves using a sidewalk to access the Mall through the doorway to Sears, at left.



Summer sidewalk sales are shown here from the Sears entrance looking toward the Rack.

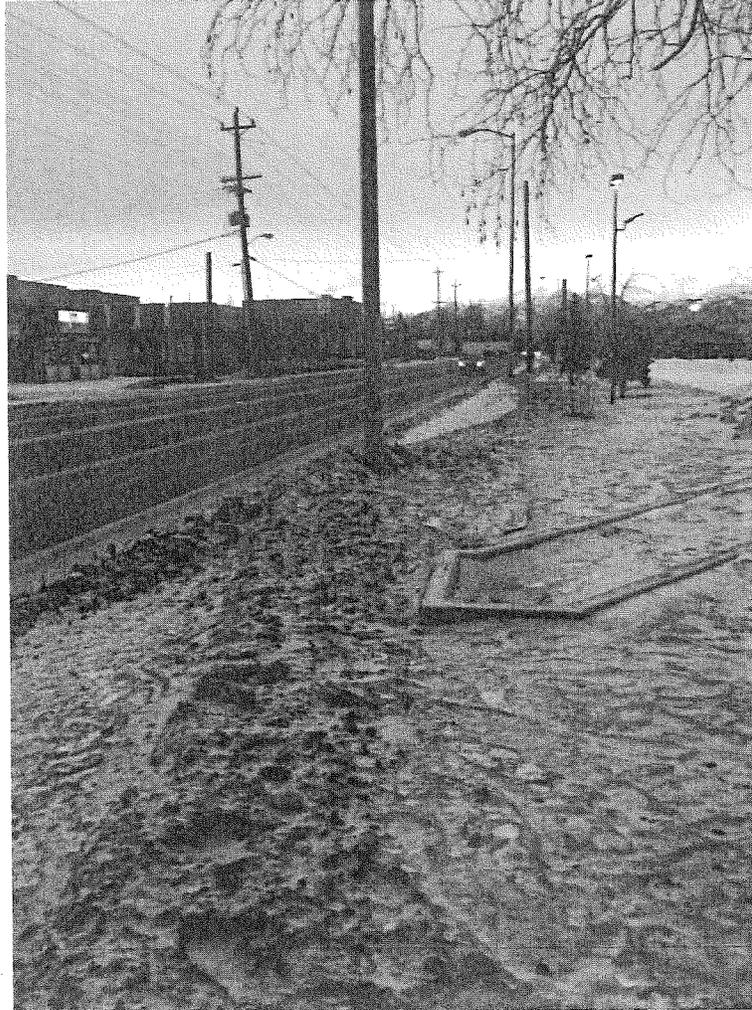


Note how the column barely allows access for more than one person at a time—and definitely would block wheelchair or walker access. Once again, pedestrians are forced into traffic.



This is the other side of the Sears store entrance.

Winter Sidewalk along Northern Lights Blvd.



The Northern Lights sidewalk along the north side of the Rack (where the new pedestrian striping leads). It is not maintained in winter.

2016-0023	A corridor framed in by glass could easily connect the Rack with the mall entrance. The best shopping experience would allow for all stores be accessible from the common areas already established as a in-door shopping center. Removing the pedestrian walk way around the front of the Rack was a poor design choice and is now a safety concern for shoppers.	Raymond Rouse
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RECEIVED

FEB 23 2016

PLANNING DEPARTMENT

February 19, 2016

Hand Delivered

2016-0023

RECEIVED

FEB 19 2016

PLANNING DEPARTMENT

Planning and Zoning Commission
4700 Elmore Road
Anchorage, AK 99507

Dear Sirs,

This letter addresses three points which concern the March 7th public hearing on the pending Sears site plan approval application.

I. Under the guise of a big box "limited site plan review," Sears is asking you to sanction violations of both the non-conforming and "big box" sections of the applicable (old) code. Sears is attempting to make its existing site plan less, not more, conforming to the requirements of the zoning code.

The existing site plan conforms with AMC 21.50.320(J) because it has sidewalks adjacent to the entire length of the portion of the building where it abuts a parking lot on Northern Lights Boulevard. Sears is asking you to approve removal of the sidewalk, which makes the proposed site plan less, not more, conforming.

The existing site plan conforms with AMC 21.50.320(K) because it provides and maintains an appropriate interior place for customers and visitors to the site to congregate and relax. Sears is asking you to approve elimination of access to such interior common areas, which makes its proposed site plan less, not more, conforming.

When the big box ordinance was enacted in 2011, none of the then existing big boxes (retail premises over 20,000 sq. ft.) were in compliance with the new standards of AMC 21.50.320. At the time, the intent of the Code was that nonconformities "shall not be enlarged upon, expanded or extended" (AMC 21.55.010). Rather than apply the existing non-conforming standards in their entirety, the new ordinance "deemed conforming" existing big boxes and established a new approval requirement (limited site plan approval) for any "expansion, reconstruction, renovation, or remodeling of a large retail establishment" to ensure that the premises became more conforming over time.

No provision of the big box ordinance allows existing big boxes to become less conforming. In particular, Chapter 50 prescribes that an authority reviewing a site plan shall approve the site plan only if it finds that the site plan will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety or the maintenance of compatible and efficient development patterns substantially greater than that anticipated from permitted development. AMC 21.50.200(B)(1) and (4).



Any changes to Sears must move in the direction of greater conformity to existing standards and cannot result in less conformity.

II. Sears was well aware of its proposed site plan's problems and elected to proceed with its building plans despite the risks. See enclosed letters from me to Sears dated November 11, 2013 and June 2, 2014. Also see enclosed correspondence between Jim Reeves and the MOA between July 16 and August 26, 2015.

III. Sears knew about the availability of alternate designs that would mitigate the problems with its proposed site plan, but elected to proceed with its building plans despite the risks. Note especially the email from Brian Walsh (Sears) to Adam Grutz and Trace Blethen (Rack), July 2, 2014 at 10:31 a.m., which is contained in the enclosed email between Brian Walsh (Sears), Adam Grutz and Trace Blethen (Rack), and Carr-Gottstein between June 27, 2014 and July 3, 2014. Also see, Graphite concept designs dated February 11, 2014.

Very Truly Yours,



Robert A. Mintz

Enclosures as noted



Brian Walsh
Director of Development
Sears Holdings Corporation
200 Greenwich Avenue floor 3
Greenwich, CT 06830

VIA FEDEX
TRACKING NUMBER 7971 2779 2891

November 11, 2013

Dear Brian,

Thank you for your October 30 letter and copy of the proposed elevation drawing for Nordstrom Rack and three additional commercial tenants. We like the idea of having a Nordstrom Rack at the Mall and look forward to working with you to make that happen.

Your letter requests consent, in part, under paragraph 17 of the declaration, which applies to exterior signs, signs within a mall area and exterior surfaces. This section of the Declaration requires the submission of plans of the exterior design, color, finish and signing of signs and buildings, for the purpose of achieving a harmonious relationship between the various buildings and facilities that comprise the shopping center, and establishes a 20 day review process. Note that the paragraph 17 review and consent process is limited to only the signs and finishes depicted in the elevation and does not apply to other elements depicted that fall outside the scope of paragraph 17.

The proposed surface treatment of the existing building area in the elevation looks fine. We object to the signage pending the outcome of a code study of the proposed



signage under the Municipality's sign ordinance. The code study is underway and we will let you know the outcome. We object to the exterior design to the extent the elevation drawing attached to the consent request reflects alterations that are outside the scope of paragraph 17 of the Declaration.

The proposed changes to the common area depicted on the elevation require further consideration due to the impairment of vehicular and pedestrian access arising from the loss of parking against the building and the loss of pedestrian access along the side of the building, the impediment to vehicular access resulting from conflicting delivery truck movements, the addition of enclosed commercial area in common area, the loss of direct access into anchor tenant premises from the West, and the conversion of space such that it no longer has access from the Mall. In the past, many of these types of changes were accomplished by a written amendment to the Declaration. In particular, we wish to maintain direct access from the Mall into Nordstrom Rack and any additional tenant space. In Anchorage's climate, an interior connection between the Nordstrom Rack, Sears, your additional tenant space and the Mall will benefit everyone.

We look forward to discussing these issues with you and are confident they can be resolved to our mutual benefit expeditiously.

Very Truly,



Robert A. Mintz



Brian T. Walsh
Developing Director
Seritage Realty Trust
200 Greenwich Avenue, Floor 3
Greenwich, CT 06830

via FedEx overnight

June 2, 2014

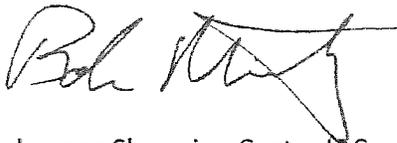
Re: Anchorage Shopping Center

Dear Brian,

We became aware last Friday that a building permit application has been submitted for the Nordstrom Rack. It appears that the plans still entail changes to common areas which, in our opinion, conflict with the letter and intent of the recorded Declaration of Establishment of Restrictions and Covenants Affecting Land, which is designed to protect the interests of both Sears and the owners of the adjacent mall. Carr-Gottstein raised concerns with the prospective common area alterations in our letter to you dated November 11, 2013 and at our meeting with you and David Lukes on January 27, 2014. Since that meeting we have been working diligently on "plan B", providing the impetus (that being interest by Whole Foods) Mr. Lukes said he needed to bring the "mall extension through Sears plan" back to Mr. Lampert for reconsideration. We have made substantial progress on that front.

While we want the Nordstrom Rack to be located at the Sears mall as much as you do, the current plan converts common areas, as well as interior space, in a manner that adversely affects the mall in terms of traffic, parking, visibility, as well as interior and exterior pedestrian access. Consequently, in accordance with paragraph 28 of the Declaration, Carr-Gottstein requests a meeting attended by all parties on Thursday June 12 in Seattle, WA at 10am for the purpose of resolving this dispute.

Sincerely,



Anchorage Shopping Center LLC
By Carr-Gottstein Properties, LP
Its sole member
By Carr-Gottstein Properties GP, LLC
Its managing partner
By Robert Mintz, authorized agent

From: Arms, Quincy H. [<mailto:ArmsQ@ci.anchorage.ak.us>]
Sent: Wednesday, August 26, 2015 10:31 AM
To: Jim Reeves
Cc: Weaver Jr., Jerry T.
Subject: RE: Sears - Nordstrom Rack

Jim,

I apologize that no one got back to you sooner on this. To my knowledge, the Municipality does not have a policy of withholding permits while litigation is pending. In our opinion, the limited site plan approval was issued in accordance with code. Absent a court order preventing us from issuing a certificate of occupancy, it will be issued when the inspections are complete.

Quincy Hansell Arms
Assistant Municipal Attorney
Municipality of Anchorage
ArmsQ@muni.org
(907) 343-4574

-----Original Message-----

From: Jim Reeves [<mailto:jreeves@hwb-law.com>]
Sent: Wednesday, August 26, 2015 10:18 AM
To: Arms, Quincy H.
Cc: josephreece@DWT.com
Subject: FW: Sears - Nordstrom Rack

We did not receive a response from anyone to this 7/16/15 email, below. We also raised this question directly with Jerry Weaver in a voicemail message and a follow-up email last fall (November 18, 2014), but he did not respond. Nordstrom Rack has announced that it plans to open for business next week. Since the limited site plan approval is in litigation, it is not yet final -- so commencing operations would be a violation of the Code. In addition, as

pointed out below, issuance of a building permit and subsequent approvals such as issuance of a certificate of occupancy are also illegal.

Can you please tell me whether the MOA intends to enforce the law in this case?

-----Original Message-----

From: Jim Reeves
Sent: Thursday, July 16, 2015 5:07 PM
To: HansellQ@ci.anchorage.ak.us
Subject: Sears - Nordstrom Rack

Since you asked, here is the question: Does the MOA intend to issue a certificate of occupancy before the Superior Court decides the pending appeal?

The Code says that a building permit does not excuse the property owner from its obligation to comply with other laws including land use regulations -- in this specific case, the limited site plan review and approval requirement. The guidance document issued by the MOA Building Official (AG.06) says that the application for a building permit must include (if applicable) the PZC resolution approving the project. It appears that the building permit was issued in ignorance of the fact that the limited site plan approval was under appeal. Failing to disclose that the PZC resolution is in dispute in a pending appeal would be a misrepresentation. AMC 23.10.106 authorizes suspension or revocation of a permit if it has been issued in error or on the basis of incorrect information. We don't believe it is the policy of the MOA to issue a building permit for a project when its legality under the land use regulations is in dispute.

The link below is to a record indicating that on 1/23/15 someone named "S.Calhoun" erroneously recorded that the limited site plan approval has been obtained, even though it was at that time on appeal to the BOA. We assume that S.Calhoun was not told that there is a pending appeal; and we wonder why that information was withheld.

<http://bsd.muni.org/Inspandreview/ViewReviewComments.aspx?apbldgreviewkey=345987>

A sign has appeared on the property announcing the opening of the new Nordstrom Rack in September. We would like to confirm that this will not happen unless Sears has obtained a certificate of occupancy, and that a certificate of occupancy will not be issued until the dispute as to the legality of the PZC action on the limited site plan review has been resolved by the Court. Issuance of a certificate of occupancy while the appeal is pending would be illegal. And, whatever someone's personal opinion might be concerning this particular project or about the pending appeal, it would be an extremely bad precedent that could seriously impair the MOA's ability to enforce the law in other cases.

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Katie Blake

From: Walsh, Brian T <Brian.Walsh@searshc.com>
Sent: Thursday, July 03, 2014 4:42 AM
To: Bob Mintz
Subject: FW: The Mall at Sears - Nordstrom Rack Second Entrance Concept Sketches
Attachments: BW Pages from Pages from Nordstrom Rack Alternative East Entrances.pdf; 201407020914.pdf

Bob,
See the email chain below regarding the alternate Rack floor plans and their ultimate decision/response. I've attached the plan that Adam sent in his 12:44 pm email (below) as well as the plan that I sent Adam at 10:31 am (below). I'm getting beat up pretty bad here and we need to move forward. Can you please call me at your earliest convenience. Thanks

From: Grutz, Adam [<mailto:Adam.J.Grutz@nordstrom.com>]
Sent: Wednesday, July 02, 2014 6:01 PM
To: Walsh, Brian T; Blethen, Trace
Cc: 'Randy Cantrell'; Grutz, Adam
Subject: RE: The Mall at Sears - Nordstrom Rack Second Entrance Concept Sketches

Hi Brian – I just spoke to our VP and was given a polite but absolute “NO” – we want to maintain singular control of our entry and we do not want to share it. If Sears and the Mall LL can agree upon a means to provide access from the front parking lot into the mall, we would absolutely not object but it cannot encroach upon our space or our entry – sorry to have to deliver bad news but this is final – thanks, Adam

Adam J Grutz
NORDSTROM | STORE DESIGN
1700 7TH Ave Suite 700
Seattle, WA 98101
P: 206.303.4385 | Cell: 206.851.1105
adam.j.grutz@nordstrom.com

From: Walsh, Brian T [<mailto:Brian.Walsh@searshc.com>]
Sent: Wednesday, July 02, 2014 12:10 PM
To: Grutz, Adam; Blethen, Trace
Cc: 'Randy Cantrell'; Grutz, Adam
Subject: RE: The Mall at Sears - Nordstrom Rack Second Entrance Concept Sketches

No problem. Sorry that you even have to deal with this. Thanks

From: Grutz, Adam [<mailto:Adam.J.Grutz@nordstrom.com>]
Sent: Wednesday, July 02, 2014 2:24 PM
To: Walsh, Brian T; Blethen, Trace
Cc: 'Randy Cantrell'; Grutz, Adam
Subject: RE: The Mall at Sears - Nordstrom Rack Second Entrance Concept Sketches

Ok – thanks for the quick reply – I will ask the exec team ASAP and let you know – please note that it is pretty quiet around here due to the holiday so this may not be addressed until next week – thanks, Adam

Adam J Grutz
NORDSTROM | STORE DESIGN
1700 7TH Ave Suite 700
Seattle, WA 98101
P: 206.303.4385 | Cell: 206.851.1105
adam.i.grutz@nordstrom.com

From: Walsh, Brian T [<mailto:Brian.Walsh@searshc.com>]
Sent: Wednesday, July 02, 2014 10:31 AM
To: Grutz, Adam; Blethen, Trace
Cc: 'Randy Cantrell'; Grutz, Adam
Subject: RE: The Mall at Sears - Nordstrom Rack Second Entrance Concept Sketches

Adam,
Thanks for your response. See attached. I thought we were talking about floor plan A-3 per Bob's email yesterday. I will agree to the below points which are applicable to the attached but we will not be creating a new entrance on the Sears façade or carving out a corridor leading to the mall. The elevations would stay exactly as they are today as would your fit plan (pretty sure). Let me know. Thanks again

From: Grutz, Adam [<mailto:Adam.J.Grutz@nordstrom.com>]
Sent: Wednesday, July 02, 2014 12:44 PM
To: Walsh, Brian T; Blethen, Trace
Cc: 'Randy Cantrell'; Grutz, Adam
Subject: RE: The Mall at Sears - Nordstrom Rack Second Entrance Concept Sketches

Hi Brian – I am willing to run one additional option thru Exec review but before I do that, I would like to confirm a few things – see attached and below:

1. Rack would receive an enlarged vestibule and would not pay rent on the additional space
2. Rack would maintain our exterior presence, branding and storefront
3. Rack would maintain our interior entry doors (whether vestibule or just single set of doors – our option)
4. Rack would maintain control of the 'free space' and would be allowed to close it off when the store closes
5. LL would add 'decorative' entrance to the mall – not simply doors in a block wall – similar to proposal received from Graphite design
6. Rack would maintain approval rights for any kiosk – or permanent retailer/vendor presence within the 'new enclosed area'
7. LL and Sears would cover all the costs to redemise the space – RACK would bear no additional costs or CAM charges
8. Layout would be shifted one complete column bay in order to accommodate the already completed RACK fit plan....any impact to approved RACK layout which requires redesign would be reimbursed by the LL.

Please review and let me know if these items are acceptable to you. I am proceeding in good faith but I cannot guarantee that we will accept this even if all of the conditions are agreed upon. Therefore, I do not want this shared with the Mall LL until AFTER I receive your acceptance and then review with the RACK Execs and gain their approval.

Please let me know if this is acceptable to you and we will proceed accordingly – thanks, Adam

Adam J Grutz
NORDSTROM | STORE DESIGN
1700 7TH Ave Suite 700
Seattle, WA 98101
P: 206.303.4385 | Cell: 206.851.1105
adam.j.grutz@nordstrom.com

From: Walsh, Brian T [<mailto:Brian.Walsh@searshc.com>]
Sent: Wednesday, July 02, 2014 8:52 AM
To: Blethen, Trace; Grutz, Adam
Cc: 'Randy Cantrell'
Subject: RE: The Mall at Sears - Nordstrom Rack Second Entrance Concept Sketches

No doubt he's busy and I'm trying very hard to get it wrapped up. Below are a couple of thoughts/comments I have on the proposed.

1. The proposed vestibule area would be free SF for you to use as you would like (promotions, advertising, café, etc.)?
2. Could help with direct energy loss from your space.
3. Could help reduce the amount of salt, snow, mud, etc. tracked into your store from the parking lot.

From: Blethen, Trace [<mailto:Trace.K.Blethen@nordstrom.com>]
Sent: Wednesday, July 02, 2014 11:35 AM
To: Walsh, Brian T; Grutz, Adam
Cc: 'Randy Cantrell'
Subject: FW: The Mall at Sears - Nordstrom Rack Second Entrance Concept Sketches

I know that corridors of the type he is proposing are fairly common in AK but agree with Adam that this would not be ideal.

Brian, Adam is a busy guy. When are you going to get this wrapped up?

Trace Blethen | Nordstrom Real Estate
206.303.4417 phone | 206.303.4419 fax
1700 Seventh Avenue, Suite 1000, Seattle, WA 98101
trace.blethen@nordstrom.com

From: Grutz, Adam
Sent: Tuesday, July 01, 2014 3:58 PM
To: 'Bob Mintz'
Cc: Brian Walsh; Blethen, Trace; 'Randy Cantrell'; Grutz, Adam
Subject: RE: The Mall at Sears - Nordstrom Rack Second Entrance Concept Sketches

Hi Bob – Replies to your questions below and attached:

1. Are you agreeable to creation of an interior corridor that enters into Sears as shown so long as:
 - a. The exterior elevation of the Rack does not change from the way it is currently designed (YES)
 - b. The entry into the Rack store is in the same place as currently designed (YES)
 - c. The currently designed Rack layout remains unchanged? (YES)
 - i. (Essentially we are creating a corridor between the exterior and interior Rack entrances by making the lease spaces behind the Rack shallower.) Brian Walsh has indicated that Sears is agreeable to this plan. Bob – Not sure I understand – we only have one customer entrance – it includes a vestibule within our store. Our customers should enter and exit from our vestibule directly to the sidewalk – not into another corridor. Please see attached redlines for further clarification

Adam J Grutz
NORDSTROM | STORE DESIGN
1700 7TH Ave Suite 700
Seattle, WA 98101
P: 206.303.4385 | Cell: 206.851.1105
adam.j.grutz@nordstrom.com

From: Bob Mintz [<mailto:bob@carrgottstein.com>]
Sent: Tuesday, July 01, 2014 2:30 PM
To: Grutz, Adam
Cc: Brian Walsh
Subject: RE: The Mall at Sears - Nordstrom Rack Second Entrance Concept Sketches

Hi Adam, I think we can work this out. Please take a look at sketch A-3 (June 27). Are you agreeable to creation of an interior corridor that enters into Sears as shown so long as: 1) The exterior elevation of the Rack does not change from the way it is currently designed, 2) the entry into the Rack store is in the same place as currently designed, and 3) the currently designed Rack layout remains unchanged? (Essentially we are creating a corridor between the exterior and interior Rack entrances by making the lease spaces behind the Rack shallower.) Brian Walsh has indicated that Sears is agreeable to this plan. Bob

From: Grutz, Adam [<mailto:Adam.J.Grutz@nordstrom.com>]
Sent: Monday, June 30, 2014 6:50 AM
To: Linda Boggs Forward
Cc: Bob Mintz; Scott Harris; 'Walsh, Brian T'; Blethen, Trace; 'Randy Cantrell'; Grutz, Adam
Subject: RE: The Mall at Sears - Nordstrom Rack Second Entrance Concept Sketches

Hi Linda – sketches received – I will forward to Brian Walsh and Real Estate for discussion. From store planning's point of view, we would not consider the alternate exterior cladding – our prototype storefront is key to the brand and needs to be visible. As for the planning layouts, for reasons discussed with Bob, we are not interested in adding a second entry or relocating our primary entry – while we are not opposed to a mall connection adjacent to Sears, that has to be coordinated and agreed upon with Sears – thanks, Adam

Adam J Grutz
NORDSTROM | STORE DESIGN
1700 7TH Ave Suite 700
Seattle, WA 98101
P: 206.303.4385 | Cell: 206.851.1105
adam.j.grutz@nordstrom.com

From: Linda Boggs [<mailto:linda@highvalleyranch.com>]
Sent: Friday, June 27, 2014 7:26 PM
To: Grutz, Adam
Cc: 'Bob Mintz'; Scott Harris
Subject: The Mall at Sears - Nordstrom Rack Second Entrance Concept Sketches

Mr. Grutz,

Attached are some drawings showing concepts for incorporating a Mall corridor to the east side of your new Anchorage store. Bob Mintz will be back in the Anchorage office on Monday, so this will give you something to consider and discuss to next week. He wasn't where he could send this when we last spoke, so he asked me to forward it along to you.

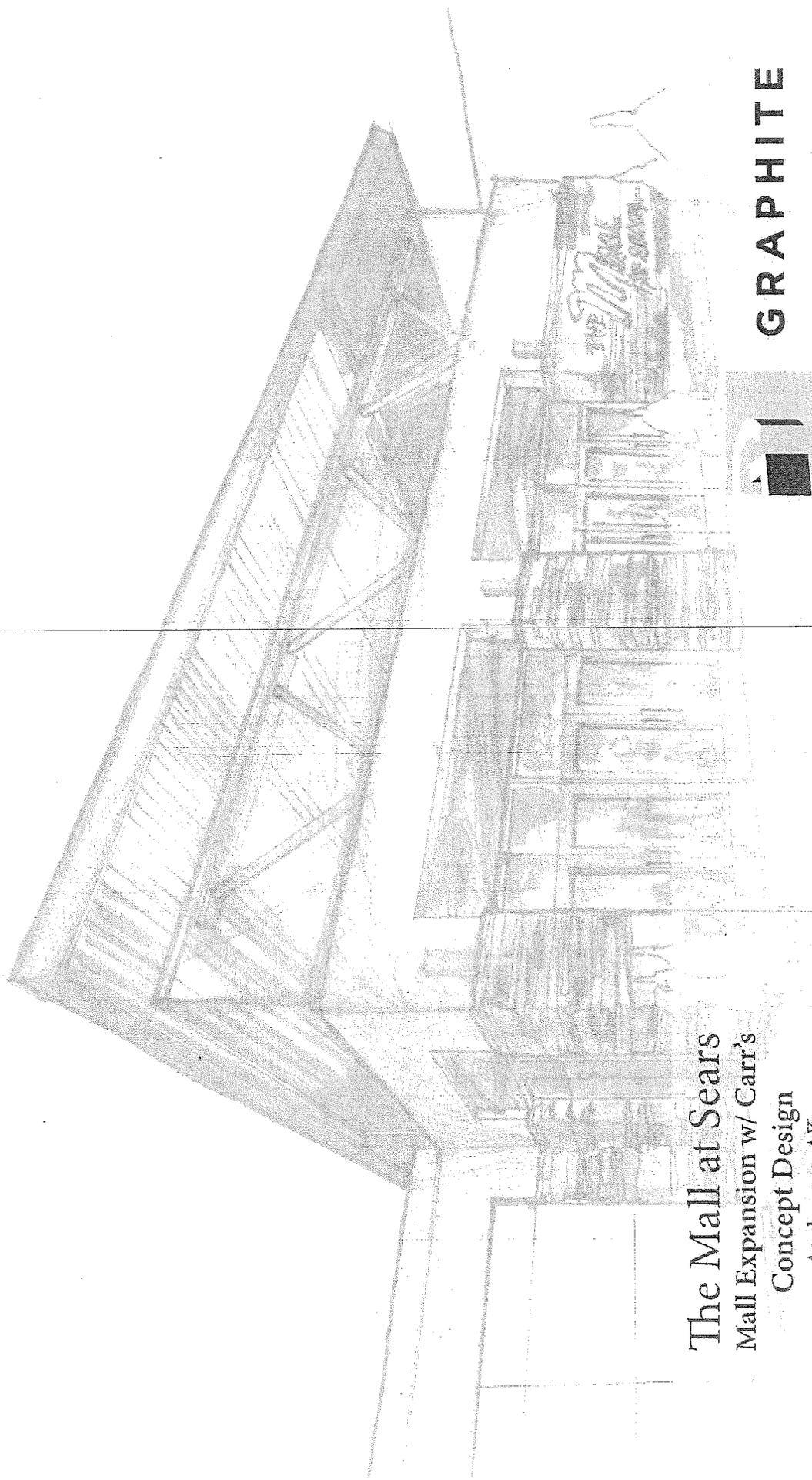
Linda Boggs
Associate Broker
Carr Gottstein Properties

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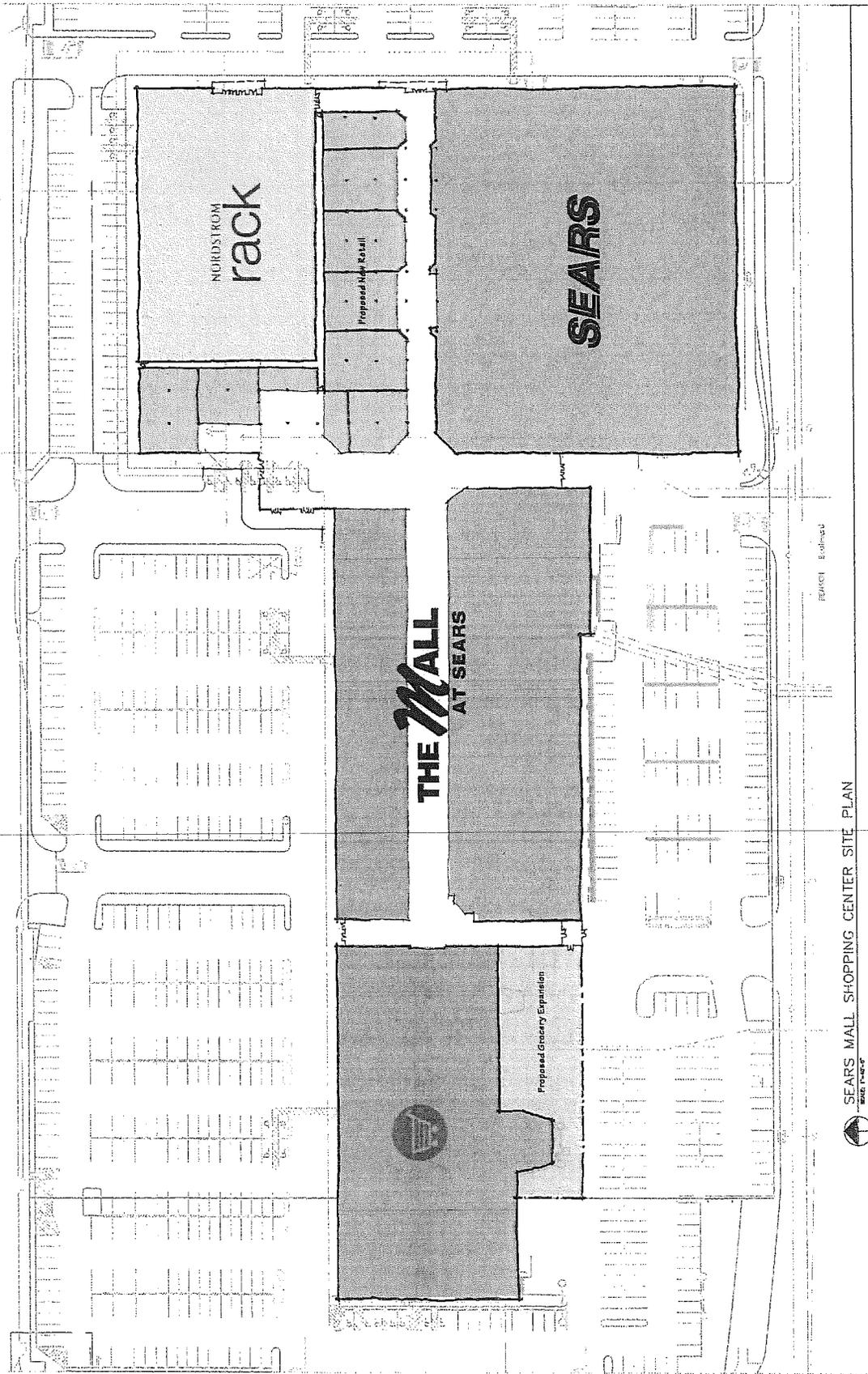


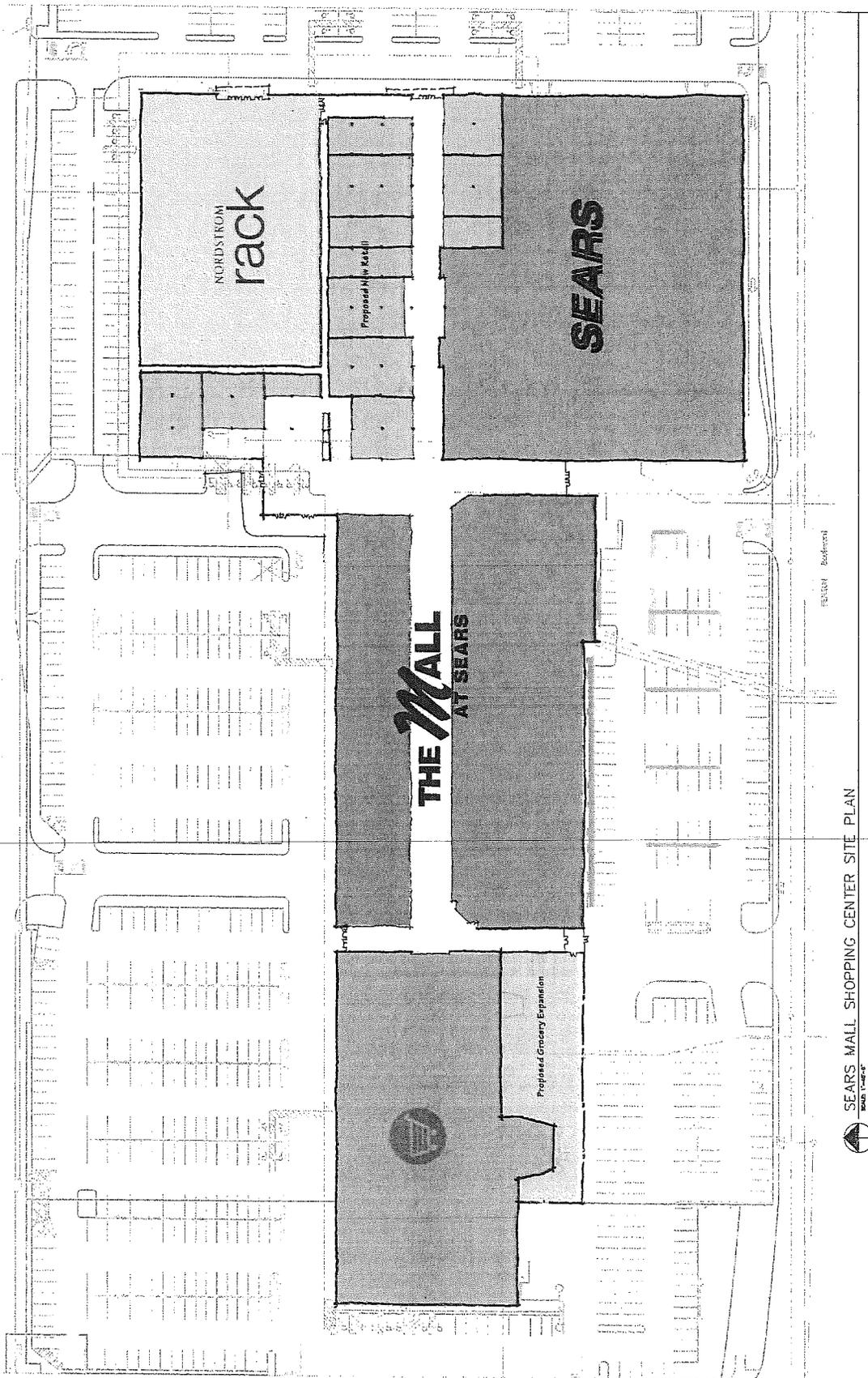
The Mall at Sears
Mall Expansion w/ Carr's
Concept Design

Anchorage, AK

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GRAPHITE

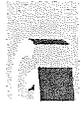




Mall Expansion Concepts
February 11, 2014

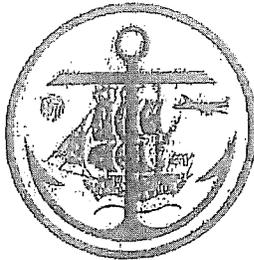
The Mall at Sears - Expansion Options

CONCEPT FLOOR PLAN - D A-A



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**POSTING
AFFIDAVIT**



AFFIDAVIT OF POSTING

Case Number: 2016-0023

I, David Funatake, hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Major Site Plan Review. The notice was posted on May 10th, 2016 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 10th day of May, 2016.

Signature

LEGAL DESCRIPTION

Tract or Lot _____
Block _____
Subdivision _____

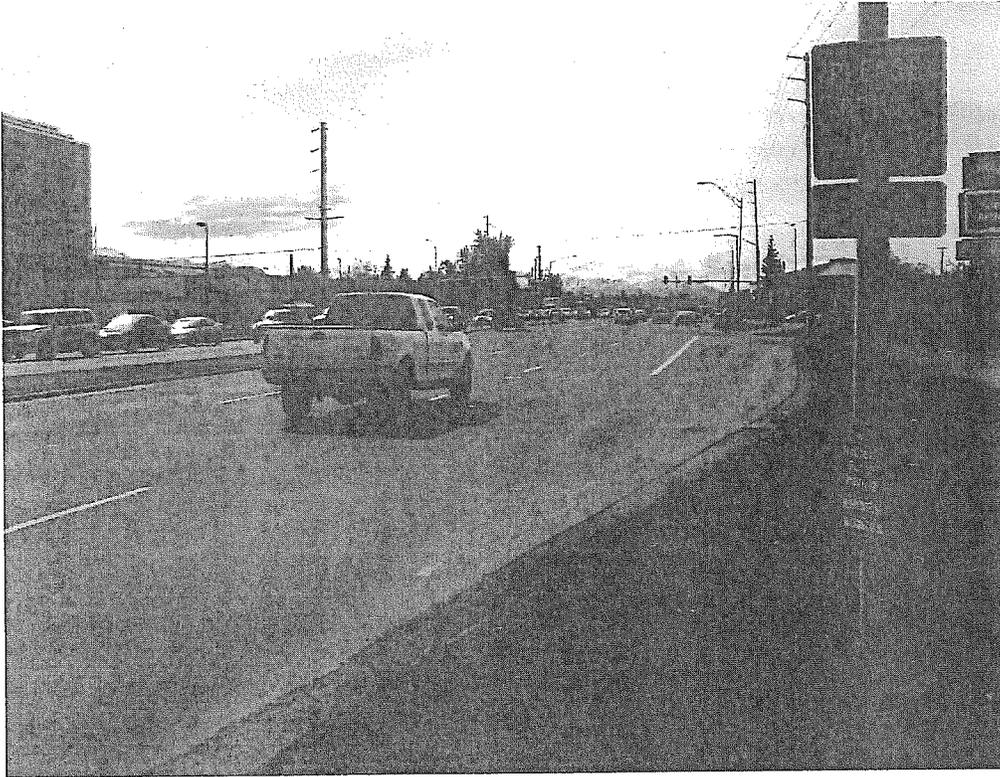
T13N R3W SEC 30
N2NE4NE4 PTN
PARCEL 1 (SEARS MALL)



Posting Along Northern Lights Boulevard



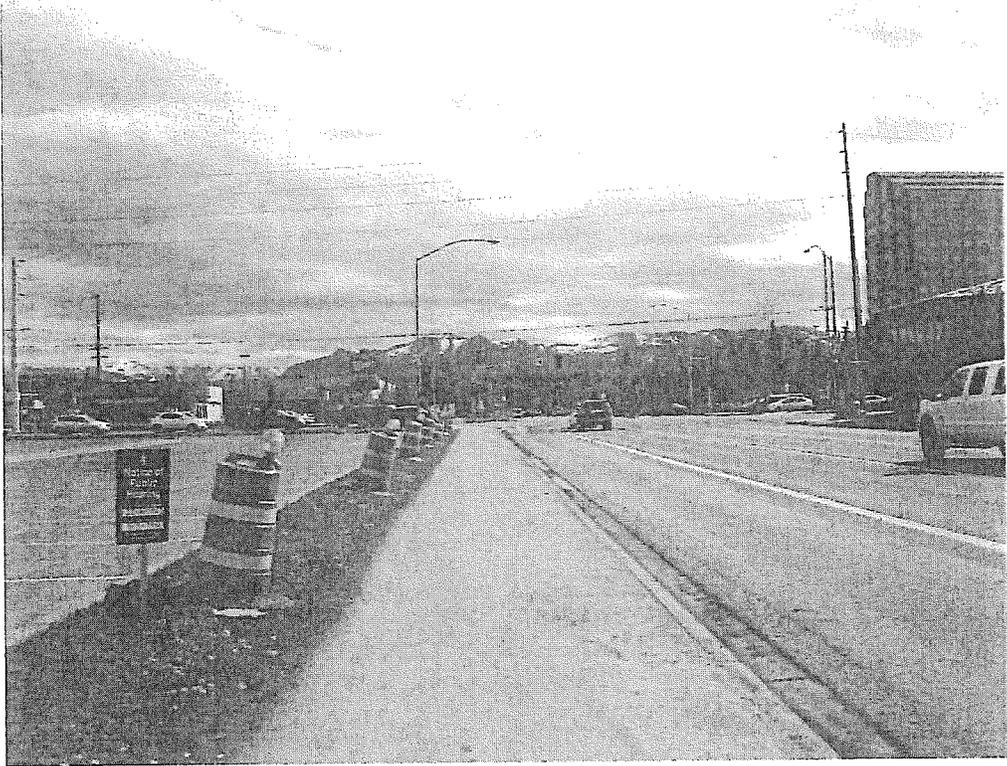
Northern Lights Boulevard (Second View)



Posting Along the Seward Highway



Seward Highway (Second View)



Posting Along Benson Boulevard



Benson Boulevard (Second View)

**HISTORICAL AND
RELATED
INFORMATION**



TRANSCRIPT OF
MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION MEETINGS
(EXCERPTS RE: CASE 2014-0094, NORDSTROM RACK)

July 14, 2014 - Pages 2 through 40

August 4, 2014 - Pages 41 through 46

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Anchorage, Alaska 99517
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MOA PZC MEETINGS (EXCERPTS RE CASE 2014-0094, NORDSTROM RACK)
JULY 14 & AUGUST 4, 2014

(Pages 2 to 5)

Page 2	Page 4
<p>1 2 MUNICIPALITY OF ANCHORAGE 3 PLANNING AND ZONING COMMISSION MEETING 4 (EXCERPT RE: CASE 2014-0094, NORDSTROM RACK) 5 6 July 14, 2014 7 8 MEMBERS: 9 10 James Fergusson, Chair 11 Stacey Dean, Vice Chair 12 Mitzi Barker 13 Tyler Robinson 14 Brandon Spoerhase 15 Jon Spring (Absent) 16 Gregory Strike 17 Brandon Walker 18 19 20 21 22 23 24 25</p>	<p>1 consent agenda. 2 MR. SPOERHASE: Thank you, Mr. Chair. For the consent 3 agenda I make a motion to approve the submitted consent agenda, 4 items a, b, c, d, e, f, g, h, i and j. 5 CHAIR FERGUSSON: Thank you. Can I have a second to that 6 motion? Ms. – Ms. Dean seconds it with a defective machine. 7 UNIDENTIFIED SPEAKER: Excuse me, Mr. Chair. 8 CHAIR FERGUSSON: Yes, ma'am. 9 UNIDENTIFIED SPEAKER: 3.a is also part of the consent 10 agenda. 11 CHAIR FERGUSSON: Okay. Thank you for pointing that out. 12 Does anyone want to pull anything from the consent agenda? 13 MR. SPOERHASE: Yes, I'd like to pull 3.a. 14 CHAIR FERGUSSON: Okay, 3.a is pulled from the consent 15 agenda. Is there anything else to be pulled from the consent 16 agenda? Going once, going twice, sold. The consent agenda is 17 approved, with the exception of 3.a, which is Case 2014-0094 on 18 that one. 19 May we have a staff report on Case 2014-0094? 20 MR. ODELL: Thank you, Mr. Chair. Sears, Roebuck and 21 Company seeks approval of an amendment to an existing large 22 retail establishment site plan reviewed under the old code. The 23 Sears Mall is a large retail establishment which is deemed to 24 have an approved site plan as it existed prior to May 8th, 2001, 25 the date of adoption of the large retail establishment</p>
Page 3	Page 5
<p>1 (anchorageak_1488ddc9-20b7-467c-8eb0-86daea45a5ff.mp3) 2 00:00:00 3 CHAIR FERGUSSON: It's 6:30. This is the Planning and 4 Zoning Commission for the city of Anchorage. Clerk, will you 5 please take roll? 6 THE CLERK: Ms. Dean. 7 VICE CHAIR DEAN: Here. 8 THE CLERK: Mr. Fergusson. 9 CHAIR FERGUSSON: Here. 10 THE CLERK: Mr. Robinson. 11 MR. ROBINSON: Here. 12 THE CLERK: Mr. Spring. Mr. Strike. 13 MR. STRIKE: Here. 14 THE CLERK: Ms. Barker. 15 MS. BARKER: Here. 16 THE CLERK: Mr. Walker. 17 MR. WALKER: Here. 18 THE CLERK: Mr. Spoerhase. 19 MR. SPOERHASE: Here. 20 THE CLERK: Thank you. 21 00:00:33 22 (This portion not requested) 23 01:05:32 24 CHAIR FERGUSSON: Mr. Spoerhase, will you do the consent 25 agenda now – awfully late. One hour and we just got to the</p>	<p>1 standards. 2 Thus, changes to the Sears Mall are reviewed under AMC 3 21.55.130, which states that, "the commission shall apply the 4 standards set out in 21.53.020 in a manner proportionate to the 5 extent of the expansion, reconstruction, renovation, or 6 remodeling proposed." The cost of compliance with those 7 standards shall not exceed 10 percent of the cost of the 8 reconstruction. 9 The petitioner is renovating a portion of the Sears store, 10 the Nordstrom Rack, and future tenant space is located at the 11 north portion of the existing Sears store. The proposed 12 renovation of the building facade does not increase the floor 13 area of the mall, as the renovation takes place within the 14 existing space, and the project includes the addition of a 683- 15 square-foot loading dock and screened trash receptacle along the 16 north side of the existing Sears store. 17 Cost of compliance. The commission has the authority to 18 require improvements that do not exceed 10 percent of the 19 overall cost of the renovation. The petitioner has submitted 20 estimated costs for the improvements as follows. The total cost 21 of the renovation is \$334,600. The applicant indicated this 22 amount is for the loading dock addition, and not interior 23 renovations. Ten percent of this amount is \$33,460. 24 As noted in the attached department memo from 2009, the 25 goal of the department is to use this 10 percent dollar figure</p>

Page 6

1 to work on bringing the expansion of the new structure and the
2 existing structure towards compliance with architectural
3 standards, while also trying to bring improvements to the site.
4 Generally, the sites in Anchorage are lacking in areas of
5 pedestrian/vehicle safety, landscaping, pedestrian access, and
6 building architecture.
7 The nonmotorized coordinator is requesting a pedestrian
8 connection to Northern Lights Boulevard at the westerly
9 driveway, but considering that there is a pedestrian connection
10 at the easterly driveway, and the fact that there is no mid-
11 block crossing between -- of Northern Lights between the Seward
12 Highway all the way down to Denali Street, staff is recommending
13 improvements of the landscaping along Northern Lights Boulevard
14 along the building frontage and providing walkway striping in
15 the drive aisle to the east entry doors.
16 Conformance to 21.55.130 and 21.50.320, just to run
17 through, is the over-- overhang awning on the east-facing facade
18 meets the requirements of AMC 21.50.320P.1. The applicant must
19 replace it with a nonconforming -- or with a conforming
20 alternative if they remove it. The applicant can stay in
21 conformity if they remove less of the awning along the east
22 elevation Nordstrom Rack storefront.
23 New landscaping replaces existing landscaping that is
24 being removed. New entries and new loading dock meet the
25 standards, and the new window on the north side is an

Page 7

1 improvement, but the other -- otherwise, the changes to the
2 building and the site either move away from compliance, the
3 removal of the over-- overhang awning, or make no significant
4 change towards compliance.
5 Given the intense commercial quality of the -- of the
6 surrounding property, the -- the requirement to vary roof lines
7 and height should not have a great or negative impact on the
8 surrounding properties.
9 The Alaska Department of Transportation and Public
10 Facilities has expressed concern over existing trees blocking
11 the driver's ability to see traffic as they exit onto Northern
12 Lights Boulevard. Landscaping that is within the ADOT sight
13 triangles must be removed. The department is asking that the
14 trees remo-- any trees that are removed, found to be -- need to
15 be removed, are replaced on a one-to-one basis.
16 Other visual and noise buffers. Given the surrounding
17 uses, major roads, there should be little noise generated on the
18 site that could potentially impact nearby land uses. The -- the
19 new loading area is partially buffered by a screening wall, and
20 as noted earlier, staff recommends adding landscaping along
21 Northern Lights Boulevard, which would further screen the
22 loading area.
23 The -- the petitioner narrative states there are no plans
24 for any outdoor storage or display areas as part of this
25 project, and snow will be plowed and removed from the site. The

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1 screened trash receptacle enclosure proposed on the north side
2 of the building will feature architectural elements of the
3 building to tie it together as stated, and staff -- the
4 department recommends, once again, that landscaping along
5 Northern Lights will help screen this loading dock area.
6 **CHAIR FERGUSSON:** Do we have any questions for staff?
7 Thank you. Is the applicant here to testify?
8 **MR. ROBINSON:** I actually -- Mr. Chair, I do.
9 **CHAIR FERGUSSON:** Oh, I'm sorry.
10 **MR. ROBINSON:** And I -- I'm not sure that -- that -- that
11 maybe there's more to.....
12 **CHAIR FERGUSSON:** Well....
13 **MR. ROBINSON:**to that presentation, but....
14 **MR. ODELL:** There's -- well, to finalize it, with that
15 being said, the division recommends approval of the amended site
16 plan review for the Sears store tenant improvements for
17 Nordstrom Rack located on the north side of the Sears Mall,
18 subject conditions -- to conditions 1 through 7 found in the
19 staff packet, page 10 and 11.
20 **MR. ROBINSON:** So, if I may, Mr. Chair, so understanding
21 that this is an existing big box or a facility that was in place
22 before the ordinance, there's a limitation to what can be done,
23 and typically what's done is, you know, the areas around, the
24 improvements and landscaping things, I think, as -- as staff
25 goes through their narrative, those are sort of -- some of the

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1 improvements that are looked for as part of that 10 percent.
2 One of the things that -- that I've noticed over the
3 years, and at first I thought it was sort of a temporary thing,
4 but it -- it shows up on the aerial as well, but as you drive
5 down Benson you'll notice, I think, it looks like on the aerial
6 about six -- six Conexes that are there in the parking lot, and
7 I thought they were there maybe during a temporary improvement
8 at one point, but they seem to be staying. And one of the
9 conditions for outdoor storage and display is, it says pretty
10 clearly, commercial trailers, shipping containers, similar
11 equipment used for transporting merchandise shall remain on the
12 premises only as long as required for loading and unloading
13 operations, and shall not be maintained on the premises for
14 storage purposes.
15 Now, I understand that these are not part of this
16 particular project, but I wonder if it came up in conversation,
17 you know, given that this is something that -- that could be
18 asked of a petitioner to deal with, and perhaps what staff's
19 solution, and I'll ask them later what -- their suggestion on
20 how to bring the site into conformance related to those -- to
21 those storage containers.
22 **MR. ODELL:** Through the chair, Mr. Robinson, it was not
23 brought up. Those -- the intermodal containers, I believe those
24 are on the -- on the Old Seward and Benson side. It was merely
25 looked at on the Northern Lights side as far as improvements and

(Pages 10 to 13)

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1 upgrades.
2 In the new code, however, intermodal shipping containers
3 are addressed for the future. The commercial district Conex
4 units shall be located to the rear of all principal structures
5 or meet screening and siding and roofing requirements or --
6 including painted to match the color scheme of the principal
7 building, and the -- it talks about construction, loading and
8 unloading Conex unit or during construction exempt from this
9 section, as long as the Conex unit is removed promptly at the
10 finish of the loading or unloading of the construction activity.
11 I'm not aware of what the status is with those Conex, if they're
12 being used currently for a construction project going on.
13 **MR. ROBINSON:** Thank you. Is it -- is it your position,
14 though, that -- that if they're not for a specific construction
15 purpose, they're a permitted accessory use to -- to this
16 facility?
17 **MR. ODELL:** To -- to my knowledge. I would have to do
18 some research, but I believe it's a permitted accessory use in
19 the B-3.
20 **MR. ROBINSON:** Although current code would require that
21 they be screened in some way, so perhaps the char-- the use is
22 allowed, but the characteristics of use are -- are at -- at
23 play?
24 **MR. ODELL:** Perhaps.
25 **MR. ROBINSON:** Thank you.

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1 applicant? I have two questions for the applicant, and these
2 are all -- I -- we're having a war up here on this thing, and
3 one more move and the microphone will end up with the audience,
4 I can promise you that.
5 The -- the loading dock on the north side of the building,
6 there is a sidewalk currently where that loading dock is going
7 to go, providing access up and down that parking area. On page
8 34 we find that the loading dock will have no impact on existing
9 pedestrian access. This maybe would be more appropriate for
10 staff, but it would seem to me that that loading dock does
11 disturb the access on the north side of the building.
12 **MR. RIDENOUR:** The interior circulation as -- on the lot,
13 it does impact that circulation as -- along the building. There
14 are no longer entryways or egress. It's all egress from the new
15 tenant spaces. There wouldn't be any entry access along that
16 side of the building currently.
17 **CHAIR FERGUSSON:** So if I parked on that side of the
18 building....
19 **MR. RIDENOUR:** You would go around to the east side of the
20 building.
21 **CHAIR FERGUSSON:** So I would say that this improvement
22 does impact the pedestrian access to the building.
23 **MR. RIDENOUR:** Interior lot pedestrian access, yes.
24 **CHAIR FERGUSSON:** Well, I'm not talking about the
25 sidewalk, the exterior.

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1 **CHAIR FERGUSSON:** I also question on that building what
2 the -- what is the rear of that building? I don't know how we
3 even define that, but I -- I agree with your line of
4 questioning, Mr. Robinson. If they were there for an active
5 construction project I would support them, but to have them sit
6 there, been there a while, they -- they -- on that one.
7 Do we have any other questions for staff on this?
8 Is the applicant here to make a statement?
9 **MS. RITTER:** Hello, my name is Michelle Ritter. I'm with
10 DOWL HKM. With me this evening is Tim Ridenour with RIM
11 Architects. He's the design architect.
12 As far as the Conexes go, it is our understanding that
13 they are part of ongoing tenant improvements. So I think it was
14 in the last three or four years there actually have been
15 different improvements to the various entryways, but -- I'm not
16 100 percent positive, but that is our understanding, but they're
17 not affiliated with the Nordstrom Rack project.
18 Other than that, we've read the staff's report and we
19 agree with the conditions of approval, and are here to answer
20 any questions, unless Tim would like to add anything.
21 **MR. RIDENOUR:** That's it.
22 **CHAIR FERGUSSON:** Thank you. You have nine minutes for
23 rebuttal here.
24 **MS. RITTER:** Okay.
25 **CHAIR FERGUSSON:** Do we have any questions for the

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1 **MR. RIDENOUR:** That's....
2 **CHAIR FERGUSSON:** I'm talking against the building.
3 **MR. RIDENOUR:** That's correct.
4 **CHAIR FERGUSSON:** Thank you. Next question, then I will
5 go to Ms. Barker. Do I have access to the mall -- inside the
6 mall from this building without going outside?
7 **MR. RIDENOUR:** Not from -- you do through the Sears store.
8 Sears will be the only tenant who has access to the mall from
9 this project.
10 **CHAIR FERGUSSON:** Can I walk from Nordstrom's through
11 Sears to the mall, then?
12 **MR. RIDENOUR:** No.
13 **CHAIR FERGUSSON:** So my question was carefully put, that
14 can I walk from Nordstrom's into the mall, and you said yes, and
15 now you're saying no.
16 **MR. RIDENOUR:** I'm not -- the answer is no, you cannot go
17 from inside the Nordstrom's store into the central access of the
18 mall. You would have to go outside through the Sears store or
19 around the building to access the mall.
20 **CHAIR FERGUSSON:** Under community spaces we find that
21 there are a variety of community spaces provided at the Mall of
22 Sears. The food court provides ample seating area, as well as
23 there are seating and gathering spaces throughout the mall, but
24 those aren't accessible to this space.
25 **MS. RITTER:** That is a true statement, although they would

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1 be able to enjoy the spaces, but they would have to go in
2 through a separate entrance.
3 **CHAIR FERGUSON:** They'd have to go out of the space.....
4 **MS. RITTER:** And into the space.
5 **CHAIR FERGUSON:**and a different space to get there.
6 Ms. Barker.
7 **MS. BARKER:** Thank you, Mr. Chairman. I also have some
8 concerns about the pedestrian access. This is a winter city.
9 This is the northern side of the building. A good deal of what
10 would be the striping that's recommended would probably not even
11 be visible under the typical snow cover and plowing patterns we
12 currently have. I would like to see something a little bit
13 better that would provide more -- more protected pedestrian
14 access, particularly since people are going to have to go kind
15 of a roundabout way if they actually want to get into the mall.
16 **CHAIR FERGUSON:** Yeah, I don't know how they get in.
17 **MS. BARKER:** Yeah, I'm trying to figure that out, too, and
18 I'm trying to figure out what happens to Sears in this. Are
19 they going to accrete on down into what's kind of the existing
20 mall space to make up for their square footage they're giving up
21 for the Nordstrom Rack? How does this all work?
22 **MR. RIDENOUR:** To talk in general terms, the -- the Sears
23 store is condensing into a smaller space. They're accomplishing
24 that by Internet sales, by reducing product lines that aren't
25 doing well in this market, and generally carrying less stock.

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1 **MS. BARKER:** I'm delighted as anybody to see Nordstrom
2 Rack come to Anchorage, and maybe because of that I'm really
3 concerned about the access, about the volume of people that are
4 going to be coming to that center that we don't currently have
5 now, in a parking and pedestrian environment that is really not
6 very conducive for people on foot.
7 **CHAIR FERGUSON:** Anything further, Ms. Barker?
8 Mr. Walker.
9 **MR. WALKER:** So I'm hearing my fellow commissioners ask
10 about the access issues. You haven't really spoken to this, but
11 I've heard that maybe there's an entitlement issue that is the
12 reason that there isn't an internal access to the common area of
13 the mall from this space. Is that the case?
14 **MR. RIDENOUR:** It's -- it's more of suitability. It's
15 tenant driven, rather than -- than any infighting or bickering
16 among.....
17 **MR. WALKER:** So Nordstrom Rack does not want access from
18 the mall.
19 **MR. RIDENOUR:** That's correct, and.....
20 **MR. WALKER:** Okay.
21 **MR. RIDENOUR:**because they -- they like to have one
22 security -- one secure entry and egress.
23 **MR. WALKER:** Okay.
24 **MR. RIDENOUR:** If they had two, they would have to have
25 additional point of sale stations, as well as more security.

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1 **MR. WALKER:** That's understandable. Thank you.
2 **CHAIR FERGUSON:** Mr. Spoerhase.
3 **MR. SPOERHASE:** Thank you, chair. Just curious, what --
4 what's the layout and the access in other Nordstrom Rack
5 locations? Do they have single entrances or does -- do they
6 have dual entrances?
7 **MR. RIDENOUR:** That's the -- that's their preferred
8 method. Obviously, the -- the only other Nordstrom Rack that I
9 have personally visited was in Seattle, and it's in a basement.
10 There are two access points, and it's -- it's probably not their
11 preferred.
12 **MR. SPOERHASE:** Okay, thank you.
13 **CHAIR FERGUSON:** The fire code in this building, that
14 would dictate at least two exits.
15 **MR. RIDENOUR:** Absolutely, but they're secured so that
16 there's.....
17 **CHAIR FERGUSON:** They're alarmed.
18 **MR. RIDENOUR:**an alarm.
19 **CHAIR FERGUSON:** They're alarmed.
20 **MR. RIDENOUR:** They're alarmed.
21 **CHAIR FERGUSON:** Are the -- do -- so is this area only
22 going to have one -- one access?
23 **MR. RIDENOUR:** One entry and point of sale.
24 **CHAIR FERGUSON:** So which is the -- the access there on
25 the east side is the only exit -- or only access or where

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1 is.....
2 **MR. RIDENOUR:** That -- that's the only entry, correct.
3 There are additional exits around the perimeter.
4 **CHAIR FERGUSON:** Ms. Barker's comment regarding winter
5 city, you sure have a long walk to get into that building if you
6 wanted to.
7 **MR. RIDENOUR:** As is the case with most shopping
8 destinations or -- or shopping mall type destination, and -- and
9 there is near continuous canopy that surrounds the building.
10 **CHAIR FERGUSON:** Yeah.....
11 **MR. RIDENOUR:** Yes.
12 **CHAIR FERGUSON:**now.
13 **MR. RIDENOUR:** Yes.
14 **CHAIR FERGUSON:** Not now.
15 **MR. RIDENOUR:** Yes, it will. The existing.....
16 **MS. BARKER:** There will be.
17 **MR. RIDENOUR:**canopy is maintained.
18 **CHAIR FERGUSON:** Mr. Spoerhase, were you -- were you
19 done? Okay.
20 **MR. SPOERHASE:** I am. Thank you.
21 **CHAIR FERGUSON:** Mr. Strike.
22 **MR. STRIKE:** Yeah, my question is back to school time.
23 Mom drops the kids off at the Rack. She goes shopping to Carrs.
24 Meet me back at Carrs in half an hour. Kids go in, do the --
25 whatever shopping. Thirteen, 14 years old. How are they going

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<p style="text-align: right;">Page 18</p> <p>1 to get to Carrs? 2 MS. RITTER: As it's currently designed, they would have 3 to exit the Nordstrom Rack and walk outside to get into the 4 Carrs. 5 MR. STRIKE: And walk outside where? Through the parking 6 lot? Because there's no sidewalk. Through the -- past the 7 trucks that are -- could be driving in -- putting in for your 8 loading dock? So they're going to walk past the loading dock in 9 the dri-- in the parking lot. So they're going to be walking 10 behind cars, not in front of them, behind them in the parking 11 lot in order to access the mall. 12 MR. RIDENOUR: Or through..... 13 MR. STRIKE: Anybody else..... 14 MR. RIDENOUR:the adjacent..... 15 MR. STRIKE:have a problem with this? 16 MR. RIDENOUR: Or the -- through the adjacent retailers. 17 MR. STRIKE: So we're going to put a sign up and say cut 18 through. I mean, this is a safety issue, and I tell you, 19 there's going to be a lot of 12, 13 and 14-year-old young kids 20 loving to have Nordstrom's here and get -- tell you what, I'm -- 21 I'm all for it. How are they going to get to the mall? How are 22 they going to get from the mall to the Nordstrom Rack? 23 MR. RIDENOUR: Well, if I -- not to be argumentative, but 24 if I follow your logic through, if -- if their mother went to 25 Walgreens, they would still have to cross a traffic path.</p>	<p style="text-align: right;">Page 20</p> <p>1 So as I'm looking at this on the right-hand side is where the 2 main entrance will be? 3 MR. RIDENOUR: That's -- that's correct. 4 MR. STRIKE: Okay, so they're not just walking in the 5 parking lot. They're walking in the street to get to the 6 parking lot. 7 MS. RITTER: There's a sidewalk. 8 MR. RIDENOUR: This is..... 9 MR. STRIKE: The street coming -- the -- the -- the 10 entrance coming in off of Northern Lights Boulevard going south, 11 right in front of the building. I'm going to call that the 12 street. I'm going to call that the main parking access, not 13 a..... 14 MR. RIDENOUR: If -- if..... 15 MR. STRIKE:parking lot. 16 MR. RIDENOUR: If you look at C102, which is the -- the 17 plan..... 18 MR. STRIKE: Uh-huh. 19 MR. RIDENOUR:C101 is the demolition plan. 20 MR. STRIKE: Uh-huh. Okay. 21 MR. RIDENOUR: There's -- there is a sidewalk. Well..... 22 MR. STRIKE: So now we have a sidewalk. 23 MS. RITTER: There -- yeah. 24 MR. STRIKE: That goes where? 25 MS. RITTER: It just wraps around the building, but it</p>
<p style="text-align: right;">Page 19</p> <p>1 It's -- it's similar, but they're not the same. 2 CHAIR FERGUSON: Are you done, Mr. Strike? 3 Mr. Spoerhase. 4 MR. SPOERHASE: Thank you. Can you confirm what the 5 distance is from the entrance to Nor-- Nordstrom Rack to the 6 mall, exactly how far these people would have to walk around the 7 corner to a main entrance? Approximately. 8 CHAIR FERGUSON: Four hundred and 51 feet. 9 MR. SPOERHASE: Thank you. 10 CHAIR FERGUSON: Thanks. That's from the entrance shown 11 to the corner is 75, three -- 226 down the back side, and 150 12 feet back to the mall. 13 MR. SPOERHASE: Thank you. Which page are you on, 14 Mr. Chair? 15 CHAIR FERGUSON: A101. 16 MR. SPOERHASE: Thank you. 17 CHAIR FERGUSON: It's just a plan with that. Okay, do we 18 have any more questions for the applicant? 19 MR. STRIKE: Yes. 20 CHAIR FERGUSON: Go, Mr. Strike. 21 MR. STRIKE: Do you have the handout that you've given us, 22 C101? 23 MS. RITTER: Yes. 24 MR. STRIKE: Okay. And if I look at that, on the right- 25 hand side I see where the -- removing the curb and the gutters.</p>	<p style="text-align: right;">Page 21</p> <p>1 does allow them -- once they get through that drive access, 2 which is I think why staff has requested that we do stripe that, 3 and recognizing that that's not a raised sidewalk, but it is 4 improving the situation. 5 CHAIR FERGUSON: Mr. Strike, are you finished? 6 MR. STRIKE: I'm finished. 7 CHAIR FERGUSON: Ms. Dean. 8 VICE CHAIR DEAN: Through the chair, on C102, if I'm 9 walking alongside the building I'm going to hit the truck dock 10 and the building that is attached. There is no sidewalk around 11 the side of the building. You have to walk in front of the 12 truck dock. You have to walk -- to be on a sidewalk you have to 13 cross the parking lot and walk along the street to stay out of 14 the path of traffic, and walk along Northern Lights, and then 15 recross at the far end and then walk along the building then, 16 but there is a long stretch where there is no sidewalk alongside 17 the north side of the building where the truck bay is and where 18 the pop-out is for the truck bay. 19 So please don't say that there's a walkway around the 20 building. There isn't. It is a public sidewalk on Northern 21 Lights that people would have to use, and..... 22 UNIDENTIFIED SPEAKER: Agree. 23 VICE CHAIR DEAN:I just -- yeah. I just wanted to 24 clarify that, that this is not the best situation for people to 25 walk around.</p>

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1 **CHAIR FERGUSSON:** I have a question for staff if there are
2 no other questions. Handicap access. We're down now to five
3 handicap access. All the handicap access on the west side don't
4 do any good. The -- does that meet code? I mean, this is
5 the....
6 **MR. ODELL:** Well, Mr. Chair, you're -- if you're talking
7 about the east side, there's one, two, three, four, five. There
8 is one on the north side there, proposed handicap parking sign.
9 However, I think Erika McConnell might state -- is I believe we
10 have to look at the mall as a whole.
11 **MS. McCONNELL:** Thank you, Mr. Odell. Mr. Chair, if I
12 could just add that there are no code-specific requirements
13 that -- about the location of the accessible spaces, but I would
14 note the ones that are on the west side, there are three tenant
15 spaces on the west side. So there's the new tenant space for
16 Nordstrom Rack, and then there's three additional tenant spaces
17 on the west side, and I think the....
18 **CHAIR FERGUSSON:** Okay, thank you for clarifying that. I
19 remember seeing those walls there. Thank you. I thought I had
20 been ding'd that my accessible spaces had to be the closest
21 spaces to the door. I think I've had that issue with the city
22 before.
23 **MS. McCONNELL:** I guess what I mean is in a mall situation
24 there's -- there's no requirement that you evenly space them at
25 the various mall doors.

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1 **CHAIR FERGUSSON:** Thank you very much. Mr. Spoerhase.
2 **MR. SPOERHASE:** Thank you, Mr. Chair. When I was
3 reviewing this package I was relatively comfortable with it, and
4 the reason why is when I look at the rendering that was
5 prevented -- or provided by RIM right after A202 is -- on the
6 east elevation it shows -- on the very bottom it shows the
7 Nordstrom Rack where it's going in, and then it showed a revised
8 entry for Sears. Is -- I don't understand why -- to meet some
9 of the concerns of the body, why patrons or customers of the
10 mall couldn't go into Sears and then access the main mall and go
11 all the way down to Carrs, and as long as there's some kind of,
12 you know, barricade or some kind of barrier to prevent children,
13 clients from walking out to the -- to the right along the
14 loading area, I think that that would be met. Is that correct?
15 **MR. RIDENOUR:** That's correct. The -- the walk that's
16 adjacent to the building that dead ends at the -- at the loading
17 dock would dead end at an exit only door or an access door to
18 the loading dock. The -- the Sears entry is upgraded both
19 for -- to -- to renovate the existing exterior of the building
20 as a whole.
21 **MR. SPOERHASE:** I apologize. Is the revised entry, is
22 this a new entry into Sears or is this the existing one?
23 **MR. RIDENOUR:** It's an existing entry.
24 **MR. SPOERHASE:** Okay, and it'll have a sidewalk from Sears
25 down to the....

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1 **MR. RIDENOUR:** That's correct.
2 **MR. SPOERHASE:**to where Nordstrom Rack is? Thank
3 you.
4 **MR. RIDENOUR:** And....
5 **CHAIR FERGUSSON:** (Indiscernible).
6 **MR. RIDENOUR:**the -- the walk is covered along the
7 extent.
8 **CHAIR FERGUSSON:** Okay, do we have any additional
9 questions for the applicant? Mr. Robinson.
10 **MR. ROBINSON:** Just that -- that's fine by me. Is there
11 any sort of weird deal since you have to go through Sears that
12 the hours of operation of Sears would be different otherwise
13 than the hours of operation of the mall and Nordstrom's or are
14 they -- are they the same hours of operation?
15 **MR. RIDENOUR:** They -- they would -- they should be the
16 same.
17 **MR. ROBINSON:** Okay, thanks.
18 **CHAIR FERGUSSON:** Any further questions? Mr. Walker, then
19 Mr. Strike.
20 **MR. WALKER:** This is just more cur-- curiosity than
21 anything, but so -- I -- I work in the commercial real estate
22 industry. I've heard about this project. I've kind of -- you
23 know, you hear rumors. Was there originally a plan to have some
24 sort of interior access to the mall or to provide a thoroughfare
25 for people to walk outside and then walk through and get into

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1 the mall? I mean, it seems like I heard that, with some small
2 shop space or something like that.
3 **MR. RIDENOUR:** There -- there were options discussed.
4 The -- the property owner to the west would have -- would have
5 preferred that. We -- we did look at a scheme that did that,
6 but ultimately it doesn't fit with Nordstrom's operating style.
7 **CHAIR FERGUSSON:** Anything further, Mr. Walker?
8 Mr. Strike.
9 **MR. STRIKE:** As you represent Sears as a petitioner for
10 this, will Sears have any hesitancy in promoting this type of
11 access from the mall through the Sears store to this store?
12 **MR. RIDENOUR:** I -- I don't represent Sears in this
13 capacity, but in retail traffic is -- traffic is traffic, and I
14 would highly doubt that they would have any issue with....
15 **MR. STRIKE:** Give me something stronger.
16 **MR. RIDENOUR:**additional....
17 **MR. STRIKE:** Give me something stronger.
18 **MR. RIDENOUR:** Everybody who walks through a store's door
19 is a potential customer. There's absolutely no reason why they
20 would not want more people coming through their store to get to
21 other stores.
22 **CHAIR FERGUSSON:** Done, Mr. Strike? Ms. Dean.
23 **VICE CHAIR DEAN:** Through the chair, I have a question of
24 staff. I have kind of a process question. What was the square
25 footage of this particular space going to be? It's under 40,000

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1 square feet, correct? It's like 33,000 or something?
2 **MR. ODELL:** Through the chair, let me take a look real
3 quick here, okay?
4 **CHAIR FERGUSSON:** Yeah.
5 **MR. ODELL:** Thirty-four thousand 956, approximately,
6 square feet of store area, and then there's three future tenant
7 spaces of three - 3801 each, so....
8 **VICE CHAIR DEAN:** So....
9 **MR. ODELL:**you're correct.
10 **VICE CHAIR DEAN:** Are we approving all of those spaces or
11 are we just approving the Nordstrom Rack space?
12 **MR. ODELL:** We're approving the -- the addition of the
13 loading dock.
14 **VICE CHAIR DEAN:** Okay.
15 **MR. ODELL:** None -- not any of the interior renovations,
16 just the....
17 **VICE CHAIR DEAN:** So....
18 **MR. ODELL:**just the addition of the loading dock and
19 the trash enclosure.
20 **VICE CHAIR DEAN:** Okay. Okay. Just wanted to clarify.
21 Thank you.
22 **MR. ODELL:** Yeah.
23 **MS. RITTER:** Can I clarify Mr. Strike's previous question?
24 **CHAIR FERGUSSON:** Please, go ahead.
25 **MS. RITTER:** So Sears will ultimately have to buy off on a

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1 design, and they have, so by virtue of their buy-off I believe
2 that they have supported the closed-off entry. If -- I don't
3 know if that helps clarify your original question.
4 **MR. STRIKE:** So we can put a sign coming out that says
5 access the mall through Sears. I'm -- I'm going to be
6 heartbroken if some kid gets hit in the parking lot by a truck
7 after -- after this discussion here in the -- in the wintertime
8 or whenever it happens. I'm going to be absolutely sick if that
9 happens. So I'm trying to find a way to help promote this.
10 **MS. RITTER:** Right.
11 **MR. STRIKE:** Access the mall through Sears.
12 **MS. RITTER:** I think that we could definitely probably
13 talk to the client about some type of signage that helps with
14 the way finding, to let people know internally before they leave
15 Nordstrom Rack how to get back into the mall and to the -- to
16 Sears and then to the general mall, yes.
17 **MR. STRIKE:** Okay.
18 **CHAIR FERGUSSON:** We are routinely criticized of not being
19 a -- a -- a good northern city and our design is criticized of
20 not being good northern design, and if we could provide an
21 internal circulation and not force the people outside, I think
22 that is a step in the right direction of northern design, and,
23 you know, it's not Sears and Nordstrom's or you. It's trying to
24 accommodate, you know, our client -- our constituents there.
25 Ms. Barker.

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1 **MS. BARKER:** Thank you, Mr. Chairman. If the goal is to,
2 in fact, as Mr. Strike was saying, to funnel folks out of the
3 Nordstrom Rack into the mall via Sears, the piece that's really
4 missing here is a continuous overhang and climate protection
5 between the two -- two spaces. What would be your reaction to a
6 request to extend the overhang so it'd be continuous between the
7 two store entrances?
8 **MR. RIDENOUR:** There -- there are existing overhangs which
9 are intended to stay between the two entrances.
10 **MS. BARKER:** But it's not continuous. It would end before
11 it got to the Nordstrom Rack entrance.
12 **MR. RIDENOUR:** It's -- it's the -- the short -- the short
13 distance of the Nordstrom Rack entrance -- you -- you're
14 correct. It's not continuous. I apologize.
15 **CHAIR FERGUSSON:** Ms. Barker, do you have anything else?
16 Mr. Spoerhase, then Mr. Walker, and then we're going to
17 get to the issue here. Mr. Spoerhase.
18 **MR. SPOERHASE:** Yes. Thank you, Mr. Chair. This is more
19 of -- kind of a comment to follow up on what you said about
20 being a prudent northern city in our design. Has there been any
21 research or anything that has been done to be -- maybe put an
22 enclosed causeway in between the two stores for the wintertime
23 or for -- to control access and control the direction of clients
24 coming in and out? If you're following me on that. Basically,
25 in addition to extending the overhang, maybe putting up some

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1 kind of divider between the sidewalk and the parking lot, to
2 also maybe piggyback on Mr. Strike's -- Mr. Strike's sincerity
3 in -- in promoting safety.
4 **MR. RIDENOUR:** I'm -- I'm not -- I'm not sure I follow.
5 Other than through the existing....
6 **MR. SPOERHASE:** So basically, I think....
7 **MR. RIDENOUR:** Through....
8 **MR. SPOERHASE:**where the existing sidewalk is and
9 extend the overhang, but in addition to extending the overhang
10 you put some kind of divider up between the sidewalk and the
11 parking lot.
12 **MS. RITTER:** Kind of like at Natural Pantry in front of
13 the rounded area where there's the eatery, like for people to
14 sit outside and eat....
15 **MR. RIDENOUR:** Well....
16 **MS. RITTER:**and there's kind of the barrier so
17 that....
18 **MR. SPOERHASE:** Yes.
19 **MS. RITTER:**they're not right there in the parking
20 lot.
21 **MR. SPOERHASE:** Yes, something along that lines that kind
22 of directs traffic to the entrance at Sears.
23 **MS. RITTER:** It has not been explored to the -- to date.
24 **CHAIR FERGUSSON:** I've got big red signs jumping at me
25 saying that exiting might be an issue because you can't exit one

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1 space through another space, and it seems to me that the fire
2 marshal might be excited over -- over that.
3 **UNIDENTIFIED SPEAKER:** Yes.
4 **CHAIR FERGUSSON:** Staff is telling me I can't comment like
5 that, but I -- I would see that as an issue.
6 **MS. RITTER:** I'd also worry slightly, depending on the
7 material that was used, about safety issue for people hiding
8 behind that wall....
9 **CHAIR FERGUSSON:** Yeah.
10 **MS. RITTER:**so that would be an immediate concern
11 that comes to mind.
12 **MR. SPOERHASE:** Sure. I was thinking some kind of --
13 maybe a class enclosure or something that -- you know, that met
14 all the requirements.
15 **CHAIR FERGUSSON:** Are you done, Mr. Spoerhase?
16 **MR. SPOERHASE:** I am, thank you.
17 **CHAIR FERGUSSON:** Mr. -- Mr. Walker, then Mr. Strike.
18 **MR. WALKER:** I have a question for staff, through the
19 chair, just kind of speaking to some of these concerns. I think
20 I'm probably less worried about it than others are here, but
21 if -- I mean, this project -- clearly, Nordstrom Rack is --
22 is -- their -- their preferred arrangement is consistent with
23 the more contemporary development style in retail these days,
24 which is more of a power center where you -- each store has its
25 own exterior door and storefront and you walk outside to access

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1 the other stores. Interior malls are, obviously, less popular
2 these days, but in this case, clearly, there's a pedestrian
3 access issue.
4 You've got this site that was developed 50 years ago,
5 and -- and things have grown up around it, and now we're trying
6 to solve this problem. So if this was a brand new project today
7 with the big box issues that are in play, is this -- are these
8 issues something that would be a problem? I mean, would you
9 guys have to -- to solve this problem if this was a brand new
10 project today?
11 **MR. ODELL:** If -- if the big -- if this was coming under
12 the new design review, then landscaping, pedestrian access, yes,
13 would be a big issue that would have to be resolved.
14 **MR. WALKER:** Okay. So the reason that it's not -- it
15 hasn't been a focus in this review is because there are only --
16 your ability to enforce these issues is limited to the 10
17 percent; is that right? Or....
18 **MR. ODELL:** Through the chair, Mr. Walker, yes, when we
19 look at vehicular and pedestrian safety improvements, blending
20 in exterior of the old facility, new facility, landscaping,
21 drainage improvements, so -- but like we said, we felt that
22 with -- with the sidewalk striping to get from the Northern
23 Lights sidewalk to the building, as well as landscaping
24 improvements, we -- we -- the department felt that that was the
25 best use of the 10 percent.

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1 **MR. WALKER:** Thank you.
2 **CHAIR FERGUSSON:** Mr. Walker, then Mr. Strike, then
3 Mr. Robinson.
4 **MR. STRIKE:** Thank you. One of the issues I'm having here
5 is that one one hand you want the advantage of being in the mall
6 by virtue of how you're counting the handicap space, saying it's
7 the totality of the mall that counts as the handicap spots, but
8 then you say, well, we're a standalone store with no access
9 other than through that one store. So which is it? You want to
10 be part of the mall and be consistent with the mall environment,
11 or do you want a standalone? Because you're arguing both sides
12 and wanting both sides of the equation here. Now, I'm lumping
13 you in as being part of the mall. That's how the -- that's how
14 it's been presented and we'll get over the handicap spaces, but
15 if we're going to get past that, we have an access problem, and
16 that's what I'm not past yet.
17 **CHAIR FERGUSSON:** Thank you, Mr. Strike.
18 A bunch of people fell off, so we're now we're down to
19 Mr. Spoerhase.
20 **MR. SPOERHASE:** Thank you, Mr. Chair. My question is
21 actually for the future tenants in their 3800-square-foot retail
22 spaces that are designed for future tenants, and they will not
23 have access to the mall, either, correct? It'll be some -- one
24 point of sale, one entrance, in a similar fashion that Nordstrom
25 Rack is doing. So my comment and slash question is it seems

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1 like at least on this side of the mall this is the direction
2 that this is going, and maybe away from internal malls, as
3 Mr. Walker pointed out, because it's not as favorable as it has
4 been in the past. So it might not just be a condition that we
5 have to approve for Nordstrom Rack, but for other future tenants
6 as well. Is that correct?
7 **MR. RIDENOUR:** That's correct.
8 **MS. RITTER:** And as each future tenant comes before you to
9 do additions, it will incrementally get pushed more into
10 compliance, so I -- I would just like to remind everybody that
11 this is an existing site. We're adding a loading dock. By
12 virtue of the size of the store by itself we would not be
13 required to be -- come before you. It would be a permitted use
14 in this zoning district without all the design criteria. So we
15 are -- we're trying to better the site and add a more viable
16 business to it, and working with some of the challenges that
17 currently exist, and we -- we recognize that it's not the -- if
18 we were designing the site today, this is not how we would
19 design it. That's not -- so none of your comments are wasted on
20 us.
21 **MR. SPOERHASE:** Thank you.
22 **CHAIR FERGUSSON:** Mr. Spoerhase, are you done?
23 **MR. SPOERHASE:** I am. Thank you.
24 **CHAIR FERGUSSON:** Mr. Robinson.
25 **MR. ROBINSON:** Yeah, just a couple comments. One is, you

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1 know, if -- if this was a standalone use it would have enough
2 retail to generate by itself the big box review, so -- so we're
3 kind of -- you know, they're sort of limited in part because
4 they're part of the mall, even though if they were standalone
5 they'd have all the big box requirements if they were coming in
6 new.
7 And I think Mr. Walker sort of nailed it for me. I think,
8 you know, you almost have this transitioning mall that's going
9 external, and yet the two additions that are external are being
10 disrupted by this loading dock, and so I think that's where I --
11 and the loading dock is in -- and -- and the -- the -- the
12 addition itself is, in fact, making things worse than what
13 exists today. So I think that's my problem. It's not just that
14 they're not -- they're only doing the 10 percent and they're
15 limited.
16 It's the nature of the project itself is sort of creating
17 this -- this issue, and I -- I'll concur with you it's a
18 design -- you're -- you're balancing an existing building that
19 can't figure out which side is the front side -- I mean, they're
20 not making it better -- with -- with, clearly, what a tenant
21 desires and what they want for their programming. So I'm -- I'm
22 a bit -- I'm a bit confused as to -- as to how -- you know, if
23 I'm -- if -- I almost never step foot in that mall, but there
24 might be a reason now to step foot in the mall, and maybe
25 there's a couple of new stores that have reason to step foot in

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1 the mall, but the way to get to those new stores is not through
2 Sears to get back around to the other one, but it's through the
3 outside and around to the side. So I don't know, I -- I don't
4 know -- I don't know where else you put the loading dock to
5 service the store.
6 **MS. RITTER:** Neither do we.
7 **CHAIR FERGUSSON:** I have been told I spend most of my time
8 out of the box. Do we need a loading dock?
9 **MR. RIDENOUR:** Yes. The -- the client needs a loading
10 dock.
11 **CHAIR FERGUSSON:** Okay. All right. I just -- you know,
12 because we're trading pedestrian access for a loading dock.
13 **MR. RIDENOUR:** If the client didn't need a loading dock,
14 we wouldn't be here, and that's the....
15 **CHAIR FERGUSSON:** Okay, well....
16 **MR. RIDENOUR:**that's the issue.
17 **CHAIR FERGUSSON:** Okay, that's....
18 **MR. RIDENOUR:** I mean....
19 **CHAIR FERGUSSON:**a better answer than the code
20 required it, okay?
21 **MR. RIDENOUR:** Correct.
22 **CHAIR FERGUSSON:** If the client wants it on that. Okay.
23 Last time, people. Do we have any further questions for the
24 re- applicant? Okay, thank -- it's not a public hearing, so
25 thank you very much on that one.

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1 **MR. RIDENOUR:** Thank you.
2 **MS. RITTER:** Thank you.
3 **CHAIR FERGUSSON:** What is the wish of the body on Case
4 2014-0094, Nordstrom Rack in the Sears Mall?
5 Mr. Walker, seconded by Mr. Spoerhase.
6 **MR. WALKER:** Well, I'd like to (indiscernible) propose a
7 motion to....
8 **CHAIR FERGUSSON:** Yes, yes.
9 **MR. WALKER:** I -- I'd move that we approve the loading
10 dock as proposed in the application with the recommendations
11 from the department with one exception, and that is that they
12 need to install a sign or otherwise significantly promote access
13 to the mall through the Sears store, and I think that is going
14 to be all (indiscernible). In this case I think (indiscernible)
15 applicant for all intents and purposes (indiscernible).
16 **CHAIR FERGUSSON:** And you specifically are including the
17 division -- the department's rec-- division recommendations 1
18 through 7 on pages 10 and 11.
19 **MR. WALKER:** Yes.
20 **CHAIR FERGUSSON:** Okay.
21 **MR. WALKER:** And I don't have any specific narrative or
22 language to describe my exception, but let's say to include a
23 sign or otherwise significantly promote access to the common
24 areas of the mall through the Sears store. And if anybody has
25 any additions, I would welcome it.

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1 **CHAIR FERGUSSON:** Mr. Spoerhase, you have seconded that
2 motion. Do you have any comments?
3 **MR. SPOERHASE:** You know, as I've seconded the motion
4 I've -- in support of Mr. Walker's findings on pages 10 through
5 11 of our package here, and I believe that I second that as
6 Sears is kind of driving this factor, they will be in support of
7 our motion. Also, I think that they will welcome the additional
8 foot traffic through their store, and even if not one of the
9 clients buy something in the store, they're going to the common
10 area, just to promote safety at that mall, since they are a
11 major anchor tenant there and -- that's it. Thank you.
12 **CHAIR FERGUSSON:** Mr. Robinson.
13 **MR. ROBINSON:** Thank you. I'm not prepared to support the
14 motion at this time. I have a very simple question, and it goes
15 back to the -- the Conexes there, and I -- I have not heard
16 whether or not those are temporary or permanent. They seem --
17 they seem permanent to me. They seem like they're tire storage
18 for the Sears Mall, that's a convenient place to locate their
19 tires, and I just want to know -- and if -- if they're in the
20 process of having to make the mall look better, I think that's
21 something that ought to be considered, and I'd at the very least
22 like to know what their plans are for those units out in front
23 for additional screening or coming into conformity with the --
24 with the code. Short of that -- short of that answer, I'm
25 not -- I'm not willing to support a yes vote this evening.

Page 38

1 **CHAIR FERGUSSON:** Any other discussion regarding
2 Mr. Walker's motion? Mr. Walker.
3 **MR. WALKER:** Can we ask for an answer?
4 **CHAIR FERGUSSON:** Well, I think that was asked and I think
5 the answer that was given was they don't know.
6 **MR. WALKER:** Okay.
7 **CHAIR FERGUSSON:** Is -- I believe that was what I heard.
8 **MS. RITTER:** That is true. As was stated, we do believe
9 it -- it has to do with ongoing renovations. I -- I don't know,
10 so I can't sit here and tell you that I do, but we know that it
11 does not have to do with Nordstrom Rack. So I am torn about how
12 it's being tied to the decision of this project when it has --
13 when it's not through the use of Nordstrom Rack, and if there's
14 a way that we can resolve that or make a condition of approval
15 that will resolve that issue instead of not making a decision on
16 the project, I would -- would ask that you entertain that.
17 **MR. POTTER:** I would just like to add -- my name is Tim
18 Potter, for the record -- that over the years if you've been
19 watching the renovations at the Sears Mall and throughout that
20 has been the location of all the Conexes that the contractors
21 have used, whether it was a small addition, modifications or
22 tenant improvements, and whether you've been over to the mall or
23 not, Tyler, there's been a lot of changes and a lot of upgrades
24 going on, and it's my belief after watching it for a number of
25 years that that is the location that contractors are given to

Page 39

1 locate and co-locate their Conexes with materials for tenant
2 improvements, wiring, plumbing, all those activities.
3 I cannot attest to the several that are there now. I will
4 by tomorrow, and we will make sure that they are contractor
5 related and not storage, because storage would not be permitted,
6 no -- no matter how long they'd been using that area. So my
7 opinion is they are in violation if those are tires that they
8 are keeping there. My belief is that they are contractor
9 equipment and goods for installation and construction for tenant
10 improvements within the mall space.
11 **CHAIR FERGUSSON:** For current contracts only, not prior or
12 future.
13 **MR. POTTER:** That's correct. I don't believe that the
14 contractors are storing them there long term, either.
15 **MR. STRIKE:** Depending on the season, the tire sale sign
16 that hangs on the Conexes may be a dead giveaway.
17 **CHAIR FERGUSSON:** Okay.
18 **MR. POTTER:** I would -- I would not conclude that, given
19 the way that you're looking for places to hang signs, so I will
20 find out the answer, Mr. Strike.
21 **MR. STRIKE:** Thank you.
22 **CHAIR FERGUSSON:** Thank you. All right. We've argued
23 tires and everything else on this issue tonight. Do we have any
24 other comments prior to voting? Would you please use your
25 machines.

Page 40

1 **MR. ROBINSON:** So, Mr. Chair, if I may, what happens if we
2 find out tomorrow what -- what's the answer? The -- we know
3 what the answer's going to be. The answer's going to be they're
4 for contractors. Is that what we're saying?
5 **CHAIR FERGUSSON:** I've heard repre-- yeah, I guess that's
6 what we're saying, Mr. Robinson. I understand.
7 **MR. ROBINSON:** I'd like to know prior to -- to the time
8 expiration of my ability to spread notice of reconsideration,
9 if -- if I could.
10 **CHAIR FERGUSSON:** That's short, too. That's only 24
11 hours.
12 **MR. ROBINSON:** That's what I'm saying.
13 **MS. RITTER:** We can commit to getting Mr. Robinson an
14 answer within his time to reconsider.
15 **CHAIR FERGUSSON:** Thank you very much.
16 **MR. ROBINSON:** Thank you.
17 **CHAIR FERGUSSON:** Okay. Okay. With these machines down I
18 got to take a look. Who hasn't voted? Okay. I believe we all
19 voted.
20 That motion has carried. Does anyone care to have any
21 findings to do with that motion? The fin-- do we need any new
22 findings on that motion? Okay, it is 8:30.
23 1:58:06
24 (This portion not requested)
25 03:17:50

Page 41

1 MUNICIPALITY OF ANCHORAGE
2 PLANNING AND ZONING COMMISSION MEETING
3 (EXCERPT RE: CASE 2014-0094, NORDSTROM RACK)
4
5 August 4, 2014
6
7 **MEMBERS:**
8
9 James Fergusson, Chair
10 Stacey Dean, Vice Chair
11 Mitzi Barker
12 Tyler Robinson
13 Brandon Spoerhase
14 Jon Spring
15 Gregory Strike
16 Brandon Walker
17
18
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20
21
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24
25

MOA PZC MEETINGS (EXCERPTS RE CASE 2014-0094, NORDSTROM RACK)
JULY 14 & AUGUST 4, 2014

(Pages 42 to 45)

Page 42	Page 44
<p>1 (anchorageak_72ea5734-c194-4f45-a13a-26999fa2a272.mp3) 2 00:00:00 3 CHAIR FERGUSSON: Good evening. This is the Planning and 4 Zoning Commission for the Municipality of Anchorage. Madam 5 Clerk, will you please call the roll? 6 THE CLERK: Ms. Dean. 7 VICE CHAIR DEAN: Here. 8 THE CLERK: Mr. Fergusson. 9 CHAIR FERGUSSON: Here. 10 THE CLERK: Mr. Robinson. 11 MR. ROBINSON: Here. 12 THE CLERK: Mr. Spring. 13 MR. SPRING: Here. 14 THE CLERK: Mr. Strike. 15 MR. STRIKE: Here. 16 THE CLERK: Ms. Barker. 17 MS. BARKER: Here. 18 THE CLERK: Mr. Walker. 19 MR. WALKER: Here. 20 THE CLERK: Mr. Spoerhase. 21 MR. SPOERHASE: Here. 22 THE CLERK: Thank you. 23 CHAIR FERGUSSON: The minutes for the Monday, May 12th 24 meeting have been distributed. Are there any corrections, 25 additions or clarifications to those minutes? Pardon? Minutes.</p>	<p>1 MR. SPRING: Yes, I move to approve the consent agenda. 2 CHAIR FERGUSSON: We have a motion. Do I have a second, 3 please? I need -- I have a motion by Commissioner Spring, 4 seconded by Mr. Spoerhase. Mr. Strike, do you wish to move -- 5 remove something? 6 MR. STRIKE: Yes, I'd like to remove -- pull for -- D.1.b, 7 resolution 2014-040. Yes, for..... 8 CHAIR FERGUSSON: Okay. Are there any -- any other items 9 to be pulled? Can we please use our machines to vote on the 10 remaining three items of the consent agenda? That's items a, c 11 and d. Please use your machines. 12 Those items are approved. 13 Mr. Strike, do you want to speak to 2014-040? 14 MR. STRIKE: Yes, thank you, Mr. Chairman. On the 15 resolution on paragraph b.8 I would like to propose amended 16 language to strengthen language. Where it currently reads, 17 amend the plan to include a sign, I would substitute "sign" with 18 "signage," so as not to limit it to a single sign. Or otherwise 19 to significantly promote access to the common area of the mall 20 through the Sears store, I want to strengthen the 21 "significantly." 22 There was a lot of dialogue, a lot of conversation that 23 evening and I don't want to see this issue minimized in any way 24 due to the safety factors. So I would promote on the 25 "significantly" to drive that home, and I don't know the bearing</p>
Page 43	Page 45
<p>1 Seeing and hearing none, we'll -- those minutes are 2 approved as submitted. 3 Mr. Robinson, will you please handle the disclosures. 4 MR. ROBINSON: Yes. Mr. Spoerhase. 5 MR. SPOERHASE: None. 6 MR. ROBINSON: Mr. Spring. 7 MR. SPRING: Yes, I wasn't at the July meeting where 8 resolutions 2014-40, 2014-42, 2014-41 were discussed, so I will 9 not be voting on that. Abstaining from that. 10 CHAIR FERGUSSON: How about 2014-040? 11 MR. SPRING: 040. Yes, all three of them, b, c and d. 12 CHAIR FERGUSSON: Thank you. 13 MR. ROBINSON: Thank you. Ms. Dean. 14 VICE CHAIR DEAN: I have nothing to disclose. 15 MR. ROBINSON: Mr. Chair. 16 CHAIR FERGUSSON: Nothing to disclose. 17 MR. ROBINSON: Mr. Walker. 18 MR. WALKER: Nothing to disclose. 19 MR. ROBINSON: Mr. Strike. 20 MR. STRIKE: Nothing to disclose. 21 MR. ROBINSON: Ms. Barker. 22 MS. BARKER: Nothing to disclose. 23 MR. ROBINSON: And I have nothing to disclose. 24 CHAIR FERGUSSON: That completes the disclosure. 25 Mr. Spring, will you please handle the consent agenda.</p>	<p>1 on this, but either to underline it or capitalize it so that 2 it's very clear to the petitioner that we are serious about this 3 one. 4 CHAIR FERGUSSON: Okay, I just got to that, found the -- 5 the paragraph in question. What language would you like to -- 6 how would you like to amend that language? 7 MR. STRIKE: As stated, I would include a -- include 8 "signage" by removing "a sign," and just stipulate "signage," 9 and to finish off, the "to significantly," I would just move to 10 capitalize "significantly." 11 CHAIR FERGUSSON: Any other changes to that language? I 12 believe we have a motion to amend the language in resolution 13 2014-040, paragraph b.8. Do I -- I have a second on that motion 14 from Mr. Walker. 15 Do we have any other -- any further discussion on that 16 language? Staff have any comment? 17 Please use -- if we can reset the machine? And -- yeah, 18 but we lost our motion by strike and -- forgot who seconded it. 19 Okay, we've got that back. Can we -- can we vote, please, 20 on that one? 21 Thank you. That -- that resolution has been approved -- 22 or that -- that amendment to the resolution has been approved. 23 MR. SPRING: No, I -- I abstained. 24 CHAIR FERGUSSON: Oh, you abstained. Okay. All right. 25 Okay.</p>

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1 MR. SPRING: Oh, sorry.
2 CHAIR FERGUSSON: Now may I have a motion to approve the
3 amended resolution 2014-040? I have a motion by Ms. Barker,
4 seconded by Commissioner Strike.
5 Can we use our machines and vote on that, please. Please
6 vote.
7 Okay. That also has carried. That completes the consent
8 agenda.
9 00:05:58
10 (This portion not requested)
11 05:07:35
12 /
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14 /
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23 /
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25 /

TRANSCRIBER'S CERTIFICATE

I, Dana J. Kelly, Certified Electronic Transcriber, hereby certify:

That the foregoing pages numbered 2 through 46 are a true, accurate and complete transcript of meeting excerpts transcribed to the best of my knowledge and ability from electronic sound recordings obtained off the Municipality of Anchorage website at <http://www.muni.org/Residents/Pages/MuniMeetings.aspx>.

DATED: September 9, 2014.



Dana J. Kelly

Dana J. Kelly

AAERT Certified #00172

Municipality of Anchorage

MEMORANDUM

DATE: June 13, 2016

TO: Planning and Zoning Commission

THRU: Hal H. Hart, AICP, Director
Planning Department

FROM: Shawn Odell, Current Planning Section

SUBJECT: Case 2016-0023 Nordstrom Rack remand from Superior Court to the Planning and Zoning Commission to hold a public hearing.

Background

The Planning and Zoning Commission received a request from Sears Roebuck and Company to amend a large retail establishment site plan in the B-3 (general business) district in accordance with AMC 21.55.130 and AMC 21.50.320. The Planning and Zoning Commission reviewed and approved this request on the consent agenda on July 14, 2014 subject to eight (8) conditions. The Planning and Zoning Commission adopted resolution 2014-040 on August 4, 2014.

Six retail merchants timely filed an appeal of this decision to the Board of Adjustment. The Board of Adjustment held a meeting open to the public on February 18, 2015 as Appeal No. 2014-4. By unanimous vote (3-0), the Board of Adjustment exercised its independent judgement in the interpretation of municipal code and concludes a public hearing on a limited site plan review amendment filed under AMC 21.55.130 is not required as a matter of law.

The appeal of the Board of Adjustments decision was further appealed to the Superior Court of Alaska on December 2, 2015. Superior Court Judge Andrew Guidi ruled that based on consideration of public policy, that the Commission must hold a public hearing on an application to modify a large retail establishment. This reversed the decision of the Board of Adjustment in the case and remanded the case back to the Planning and Zoning Commission to hold a public hearing.

Discussion

The decision by the Superior Court has sent the case back to the Planning and Zoning Commission to hold a public hearing for the case. The petitioner has completed all of the eight conditions as recommended by the Commission in the resolution (2014-040) which granted them approval for construction per the site plan. The Nordstrom Rack has been completed and is currently open as a retail establishment.

346 public hearing notices were mailed on January 21, 2016 and again on May 17, 2016, two comments were received. One comment was delivered by hand June 6, 2016. The Planning Department has not received a response from the Midtown Community Council at the time of this writing.

Public phone comments have been received in regards to interior access from the mall and it has been stated by the Planning Department that interior remodeling is exempted by AMC 21.55.130, and the use internal to the structure is not included in any type of review standards.

Recommendation

The Department recommends APPROVAL of the amended site plan review for the Sears store tenant improvements for Nordstrom Rack located on the north side of the Sears Mall, subject to the following conditions:

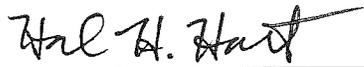
1. All construction and improvements related to this approval shall be substantially in compliance with the application, narrative, and with the following plans on file with the Planning Division, except as modified by conditions of this approval:

700 E. Northern Lights Blvd. Renovation, prepared by RIM architects/DowlHKM; sheets D201, A101, A201, A202, C101, C102, C103, L101, L501, and L502 dated 4/07/2014.

2. A notice of zoning action, including a copy of the approved Commission resolution for this case, shall be filed with the State Recorder's Office and proof of such shall be submitted to the Department of Planning.
3. Submit a copy of the updated site plan that shows the required sight distance triangles per ADOT&PF standards. Verify the removed trees are replaced on a one-to-one basis.

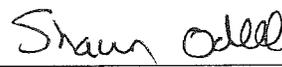
4. Amend the site plan to show pedestrian walkway striping for pedestrian access to the east entry doors from the sidewalk along Northern Lights Boulevard.
5. Submit a copy of the updated elevation plan to show an overhang awning along at least sixty (60) percent of the east elevation building length.
6. Submit a landscape plan to include the landscape budget required by AMC 21.55.130 towards improving landscaping along Northern Lights Boulevard.
7. A lighting plan shall be submitted for review and approval.

Reviewed by:



Hal H. Hart, AICP
Director

Prepared by:



Shawn Odell
Senior Planner



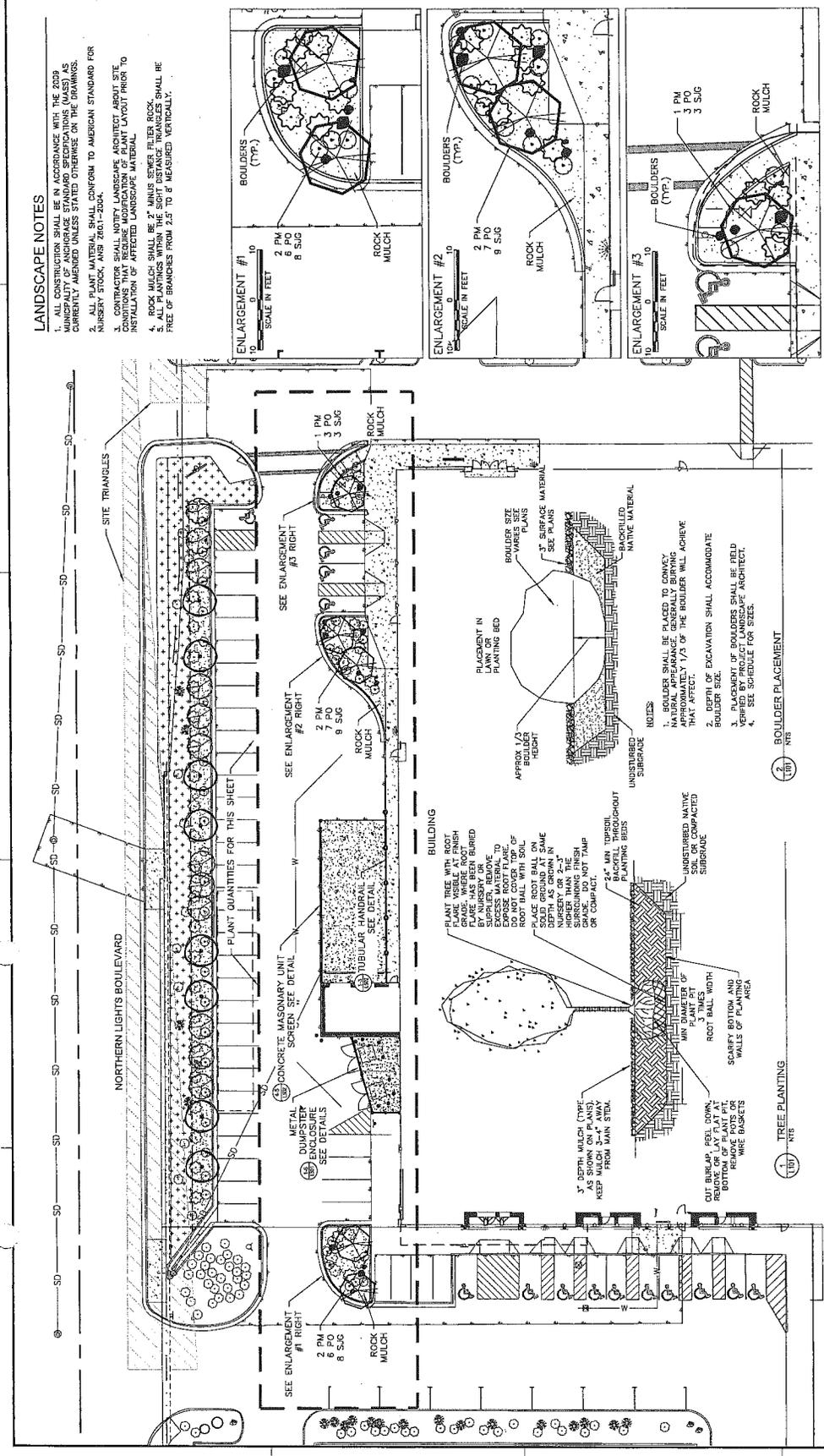
PERMIT SET

700 E. NORTHERN LIGHTS BLVD
 RENOVATION
 700 E NORTHERN LIGHTS BLVD, ANCHORAGE, AK
 OWNER: 954RS HOLDING
 SHEET: CIVIL GRADING PLAN

MARK	DATE	DESCRIPTION
DATE	2014.05.07	
PROJECT NO.	141017	
DRAWN BY	DS	
CHECKED BY	DS	
DATE	2014.05.07	
BY	DM Architects LLC	
SHEET DESCRIPTION	LANDSCAPE PLAN	
DWG NO.	L101	
SHEET	11	OF 85

LANDSCAPE NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 MUNICIPALITY OF ANCHORAGE STANDARD SPECIFICATIONS (MSS) AS CURRENTLY AMENDED UNLESS STATED OTHERWISE ON THE DRAWINGS.
2. ALL PLANT MATERIAL SHALL CONFORM TO AMERICAN STANDARD FOR NURSERY STOCK, AND 2601-1-2004.
3. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT ABOUT SITE CONDITIONS AND MATERIALS TO BE USED PRIOR TO INSTALLATION OF AFFECTED LANDSCAPE MATERIAL.
4. ROCK MULCH SHALL BE 2" MINUS SIEVE FILTER ROCK.
5. ALL PLANTINGS WITHIN THE SORT DISTANCE TRIANGLES SHALL BE FREE OF BRANCHES FROM 2.5' TO 8' MEASURED VERTICALLY.



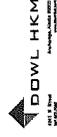
LANDSCAPE SCHEDULE

SYMBOL	DESCRIPTION	QUANTITY	NOTES
(Symbol)	ROCK MULCH	1,431 sq ft	2" MINUS SIEVE FILTER ROCK SEE DETAILS
(Symbol)	LANDSCAPE BOULDERS	7	SEE DETAILS
(Symbol)	MEDIUM (2'-3" DIAGONAL)	69 ft	SEE DETAILS
(Symbol)	LARGE (3'-4" SHORTEST DIAGONAL)		SEE DETAILS
(Symbol)	TUBULAR PIPE HANDRAIL		

PLANT SCHEDULE

SYMBOL	QTY	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE	SPACING	NOTES
(Symbol)	5	5	AMUR CHOKECHERRY	<i>Diospyros amabilis</i>	2.5" cal	As Shown	8x8
(Symbol)	15	15	EASTERN NINEBARK	<i>Cornus alternifolia</i>	36" ht	As Shown	# Container
(Symbol)	20	20	COLORADO SPIREA	<i>Spiraea japonica</i>	24" ht	As Shown	# Container

APPROVED
 DATE 7/31/14
 BY *Shawn Oehl*
 MUNICIPALITY OF ANCHORAGE
 TOWING AND PLATING DIVISION



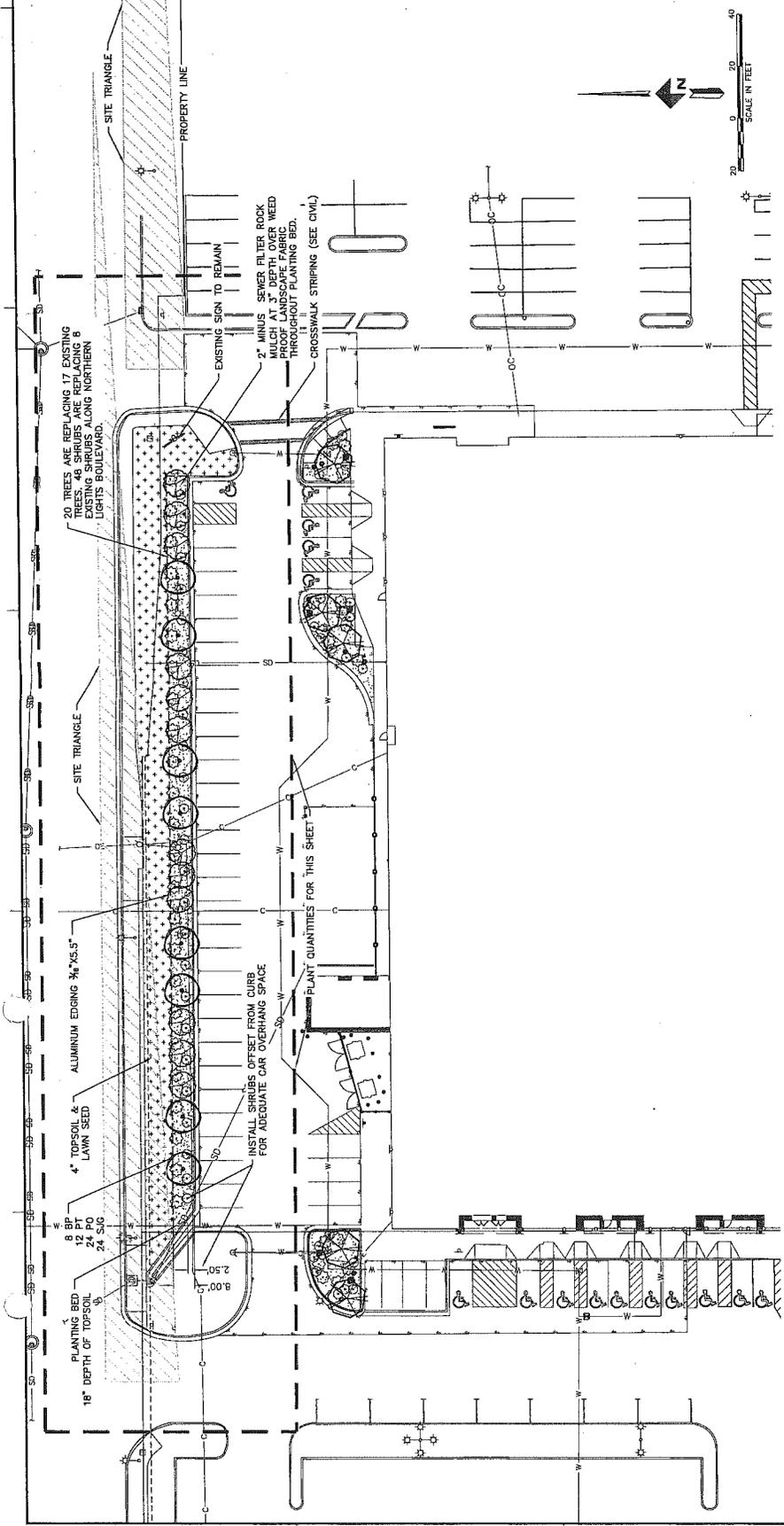
PERMIT SET

700 E. NORTHERN LIGHTS BLVD
 RENOVATION
 9EARS HOLDING
 700 E NORTHERN LIGHTS BLVD, ANCHORAGE, AK
 CIVIL GRADING PLAN

TITLE: PROJECT: OWNER: SHEET: 12 OF 68

NO.	DATE	DESCRIPTION
1	2013.05.07	ISSUED FOR PERMIT
2	2013.05.07	ISSUED FOR PERMIT
3	2013.05.07	ISSUED FOR PERMIT
4	2013.05.07	ISSUED FOR PERMIT
5	2013.05.07	ISSUED FOR PERMIT
6	2013.05.07	ISSUED FOR PERMIT
7	2013.05.07	ISSUED FOR PERMIT
8	2013.05.07	ISSUED FOR PERMIT
9	2013.05.07	ISSUED FOR PERMIT
10	2013.05.07	ISSUED FOR PERMIT
11	2013.05.07	ISSUED FOR PERMIT
12	2013.05.07	ISSUED FOR PERMIT
13	2013.05.07	ISSUED FOR PERMIT
14	2013.05.07	ISSUED FOR PERMIT
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97	2013.05.07	ISSUED FOR PERMIT
98	2013.05.07	ISSUED FOR PERMIT
99	2013.05.07	ISSUED FOR PERMIT
100	2013.05.07	ISSUED FOR PERMIT

DRG NO: **L102**
 SHEET 12 OF 68



- PERIMETER LANDSCAPE NOTES**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2008 MUNICIPALITY OF ANCHORAGE STANDARD SPECIFICATIONS (MASS) AS CURRENTLY AMENDED UNLESS STATED OTHERWISE ON THE DRAWINGS.
 2. ALL PLANT MATERIAL SHALL CONFORM TO AMERICAN STANDARD FOR NURSERY STOCK, ANS Z60.1-2004.
 3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE PERMITS AND REGULATIONS OF THE CITY OF ANCHORAGE. ALL PLANTING SHALL BE DONE PRIOR TO INSTALLATION OF AFFECTED LANDSCAPE MATERIAL.
 4. INSTALL 3" MINUS SIEVE FILTER ROCK MULCH AT 3" DEPTH OVER NEED PROOF LANDSCAPE FABRIC THROUGHOUT PLANTING BED.
 5. IN SEDED AREAS REMOVE TOP 4" OF EXISTING SOIL AND REPLACE WITH 4" OF TOPSOIL. IN PLANTING BED REMOVE TOP 18" OF EXISTING SOIL AND REPLACE WITH 18" OF TOPSOIL.
 6. 20 TREES ARE REPLACING 17 EXISTING TREES, 48 SHRUBS ARE REPLACING 8 EXISTING SHRUBS ALONG NORTHERN LIGHTS BOULEVARD.

PERIMETER LANDSCAPE SCHEDULE

SYMBOL	DESCRIPTION	QUANTITY	NOTES
○	TOPSOIL AND LAWN SEED	4 NSF	
○	5% Annual Ryegrass 25% Alopecurus 40% Broad Leaf Application Rate: 5 lbs per 1000 sq ft		
○	ROCK MULCH	31 TONS	3" MINUS SIEVE FILTER ROCK
○	ALUMINUM EDGING	300 L.F.	INSTALL PER THIS RECOMMENDATIONS
○	3/16" X 5/8"		

PERIMETER PLANT SCHEDULE

SYMBOL	KEY	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE	SPACING	NOTES
○	BP	8	WHITE PINE BIRCH (Multi-Stem)	Betula papyrifera	2.0' cal	As Shown	#8B
○	PT	12	SWEDISH COLUMBAR	Populus tremula	2.0' cal	As Shown	#8B
○	PO	24	DIABLO NINEBARK	Physocarpus opulifolius	30" ht	As Shown	#3 Container
○	S/G	24	COLD-LANE SPREA	Salix x humuloides	24" ht	As Shown	#3 Container



PERMIT SET

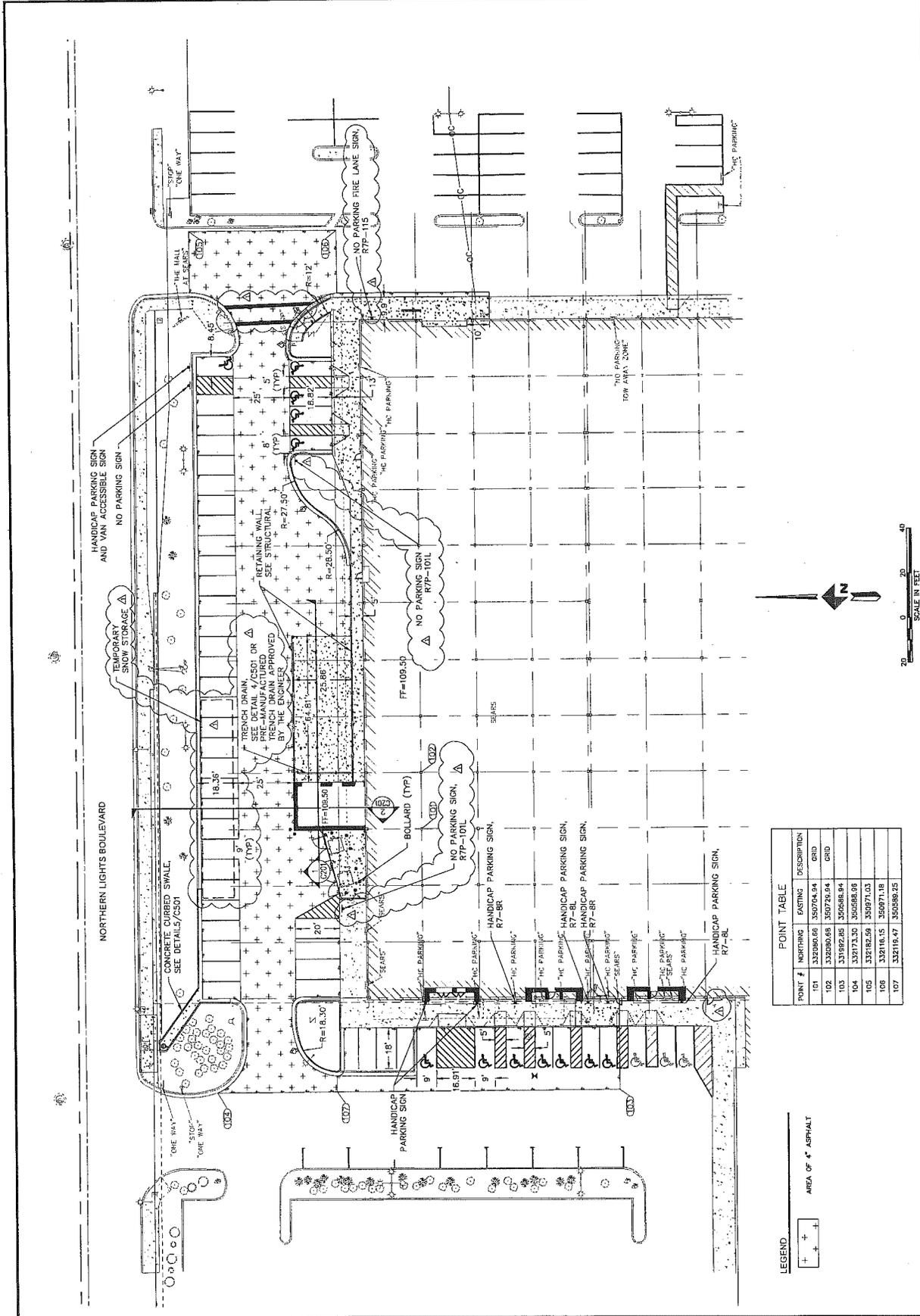
700 E NORTHERN LIGHTS BLVD
RENOVATION
SEARS HOLDING
700 E NORTHERN LIGHTS BLVD, ANCHORAGE, AK

PROJECT: 700 E NORTHERN LIGHTS BLVD, ANCHORAGE, AK
OWNER: SEARS HOLDING
SHEET: CIVIL SITE PLAN

MARK	DATE	DESCRIPTION
1	7/27/20	ISSUE FOR PERMIT
2	10/14/20	ISSUE FOR PERMIT
3	11/10/20	ISSUE FOR PERMIT
4	12/10/20	ISSUE FOR PERMIT
5	1/10/21	ISSUE FOR PERMIT
6	2/10/21	ISSUE FOR PERMIT
7	3/10/21	ISSUE FOR PERMIT
8	4/10/21	ISSUE FOR PERMIT
9	5/10/21	ISSUE FOR PERMIT
10	6/10/21	ISSUE FOR PERMIT
11	7/10/21	ISSUE FOR PERMIT
12	8/10/21	ISSUE FOR PERMIT
13	9/10/21	ISSUE FOR PERMIT
14	10/10/21	ISSUE FOR PERMIT
15	11/10/21	ISSUE FOR PERMIT
16	12/10/21	ISSUE FOR PERMIT
17	1/10/22	ISSUE FOR PERMIT
18	2/10/22	ISSUE FOR PERMIT
19	3/10/22	ISSUE FOR PERMIT
20	4/10/22	ISSUE FOR PERMIT
21	5/10/22	ISSUE FOR PERMIT
22	6/10/22	ISSUE FOR PERMIT
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100	12/10/28	ISSUE FOR PERMIT

CIVIL SITE PLAN

DWG NO. C102
SHEET 6 OF 57



POINT TABLE

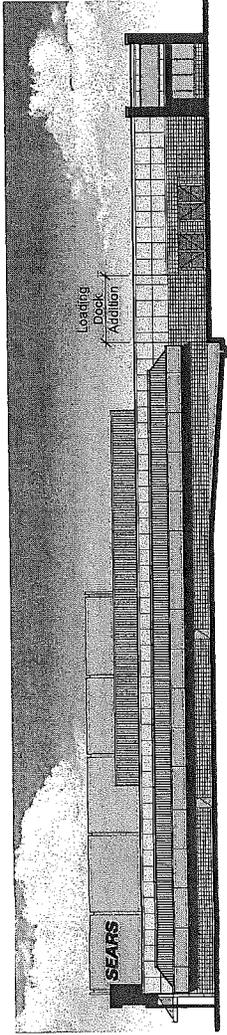
POINT #	NORTHING	EASTING	DESCRIPTION
101	332380.05	350704.94	GRID
102	332080.05	350725.94	GRID
103	331982.05	350586.94	
104	332173.30	350586.96	
105	332192.59	350977.03	
106	332116.15	350977.18	
107	332116.47	350586.25	

LEGEND

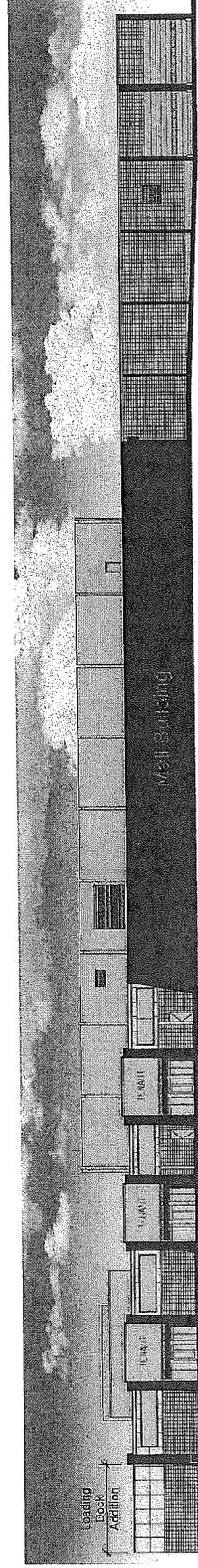


700 E. Northern Lights

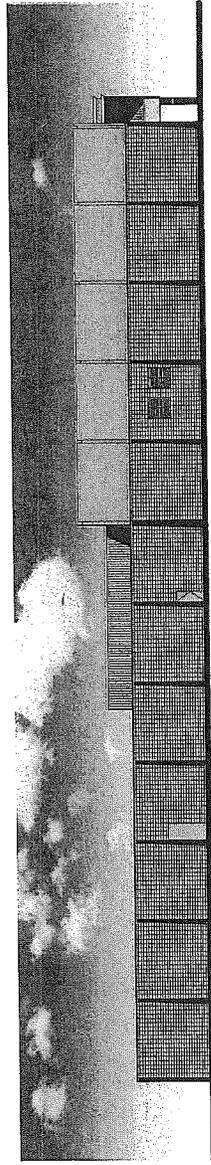
May, 2014



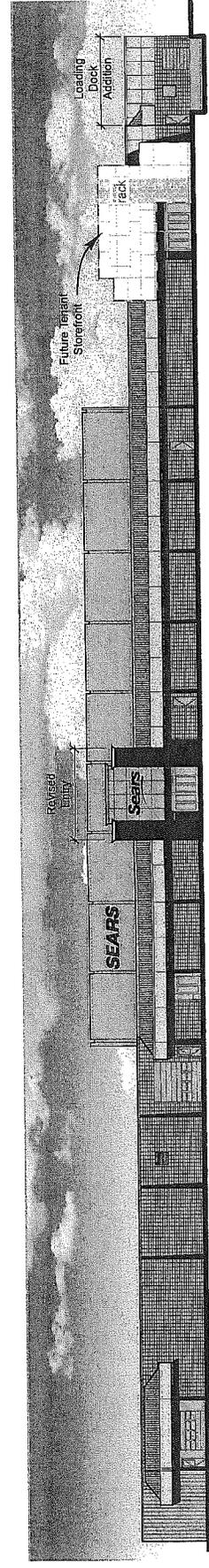
North Elevation



West Elevation



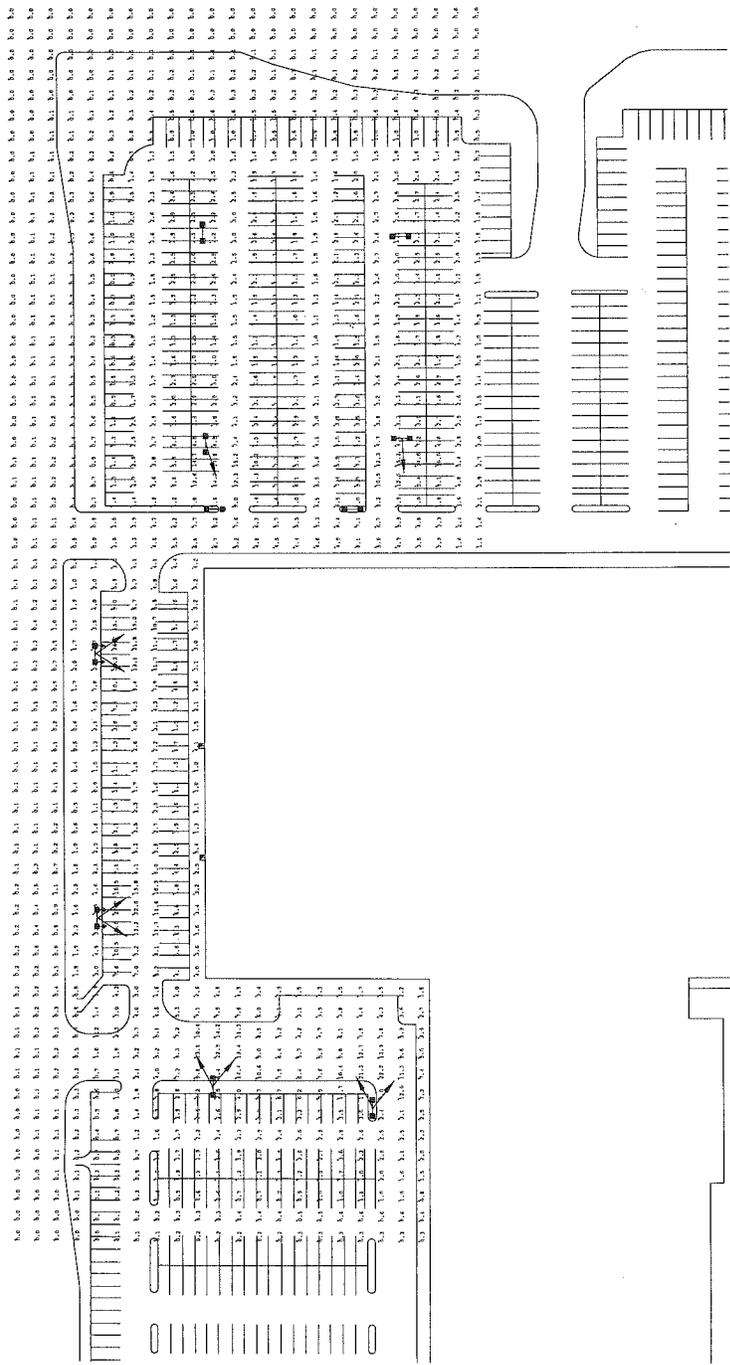
South Elevation



East Elevation

REV #	DATE	BY:
1	5/20/14	J.P.
2	5/21/14	J.P.

REVISIONS



Calculation Summary

Label	Units	Avg	Max	Min	Avg/Min	Max/Min	Response	Footcandle
EXIST BUILDING FRONT	Fc	5.08	8.3	1.1	4.42	7.45	15	14
DRIVE BUILDING FRONT	Fc	5.35	22.0	1.0	5.39	22.00		
PARKING LOT	Fc	3.22	27.7	0.2	14.45	134.50		
WEST BUILDING FRONT	Fc	7.33	22.4	1.4	4.07	15.72		

Simulation Results

Location	City	Lat	Long	Alt	Time	Month	Day	Weather
ANCHORAGE, AK	ANCHORAGE, AK	61.2208	-150.2400	120	12:00	12	12/15	Clear
ANCHORAGE, AK	ANCHORAGE, AK	61.2208	-150.2400	120	12:00	12	12/15	Clear
ANCHORAGE, AK	ANCHORAGE, AK	61.2208	-150.2400	120	12:00	12	12/15	Clear
ANCHORAGE, AK	ANCHORAGE, AK	61.2208	-150.2400	120	12:00	12	12/15	Clear
ANCHORAGE, AK	ANCHORAGE, AK	61.2208	-150.2400	120	12:00	12	12/15	Clear

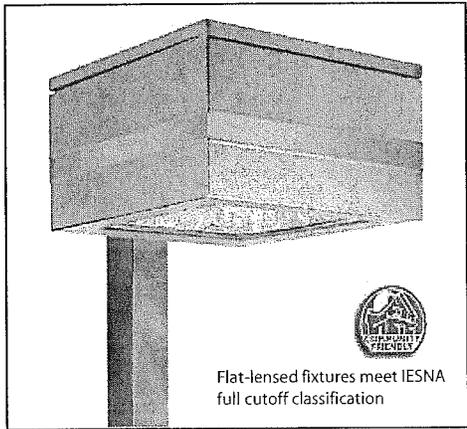
ALL FLOODS ARE MOUNTED WITH A 70° TILT

AS A RESULT OF THE COLOR OF THE LIGHT SOURCE (5000K CRI-80+), THE "SEEABILITY" PRODUCED BY THIS LIGHTING SOLUTION WILL APPEAR AT LEAST 30% BRIGHTER THAN THIS PHOTOMIC MODEL SUGGESTS.

BASED ON THE INFORMATION PROVIDED, ALL DIMENSIONS AND LUMINAIRE LOCATIONS SHOWN REPRESENT RECOMMENDED POSITIONING. THE ENGINEER AND/OR ARCHITECT ASSUMES RESPONSIBILITY FOR THE APPLICABILITY OF THE LAYOUT TO EXISTING OR FUTURE FIELD CONDITIONS. THIS LIGHTING PATTERN REPRESENTS ILLUMINATION LEVELS CALCULATED FROM AN ASSUMED LUMINAIRE DISTRIBUTION AND IS NOT A GUARANTEE OF ILLUMINATION. ILLUMINATION LEVELS ARE BASED ON THE ASSUMPTIONS OF THE ILLUMINANCE ENGINEERING SOCIETY APPROVED METHOD. ACTUAL PERFORMANCE OF ANY LUMINAIRE MAY VARY FROM THE CALCULATED ILLUMINATION LEVELS DUE TO VARIATIONS IN LUMINAIRE TOLERANCE IN LAMPS AND OTHER VARIABLE FIELD CONDITIONS.

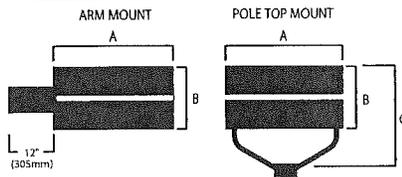
WLS LIGHTING SYSTEMS

FV SERIES VERTICAL LAMP / FLAT GLASS LENS



Flat-lensed fixtures meet IESNA full cutoff classification

DIMENSIONS



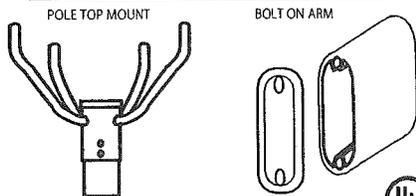
	A	B	C
FVM Arm Mount	21-5/8"(549mm)	12-3/4"(324mm)	—
FVMPT Pole Top	21-5/8"(549mm)	12-3/4"(324mm)	21-15/16"(557mm)
FVR Arm Mount	21-5/8"(549mm)	16-1/8"(410mm)	—
FVRPT Pole Top	21-5/8"(549mm)	16-1/8"(410mm)	25"(635mm)

LUMINAIRE EPA CHART

FV SERIES Flat Lens	FVM SERIES 12" Bracket	FVR SERIES 12" Bracket
Single	3.2	3.8
D180°	6.3	7.6
D90°	5.7	7.6
T90°	8.8	11.4
TN120°	9.0	11.4
Q90°	11.3	15.2
Pole Top	3.2	4.0

Note: House Side Shield adds to fixture EPA. Consult factory.

MOUNTING BRACKETS



SPECIFICATIONS

HOUSING - The FV Series formed aluminum housing is finished to produce a clean, sharp appearance and ensures weather-tight construction. Available in 2 sizes: Medium (reduced envelope 400 Watt Lamp) and Reduced (reduced envelope 1000 Watt Lamp).

LENS/GASKET - A flat tempered glass lens is sealed to the housing with an EPDM gasket, preventing entry of moisture, dust and insects. Combined with the vertical burn feature, the flat glass lens provides high performance lighting.

TOP ACCESS - Is secured by four captive stainless steel fasteners and provides ease of installation and servicing.

FINISHES - Each fixture is finished with a baked-on polyester powder finishing process to give the fixture an exceptionally attractive appearance. Standard finish colors include bronze, buff, black, platinum, white green. The polyester finish withstands extreme weather changes without cracking or peeling. Consult factory for available custom colors and pinstripe decal options.

REFLECTORS/DISTRIBUTION PATTERNS - The FV Series fixture is available in five reflector systems and distribution patterns, all with vertical burn lamps: Type II (2), Type III (3), Type V (5), Perimeter Forward Throw (FP) and Super Reflector (SR) for a minimum mounting height of 30 feet. Reflectors are field-rotatable, enabling generous flexibility in distribution patterns without fixture movement.

LIGHT SOURCES - Designed to operate with Pulse-Start Metal Halide, Natural White, Super Metal Halide, Metal Halide, Metal Halide Reduce Envelope or High Pressure Sodium.

SOCKETS - Porcelain mogul-base sockets with spring-reinforced contacts.

BALLAST - Pulse Start Metal Halide, Metal Halide, Super Metal Halide, and High Pressure Sodium feature a high-power factor CWA ballast, and are designed for -20°F operation.

BRACKETS - Arm Mount: 5 1/2" x 2 1/2" x 12" length shipped standard. (An 8" bracket is available for single or D180 configurations, but must be ordered separately from Options column of the ordering chart.) A Round Pole Plate (RPP) is required for mounting to 3" - 5" round poles. (See Options in Luminaire Ordering Information.)

Pole Top: Cast aluminum mounting hub conceals the wiring compartment and mounting hardware (consisting of four 11/16" O.D. aluminum rods for medium fixtures and 7/8" O.D. aluminum rods for large fixtures, and high-strength grade-five steel bolt with nylon insert and split lock washer for double locking.)

DECAL STRIPING - WLS offers optional color-coordinated decals in 9 standard colors to accent the fixture. Decal is guaranteed for five years against peeling, cracking, or fading.

Approved By: _____ Project Name: _____

Location: _____ Date: _____

1919 Windsor Place • Fort Worth, TX 76110 • 800.633.8711 • Fax: 817.735.4824 • www.wslighting.com

WLS LIGHTING SYSTEMS

Consider the Impact!

194

Rev. 1.7.11

Specifications subject to change without notice.

FV SERIES

VERTICAL LAMP / FLAT GLASS LENS

ORDERING INFORMATION SELECT APPROPRIATE CHOICE FROM EACH COLUMN TO FORMULATE ORDER CODE. Refer to example below.

LUMINAIRE	DISTRIBUTION	LAMP WATTAGE	LIGHT SOURCE	LENS	LINE VOLTAGE ³	LUMINAIRE FINISH	OPTIONS
FVM	2 - Type II 3 - Type III FP - Perimeter Forward Throw 5 - Type V	250W	PSMH - Pulse-Start Metal Halide HPS - High Pressure Sodium	FG - Flat Glass	480V MT - Multi Tap ⁴ TT - Tri Tap ²	BRZ - Bronze BLK - Black PLT - Platinum BUF - Buff WHT - White GRN - Green MSV - Metallic Silver CC - Custom Color	LL - Less Lamp GS - Glare Shield 8BK - 8" Bracket RPP - Round Pole Plate BKT - WM - Wall Mount Plate PT - Pole Top SF - Single Fusing DF - Double Fusing AS - Accent Striping PC - Photo Cell NO - No Options
		320W 350W (PSMH only) 400W					
FVR	2 - Type II 3 - Type III FP - Perimeter Forward Throw 5 - Type V AF - Automotive Forward Throw AI - Automotive Interior SR - Super Reflector	400W	MHR - Metal Halide Reduced Envelope 1000 Watt * PSMH - Pulse-Start Metal Halide	FG - Flat Glass	480V MT - Multi Tap ⁴ TT - Tri Tap ²	BRZ - Bronze BLK - Black PLT - Platinum BUF - Buff WHT - White GRN - Green MSV - Metallic Silver CC - Custom Color	LL - Less Lamp GS - Glare Shield 8BK - 8" Bracket RPP - Round Pole Plate BKT - WM - Wall Mount Plate PT - Pole Top SF - Single Fusing DF - Double Fusing AS - Accent Striping PC - Photo Cell NO - No Options
		575W (PSMH only) 750W (PSMH only) 875W (PSMH only)					
		1000W (not available in HPS) 775W 575W	NW - Natural White				

FV

5

1000

MH

FG

MT

BRZ

NO

(EXAMPLE ORDER)

ORDER: WLS

FOOTNOTES:

- When ordering pole top fixtures for tenon mounting, a pole top adaptor must be ordered.
- Tri-Tap not available in 1000 Watt PSMH. Voltage must be specified - 120V, 277V or 347V.
- For international voltages, consult factory.
- MT - Multi Tap is shipped standard unless otherwise specified. Multi Tap consists of 120V, 208V, 240V, and 277V. Multi Tap is pre-wired for highest voltage. Alternate voltages will require field re-wiring.
- Tri-Tap is shipped standard for Canadian applications. Tri-Tap consists of 120V, 277V, and 347V. Tri-Tap is pre-wired for highest voltage. Alternate voltages will require field re-wiring.
- An 8" bracket can only be ordered with single and D180° configurations.
- On FVR/FVRPT photoelectric control can only be used with 400 Watt PSMH.

* In accordance with the 2007 Energy Independence and Security Act (EISA), fixtures will no longer be available in Probe Start Metal Halide with wattages from 150 watts through 500 watts for new installations. Replacement parts for existing fixtures are still available.

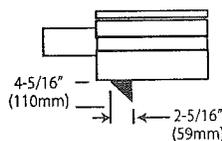
Color Decals

45 - Light Gold Metallic	55 - Black
20 - Charcoal Metallic	50 - White
94 - Blue Metallic	51 - Dark Red
59 - Dark Green	700 - Aztec Silver Metallic
21 - Tomato Red	

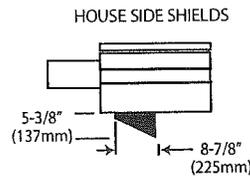
ACCESSORY ORDERING INFORMATION (Accessories are field installed)

Description

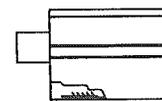
- FVR/FVM 2 HSS - House Side Shield
- FVRPT/FVMPT 2 HSS - House Side Shield
- FVR/FVM 3 HSS - House Side Shield
- FVRPT/FVMPT 3 HSS - House Side Shield
- FVR/FVM FP HSS - House Side Shield
- FVRPT/FVMPT FP HSS - House Side Shield
- FVR/FVRPT FA/AFT HSS - House Side Shield



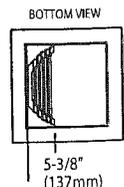
TYPE II



TYPE III AND FORWARD THROW (FA/FP/AFT)



FVR WITH INTERNAL HOUSE SIDE SHIELD



5-3/8\"/>

Approved By: _____ Project Name: _____

Location: _____ Date: _____

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WLS LIGHTING SYSTEMS

Consider the 195 Act!