

NOTICE OF APPEAL TO THE BOARD OF ADJUSTMENT

Under AMC 21.03.050A, any municipal agency or any party of interest for the application, as defined in AMC 21.14, may appeal a decision of the Planning and Zoning Commission, the Platting Board, or the Urban Design Commission to the Board of Adjustment within **20 days** after the date of service of the decision. To perfect the appeal, the appellant must file a *Notice of Appeal to the Board of Adjustment* with the Municipal Clerk's Office and pay the appeal fee and cost bond.

M.O.A.
2015 NOV 23 PM 4:26
CLERK'S OFFICE

General Identity of Action Being Appealed:

Planning Department File Number: Resolution No. 2015-041 ^{Case 2015-0057} Date of Action: 02 November 2015

Name of Project or Subdivision: Northern Access to U-Med District Connecting Barrow Street to Elmire Road

Appellant's Information:

Last Name: Citizens For Responsible Development First Name: _____
Address: 2400 E. 16th Avenue City: Anchorage State: AK Zip: 99508
Phone Number: 223-9098 E-mail: crdumed@gmail.com

Relationship to Action: Applicant Agent of Applicant Municipal Agency Party of Interest

Applicant's Information: Same as Appellant

Last Name: State of Alaska Dept. of Transportation First Name: @ Public Facilities
Address: P.O. Box 196900 City: Anchorage State: AK Zip: 99519
Phone Number: 269-0770 E-mail: _____

NOTE: If you are not the applicant or his/her agent, you must include a certificate of service on the applicant with your notice of appeal, appeal fee, and cost bond.

Specifics of Appeal Certification

An appeal may be considered for the following three causes, singly or in combination:

- 1. Procedural Error** - If you allege procedural error, specify those patterns which constitute the error and the manner in which the alleged error resulted in prejudice to your interest.
- 2. Error in Application of Law** - If you allege legal error, specify the manner in which principles of law were incorrectly applied. Include reference to any ordinance, statute, or other codified law upon which the allegation of legal error is based.
- 3. Findings or Conclusions that were Not Supported by Evidence** - If you allege that findings or conclusions are not supported by the evidence that was presented, specify and explain those findings or conclusions which lacked evidentiary support at the time of the action.

An appeal, for any cause, must be explained; and a reason must be given for why the appeal should be granted. Explain what corrective decision is desired by this appeal. A written statement of cause and reason for granting the appeal must accompany this notice to be considered.

I (we) hereby certify that I am (we are) qualified to make this appeal and that my (our) statement of cause and reason is true and correct to the best of my (our) knowledge.

Signature [Signature] Date 22 November 2015

Statement Attached: _____ Appeal Fee (\$1080): X Cost Bond (\$50): X Preparation (\$1.70 per page): _____
Date: 11/23/15 Cash: X Check: _____ Credit Card: _____ Receipt: 503436 Total Paid: \$1130.00

NOTICE OF APPEAL TO THE BOARD OF ADJUSTMENTS

Specifics of Appeal Certification

The CRD-UMED are appealing the Municipality of Anchorage Planning and Zoning Commission Resolution No. 2015-041 for the following reasons:

A. Procedural Error:

1. The Commission failed to address or resolve inconsistencies between the DDSR, Project Team presentation, and stakeholder comments.
2. The Chair arbitrarily limited public testimony in this hearing, and Municipal website problems prevented timely submission of written testimony.

B. Incorrect Application of Law:

1. The Commission's decision and findings fail to bring the Draft Design Study Report into compliance with Municipal Code 21, the Municipal Design Criteria Manual, and associated location-specific Municipal plans.
2. The Applicant failed to follow Context Sensitive Solutions processes by failing to perform alternative evaluation before selecting the preferred alternative.

C. The following findings and conclusions are not supported by evidence:

1. Finding of Fact #1 and Fact #4 rely on an assumption of reduced travel time to the District. This assumption is not supported by evidence because the Draft Design Study Report (DDSR) relied on out-of-date information from the project's 2011 Reconnaissance Study Report.
2. Finding of Fact #1 (road is necessary, in public's best interest) is a value judgement that discounted the weight of evidence in testimony (including four of the five Community Councils nearest the U-Med District) and showed prejudice toward testimony of a subset of U-Med institutions.
3. Finding of Fact #4 (critical life-saving time) relies on admittedly speculative testimony.
4. Finding of Fact #3 is speculative and testimony did not provide any supporting evidence that the proposed road was needed for an evacuation route. There are two 4-lane roads and eight 2-lane roads leading out of the District, providing significant redundancy in evacuation routes.
5. Finding of Fact #2 is based on a draft Municipal plan, rather than the currently adopted plan.
6. Amendment 4, purporting to address wildlife impacts, is inconsistent with the Watershed and Natural Resources Commission resolution. No evidence was presented to support the effectiveness of Amendment 4.
7. The findings and amendments of the Commission's resolution failed to address numerous public concerns over project impacts to school zone safety and traffic along Bragaw St.

Requested Action

1. Require the Applicant to bring the project into compliance with Title 21, and all relevant Municipal and State codes, the Municipal Design Criteria Manual, and location-specific Municipal plans.
2. Require the Applicant to study the impact of the proposed project on school zone safety and traffic flow along Bragaw St. from Northern Lights to the Glenn Highway.
3. Require the Applicant to update their alternatives evaluation, traffic study, and delay calculations to include all alternatives evaluated in 2011 (including the "No New Road" alternative) and changed conditions since the 2011 study.
4. Reverse the Resolution approving the DDSR, withdraw the unsubstantiated findings of fact, and update the Resolution to include the above three actions.

CASH RECEIPT

503436

Municipality of Anchorage
 P.O. Box 196650 • Anchorage, AK 99519-6650



FINANCE DEPARTMENT

Date of Payment (MMDDYY)

11/23/2015

Received from Citizens for Responsible Development

Receiving Department Remarks Notice of Appeal to the Board of Adjustment

Amount of Payment

\$ 1130.00

Payment type (select only one)

- ACH MLP AWWU
 Cash/Check Credit Card Debit Card Other

Employee ID

61998

Coll. Dept ID

1020

Deposit ID

ACCOUNTING INFORMATION

LN#	\$ AMOUNT	FUND	ACCOUNT	DEPT ID	PROGRAM	CLASS	BDGT PERIOD	PROJECT/GRANT
	ACTIVITY ID		RES TYPE	RES CAT	OPEN ITEM		DESCRIPTION	
1	1080.00	101	9799	1020	0000	000	2015	102000 Notice of Appeal
2	50.00	101	9499	1020	0000	000	2015	102000 Cost Bond
3	.							
4	.							
5	.							
6	.							
7	.							
8	.							
9	.							
10	.							
11	.							
12	.							
13	.							

RECEIPT 503436

Prepared by (please print):

Lisa Schleusner

Date prepared:

11/23/15

Phone no:

X 4688