

MUNICIPALITY OF ANCHORAGE BOARD OF ADJUSTMENT
APPEAL FROM PLANNING & ZONING COMMISSION RESOLUTION No. 2016-029
PLANNING & ZONING COMMISSION CASE NO. 2016-0023
BOARD OF ADJUSTMENT APPEAL No. 2016-1

FINDINGS, CONCLUSIONS, AND DECISION
OF THE BOARD OF ADJUSTMENT

WHEREAS, the Mall at Sears is a large retail establishment (LRE) in existence prior to May 8, 2001, and generally located in Anchorage midtown, north of Benson Boulevard, south of Northern Lights Boulevard, east of Denali Street, and west of the Seward Highway; and

WHEREAS, on May 12, 2014, an application for limited site plan review under Anchorage Municipal Code (AMC) 21.55.130 ("old Title 21") was filed with appendices A-E on behalf of Sears Roebuck and Company (Sears) to amend the existing site plan with the addition of an exterior loading dock, screened trash receptacle, and renovation of the building facade to accommodate additional entranceways for Nordstrom Rack and three additional future interior tenant spaces within the store space occupied by Sears (R. 47 – 87)¹; and

WHEREAS, by *Order Reversing the Decision of the Board of Adjustment* dated December 2, 2015, the Superior Court remanded the application for limited site plan approval to the Planning & Zoning Commission for public hearing and proceedings consistent with the Court's order (R. 9 – 20); and

WHEREAS, the Planning & Zoning Commission (P&Z) held a public hearing and heard the case on remand as P&Z Case 2016 – 0023 on June 13, 2016 and July 11, 2016; and

WHEREAS, P&Z Resolution 2016-029 was issued, dated the 8th day of August 2016 (R. 6 – 8); and

WHEREAS, Notice of Appeal to the Board of Adjustment was accepted by the Municipal Clerk (AMC 21.30.030) as timely filed on August 24, 2016; and

WHEREAS, among issues before the Board of Adjustment on appeal is Appellant's assertion that Planning & Zoning Commission Resolution 2016-029, adopted after public hearing, is substantively and procedurally deficient, requiring

¹ Seritage SRC Finance LLC is the current owner of the property under review. By letter dated May 12, 2016, Seritage notified the Planning Department that Seritage, as proper owner, is the applicant in this case. (R. 185).

remand to the Planning & Zoning Commission; and

WHEREAS, the Board of Adjustment has deliberated the appeal at Board of Adjustment meetings open to the public on April 26, 2017; April 27, 2017; April 28, 2017; and May 2, 2017;

NOW, THEREFORE, BE IT RESOLVED, the Board of Adjustment adopts the following decision with findings and conclusions:

I.
INTRODUCTION

The Board of Adjustment is aided in this new appeal by the Superior Court's detailed review of municipal code and Alaska case law included in the Court's order for remand dated December 2, 2015, case No. 3AN-15-06026 CI (Remand Order), reversing the Board of Adjustment's prior decision dated February 26, 2015. The Board of Adjustment begins its review of the current appeal mindful of the standards and rationale applied by the Court in the context of public hearing:

[T]he only way to preserve a meaningful right to judicial review . . . is to provide aggrieved parties with an opportunity to articulate their objections and build a record for appeal. *** [A]ny right of appeal is meaningless without an opportunity to build an evidentiary record at the level of the initial decision. *** [A]n appellant [is placed] at an unfair disadvantage, as the application [for limited site plan approval] will likely highlight a proposal's economic benefits and minimize potential drawbacks and complications. *Remand Order* at 9--11, R. 17-19.

The Board of Adjustment notes that at the close of the public hearing on June 13, 2016, the Planning & Zoning Commission found itself facing two alternative routes in its implementation of the Remand Order: Following the public hearing on remand, should the Commission: 1) Start over and make findings on all of the conditions relating to the requirements in code ("old" title 21), in light of public hearing evidence; or 2) not start over anew? (T. 78-81) When the Planning & Zoning Commission reconvened on July 11, 2016, Planning Staff stated that the Commission was directed by the Court to review the petitioner's amended site plan application in its entirety for compliance with code ("old" title 21). (T. 88, lines 16-19).

The Board of Adjustment has compared Planning & Zoning Commission (P&Z) Resolution 2016-029 with P&Z Resolution 2014-040. In reviewing P&Z Resolution

No. 2016-029 following public testimony on June 13, 2016 and July 11, 2016, the Board of Adjustment is struck by the similarity between the 2016 post-public hearing P&Z Resolution 2016-029 (R.6-8) and the earlier P&Z Resolution 2014-040, adopted without the opportunity for aggrieved parties to articulate their objections and to build a record for appeal, prior to amendments by the Board of Adjustment on February 26, 2015 (R. 25-28).² Despite lengthy public testimony, all findings remained virtually the same. The first finding in P&Z Resolution 2016-029 remained unchanged and states that the site plan complies with the standards found in AMC 21.55.130 and 21.50.320.³ One finding and two conditions relating to sidewalk and signage were added.

In reviewing P&Z Commission Resolution 2016-029, the Board of Adjustment is guided by Anchorage Municipal Code (AMC) 3.60.055, Anchorage Municipal Code of Regulation (AMCR) 21.10.304, and Alaska case law:

AMCR 21.10.304 - Decision.

- A. Every decision made by the commission shall be based on and include findings of fact and conclusions. Every finding of fact shall be supported in the record of the proceedings. The findings shall be sufficient to provide a reasonable basis for understanding the reasons for the decision. In considering and applying any applicable approval criteria, the commission shall make specific findings as to why the criteria have or have not been met.

*** *** ***

Fields v. Kodiak City Council, 628 P.2d 927, 933 (Alaska 1981):

A board's failure to provide findings, that is, to clearly articulate the basis of its decision, precludes an applicant from making the required specification and thus can deny meaningful judicial review. * * * Only by focusing on the relationship between evidence and findings, and between findings and ultimate action,

² Board of Adjustment amendments added to P&Z Resolution 2014-040 during the prior 2015 appeal hearing are **in bold and underscored**. R. 25-28.

³ The term "site plan" in this finding presumably refers to the large retail establishment site plan: The limited site plan review application is filed to request Planning & Zoning Commission approval of a proposed expansion, reconstruction, renovation, or remodeling, which would change or amend an existing site plan deemed approved as of May 8, 2001. AMC 21.55.130.

can we determine whether the board's action is supported by substantial evidence (*citations omitted*).

In the context of the record now on appeal before the Board of Adjustment, the Board is unable to understand 1) the intended meaning of some of the findings; 2) the relationship between evidence and findings; and 3) the relationship between findings and the ultimate action of the Planning & Zoning Commission in approving the proposed site plan amendment.

Of further concern to the Board of Adjustment is the Planning Department Memorandum dated September 2, 2009 (R. 41-42), treated by the Planning & Zoning Commission as a rule of law applicable to the case. This 2009 Memorandum should not have provided guidance because it was not adopted as a regulation by either the Planning Department or the Planning & Zoning Commission, as required by AMC Chapter 3.40 and, in any event, it misinterpreted and misapplied the requirements of AMC 21.55.130.

II FINDINGS

After reviewing the record before the Board of Adjustment in this appeal following Superior Court remand to the Planning & Zoning Commission, the Board of Adjustment finds by unanimous vote (3-0):

1. The Planning and Zoning Commission conducted a public hearing on June 13, 2016 and July 11, 2016.
2. The Planning & Zoning Commission provided an opportunity to articulate support and objections to the application for limited site plan review and to build a record for appeal through the public hearing.
3. At the conclusion of the public hearing and after deliberation, the Planning and Zoning Commission did not provide findings of fact and conclusions sufficient to document that the proposed changes in the limited site plan review application were in compliance with AMC 21.55.130 and AMC 21.50.320.
4. To the extent findings were provided in Planning & Zoning Commission Resolution 2016-029, some were offered and added after the motion approving the limited site plan review application was complete. This procedure runs the risk of creating an appearance of after-the-fact justification.

5. During deliberation by the Planning & Zoning Commission, conclusions were drawn by comparing proposals in the limited site plan review application to large retail establishments in other locations, instead of applying the standards in AMC sections 21.50.200; 21.50.320; and 21.55.130 (T. 131).

6. The Planning Department Memorandum dated September 2, 2009 (R. 41-42) was not adopted as a regulation.

7. The Planning Department's erroneous interpretation of applicable code sections limited productive dialogue among all concerned, prior to and during the public hearing process.

8. The application for limited site plan review in this case includes both interior and exterior renovations and alterations.

III CONCLUSIONS

1. This appeal was heard by the Board of Adjustment in accordance with AMC 21.30.090.

2. The meeting at which the Board of Adjustment decided this appeal was held in accordance with AMC 21.30.080.

3. The Planning & Zoning Commission's Resolution No. 2016-029 is insufficient to establish the relationship between evidence and findings, and between findings and ultimate action, as required by code and Alaska case law.

4. Planning & Zoning Commission members were misinformed on certain legal standards material to the case.

5. The Planning Department Memorandum dated September 2, 2009 (R. 41-42) does not have the force of law and is in conflict with the Board of Adjustment's interpretation of AMC 21.55.130A. Furthermore, in reliance on that Memorandum, the Planning & Zoning Commission has misapplied material provisions of the code.

6. The deficiency in the record regarding the relationship between evidence and findings and between findings and ultimate action pertains to issues material to the decision in the case. The Board of Adjustment is not in a position to remedy the deficiency.

IV DECISION

1. By unanimous vote (3-0), the Board of Adjustment REVERSES Planning & Zoning Commission Resolution No. 2016-029 in its entirety and REMANDS the case to the Planning & Zoning Commission for a decision in compliance with code, and the direction provided in Findings, Conclusions, and Decision.

2. Pursuant to AMC 21.30.090B, the Board of Adjustment exercises its independent judgment on legal issues raised in this Planning & Zoning Commission Case 2016-0023, and provides direction pursuant to AMC 21.30.100. The Board's interpretation and construction of ordinances and other provision of law address several issues raised on appeal:

A. The exemption from limited site plan review contained in the 4th sentence of AMC 21.55.130A. applies to interior-only projects. However, the exemption for interior work does not apply where an application for limited site plan review is required. The exemption for interior work in the 4th sentence of 21.55.130 does not serve as a prohibition against Planning & Zoning Commission consideration of interior solutions where the Planning & Zoning Commission is reviewing a remodel/renovation project for compliance with AMC 21.50.320 per AMC 21.55.130.

B. The Planning & Zoning Commission is not limited by the 10% cost limitation in its review of the renovation/remodel application for limited site plan review.⁴

1) The renovation/remodel project is required to maintain conformity with code under AMC 21.50.320; AMC 21.50.200, and as provided in the other provisions of AMC 21.55.130.

2) The 10% cost limitation for code compliance contained in AMC 21.55.130 applies to the whole "grandfathered"⁵ LRE site plan.

3) The 10% cost limitation for code compliance is applied only to the noncompliant issues in existence prior to the date of the limited site plan review

⁴ The Board is persuaded by written testimony in the record that "[i]t is unreasonable to interpret the Code's 10%-of-project-costs provisions 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 conformity with the Code's standards so long as the property owner spent a small amount of money mitigating that problem to some small degree." (R. 120)

⁵ See term "grandfather" in AMC 21.55.130A.5.

application, to allow new remodel/renovation without the potential financial burden of resolving all pre-existing site plan issues.⁶

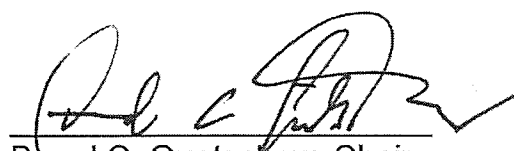
4) The 10% calculation is to be based upon the cost of the entire remodel/renovation project, including the interior work.⁷

C. The intent of the last sentence in AMC 21.55.130 and the 5 enumerated considerations is to provide a flexible framework for Planning & Zoning Commission review, but the flexible framework does not allow the “grandfathered” LRE to move further from compliance than it was on May 8, 2001. (This is what has been referred to in the record as “no backsliding”. See Appellant’s Br. 5; 14; Appellee’s Br. 14-15; Reply 2-4; Tr. 61-62.)

D. The pending litigation between the applicant and others in federal court (i.e. the assertion that proposed site plan changes violate restrictive covenants among the parties and others), does not empower the Planning & Zoning Commission or the Board of Adjustment to opine on the merits or to render any decision regarding the litigation. A dispute over restrictive covenants is non-jurisdictional to the Planning & Zoning Commission and shall not be considered.

3. The decision of the Board of Adjustment to reverse and remand the case to the Planning & Zoning Commission is issued pursuant to AMC 21.30.095D. and AMC 21.30.100.

PASSED AND APPROVED by the Board of Adjustment this 2nd day of May, 2017.

A handwritten signature in black ink, appearing to read "Bernd C. Guetschow", is written over a horizontal line.

Bernd C. Guetschow, Chair
on his own behalf and on behalf of
Board of Adjustment Members
Robert B. Stewart and
Wm. Dwayne Adams, Jr.

⁶ An example of a requirement that might come within the 10% cost limitation rule may be found in the record addressing existing landscaping that must be removed for traffic safety compliance under Alaska Department of Transportation and Public Facilities (ADOT&PF) standards. R. 38-39.

⁷ There is no mention in AMC 21.55.130 of cost exclusion based on the project’s exterior “foot-print”.

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.*

Michelle Ritter
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

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: NA	Fee: \$3,780	Case Number: 2014-0094
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COMPREHENSIVE PLAN INFORMATIONAnchorage 2020 Urban/Rural Services: ☒ Urban ☐ RuralAnchorage 2020 West Anchorage Planning Area: ☐ Inside ☒ Outside

Anchorage 2020 Major Urban Elements: Site is within or abuts:

☒ Major Employment Center ☒ Redevelopment/Mixed Use Area ☐ Town Center☐ Neighborhood Commercial Center ☐ Industrial Center☐ Transit - Supportive Development Corridor

Eagle River-Chugiak-Peters Creek Land Use Classification: N/A

☐ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study☐ Residential at _____ dwelling units per acre

Girdwood-Turnagain Arm N/A

☐ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study☐ Residential at _____ dwelling units per acre**ENVIRONMENTAL INFORMATION** (All or portion of site affected)Wetland Classification: ☒ None ☐ "C" ☐ "B" ☐ "A"Avalanche Zone: ☒ None ☐ Blue Zone ☐ Red ZoneFloodplain: ☒ None ☐ 100 year ☐ 500 yearSeismic Zone (Harding/Lawson): ☐ "1" ☒ "2" ☐ "3" ☐ "4" ☐ "5"**RECENT REGULATORY INFORMATION** (Events that have occurred in last 5 years for all or portion of site)☐ Rezoning - Case Number:☐ Preliminary Plat ☐ Final Plat - Case Number(s):☐ Conditional Use - Case Number(s):☐ Zoning variance - Case Number(s):☐ Land Use Enforcement Action for☒ Building or Land Use Permit for☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage**DOCUMENTATION**

Required: ☒ Original application with signature(s), 35 copies of application, plus 35 sets of:

- ☒ Site plan to scale depicting: building footprints; parking areas; vehicle and pedestrian circulation; lighting; grading; landscaping; signage; drainage and project location.
- ☒ Building plans to scale depicting: floor plans; building elevations; exterior colors and textures.
- ☒ Application and narrative: explaining the project; planning objectives; construction and operation schedule; final ownership
- ☐ Assembly Ordinance enacting zoning special limitations, if applicable. N/A
- ☒ Watershed sign off form, completed

Required if indicated: N/A ☐ Air quality impact ☐ Traffic impact analysis ☐ Economic impact analysis

☐ Soils analysis ☐ Noise impact analysis ☐ Holding capacity of the land analysis

☐ 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

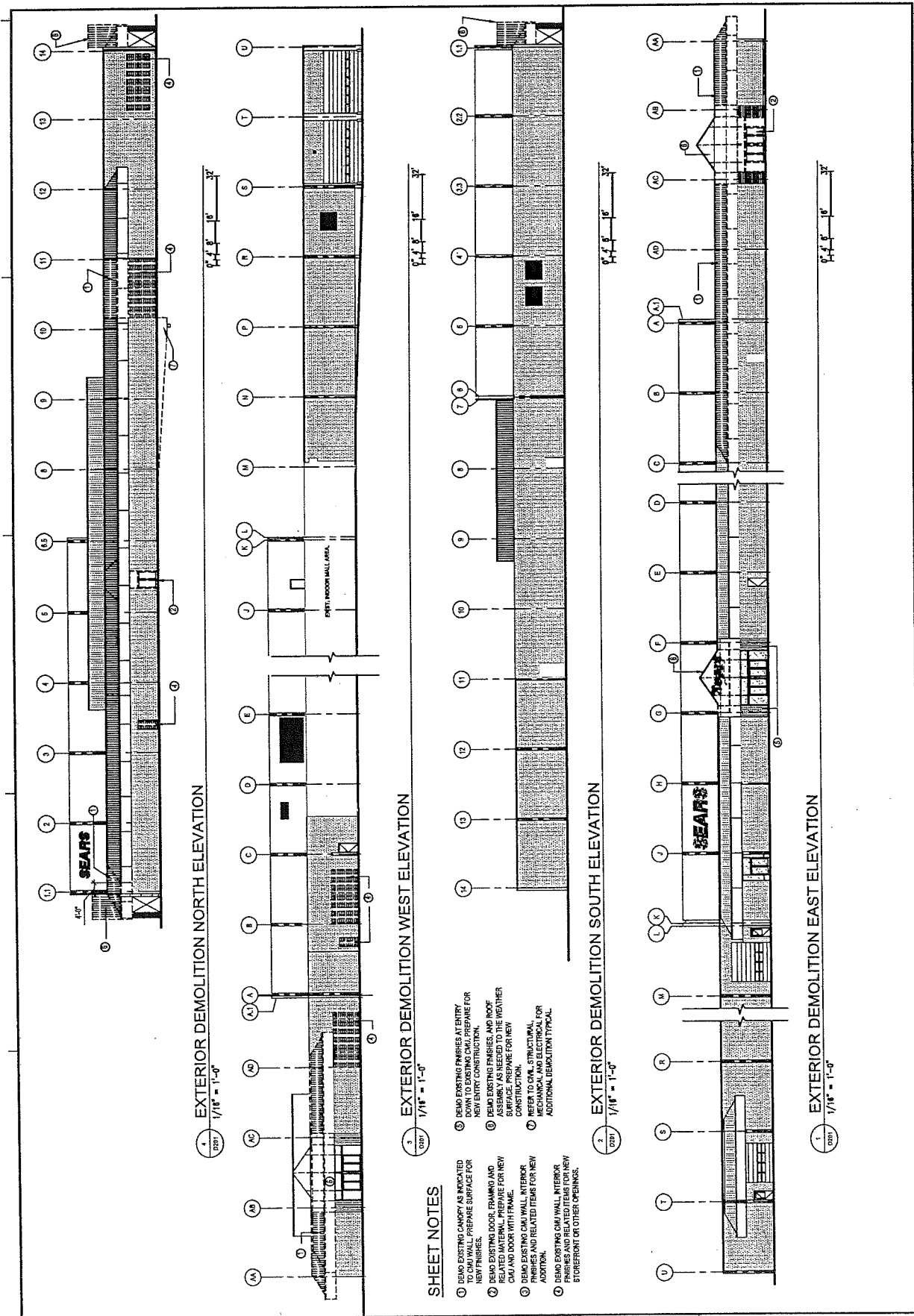
The existing portion of the site will require site enhancement proportional to the 10 percent requirement of AMC 21.55.130. The overall cost for the loading dock addition will be approximately \$334,600, which requires \$33,460 in site enhancements. The overall site enhancements, as outlined in Appendix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





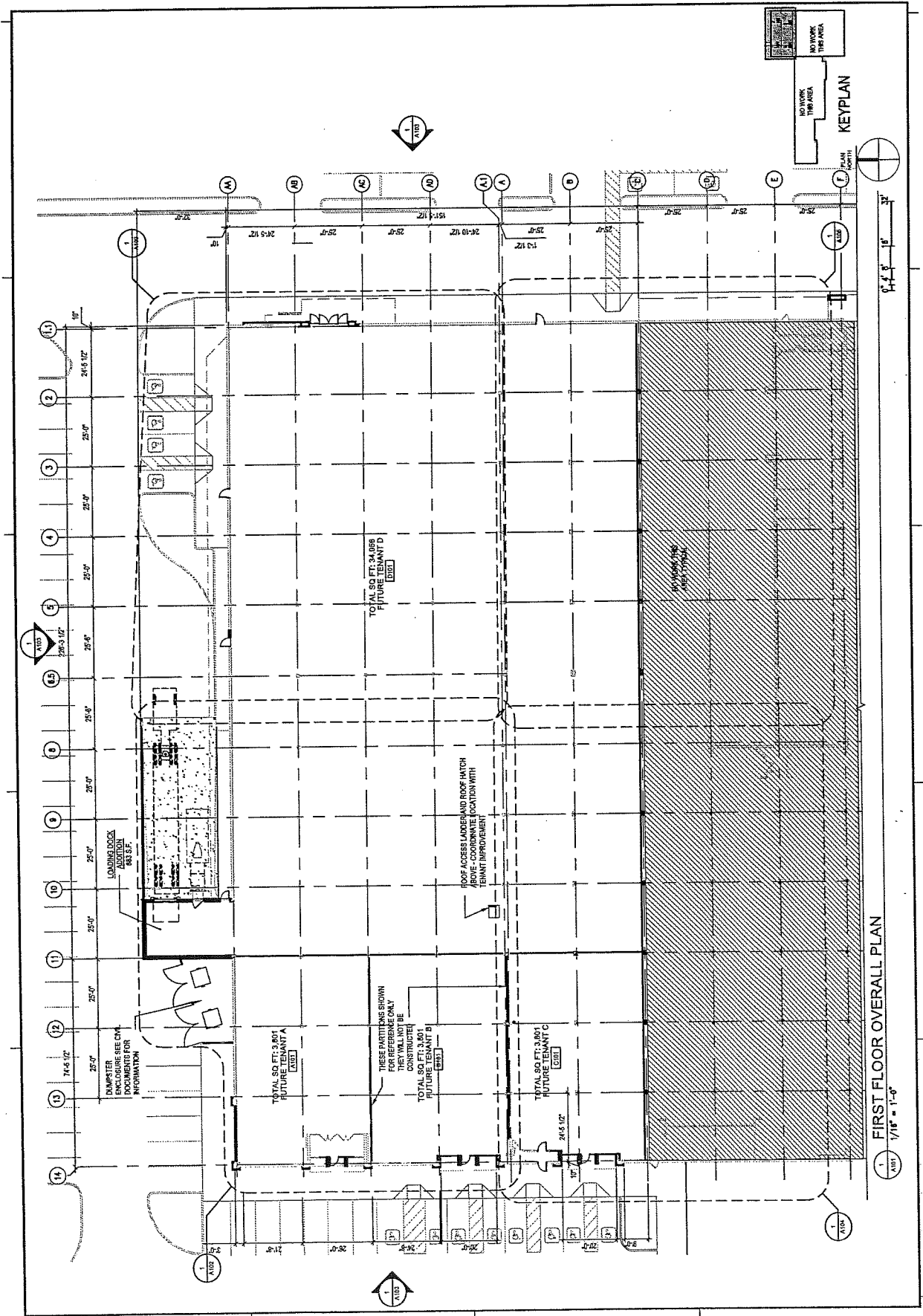
PERMIT SET

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

TITLE
SHEET

MARK	DATE	DESCRIPTION
DATE	1. 31.18	17
PROJECT NO.	1. 1412	
DRAWN BY	1. JADON	
CHECKED BY	1. JLR	
DESIGNED BY	1. JLR	
DATE	1. 31.18	
PROJECT	1. 1412	
OWNER	1. SEARS HOLDING	
TITLE	1. 700 E. NORTHERN LIGHTS BLVD	
SHEET	1. 37	

PLAN
A101
SHEET 37 OF 47



EXTERIOR EAST ELEVATION

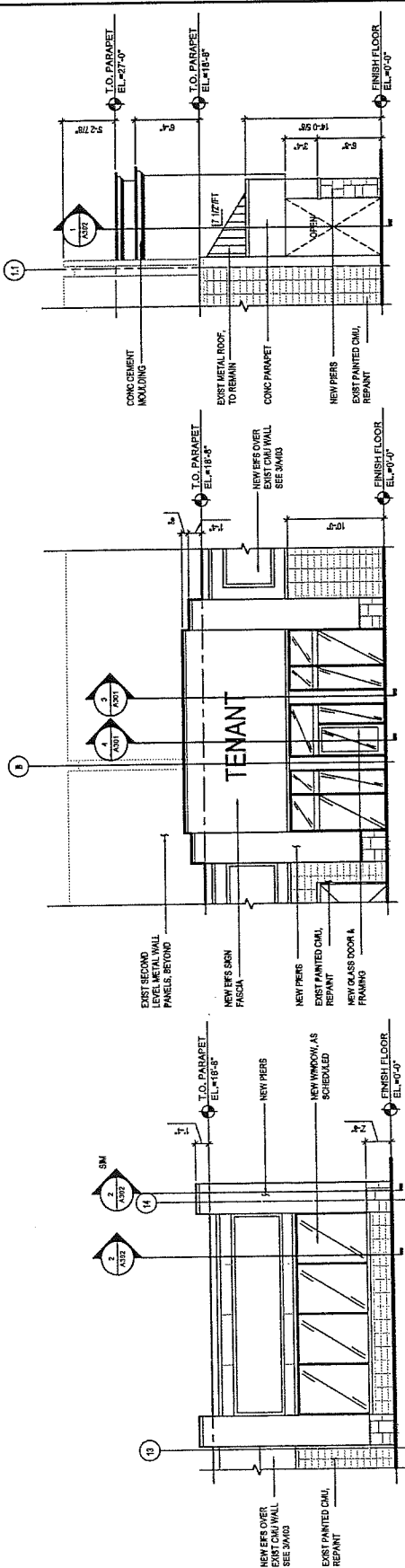


PERMIT SET

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

PROJECT	700 E. NORTHERN LIGHTS BLVD
TITLE	RENOVATION
OWNER	SEARS HOLDING
SHEET	BUILDING ELEVATIONS
DATE	2014.07
PROJECT NO.	14102
DRAWN BY	ADRIAN
CHECKED BY	TJR
DATE	2014.07.15
BY	2014 RIM ARCHITECTS LLC
SHEET DESCRIPTION	

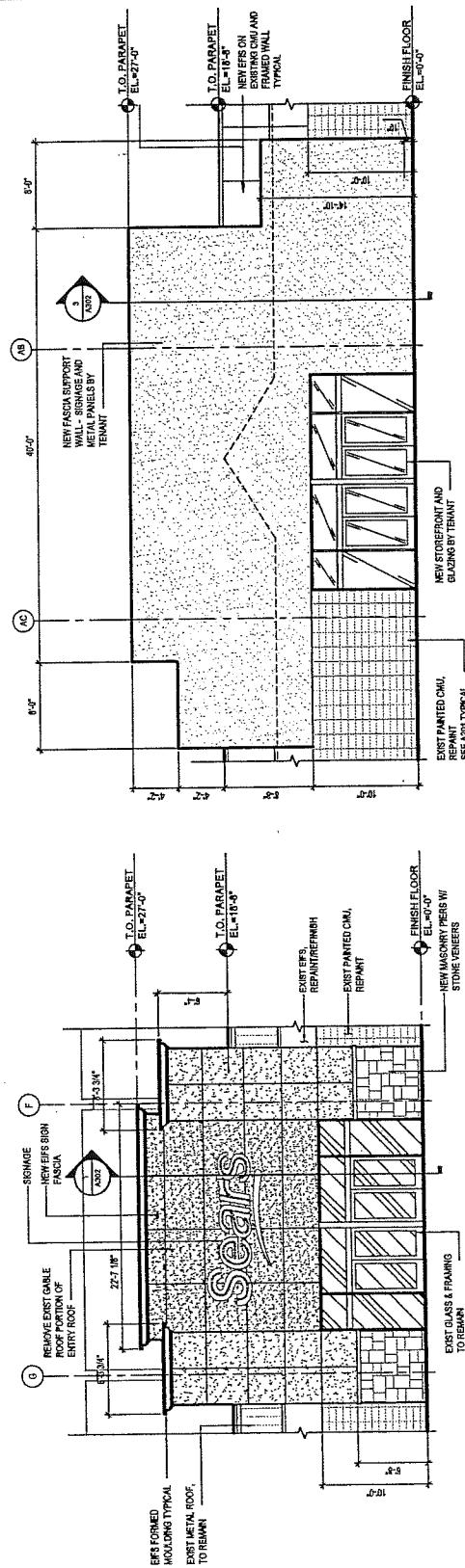
ELEVATIONS
DWG NO: **A202**
SHEET XX OF 87



ENLARGED NORTH ELEVATION - SEARS
3/16" = 1'-0"

ENLARGED WEST ELEVATION - TENANT A TO C
3/16" = 1'-0"

ENLARGED NORTH ELEVATION - NEW STOREFRONT
3/16" = 1'-0"



ENLARGED NORTH ELEVATION - SEARS
3/16" = 1'-0"

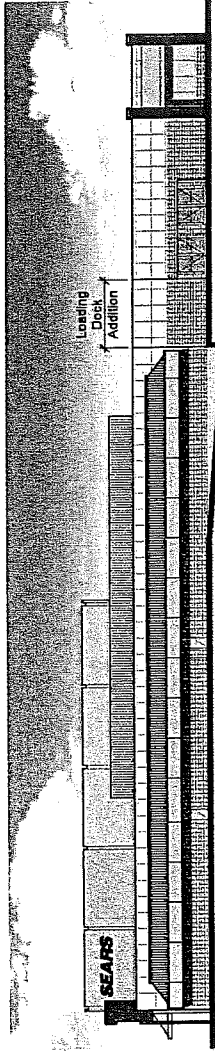
ENLARGED WEST ELEVATION - TENANT A TO C
3/16" = 1'-0"

ENLARGED NORTH ELEVATION - NEW STOREFRONT
3/16" = 1'-0"

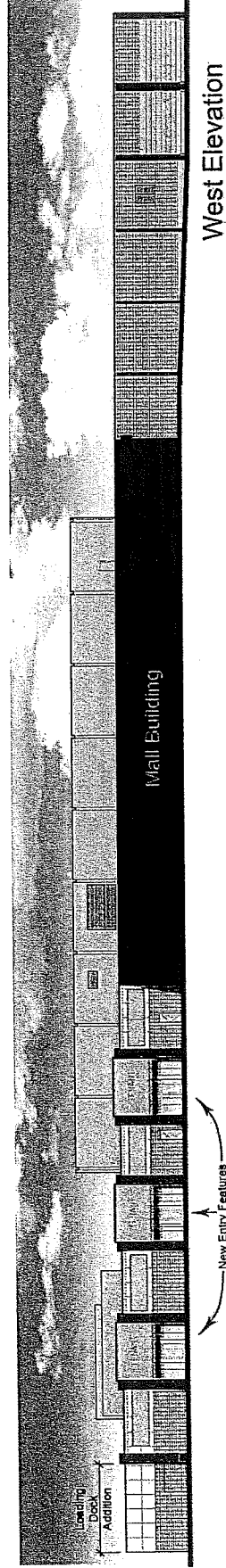


700 E. Northern Lights

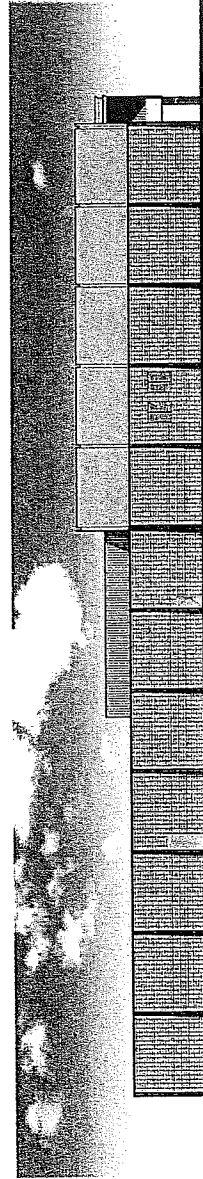
May, 2014



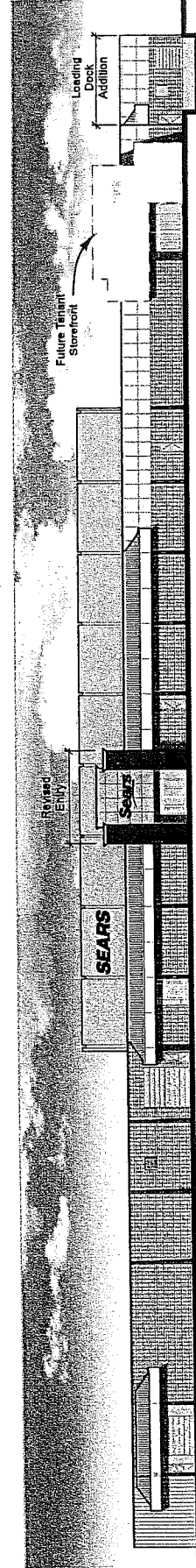
North Elevation



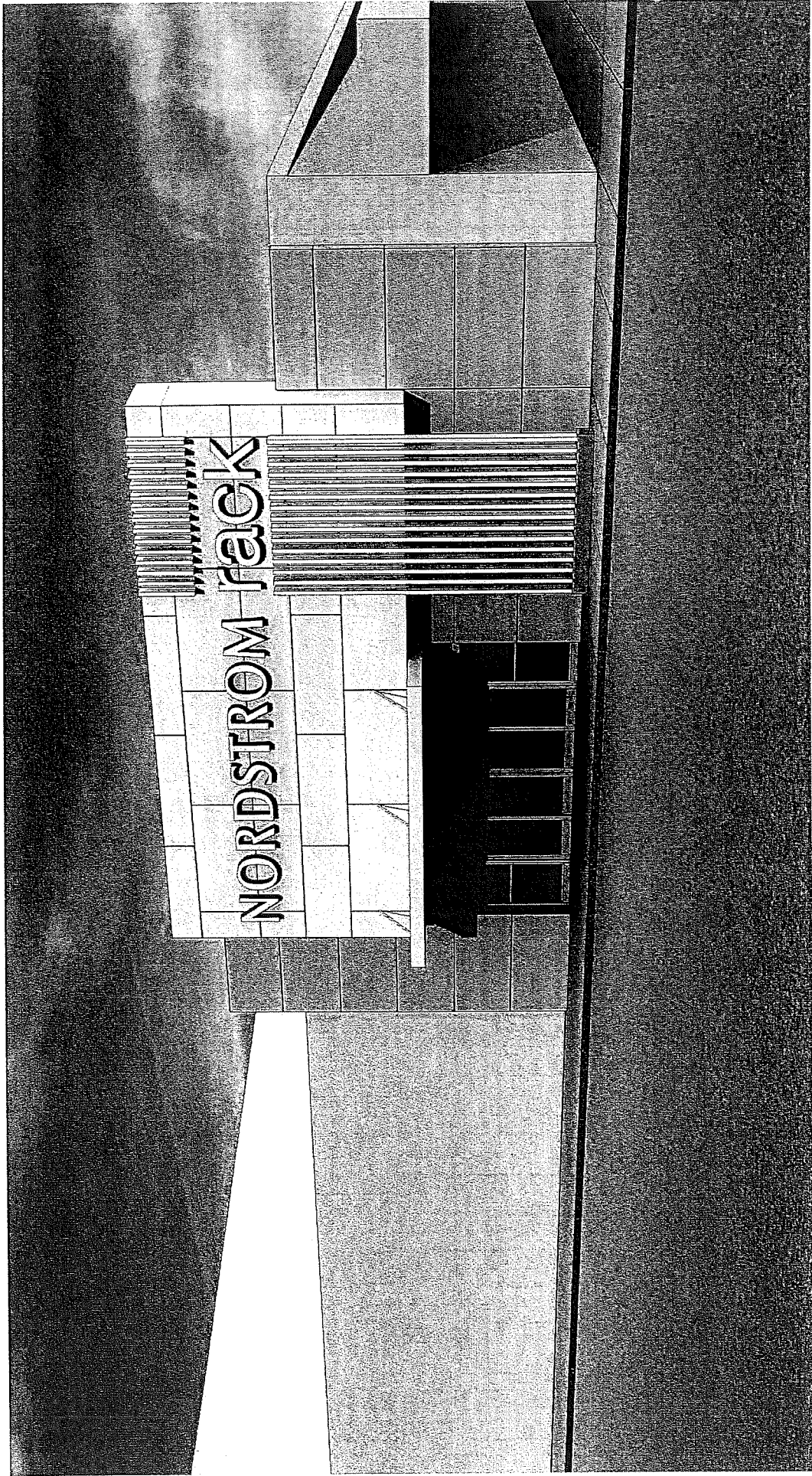
West Elevation



South Elevation



East Elevation



NORDSTROM RACK AT
ANCHORAGE
ANCHORAGE, AK

RENDERING OPTION A

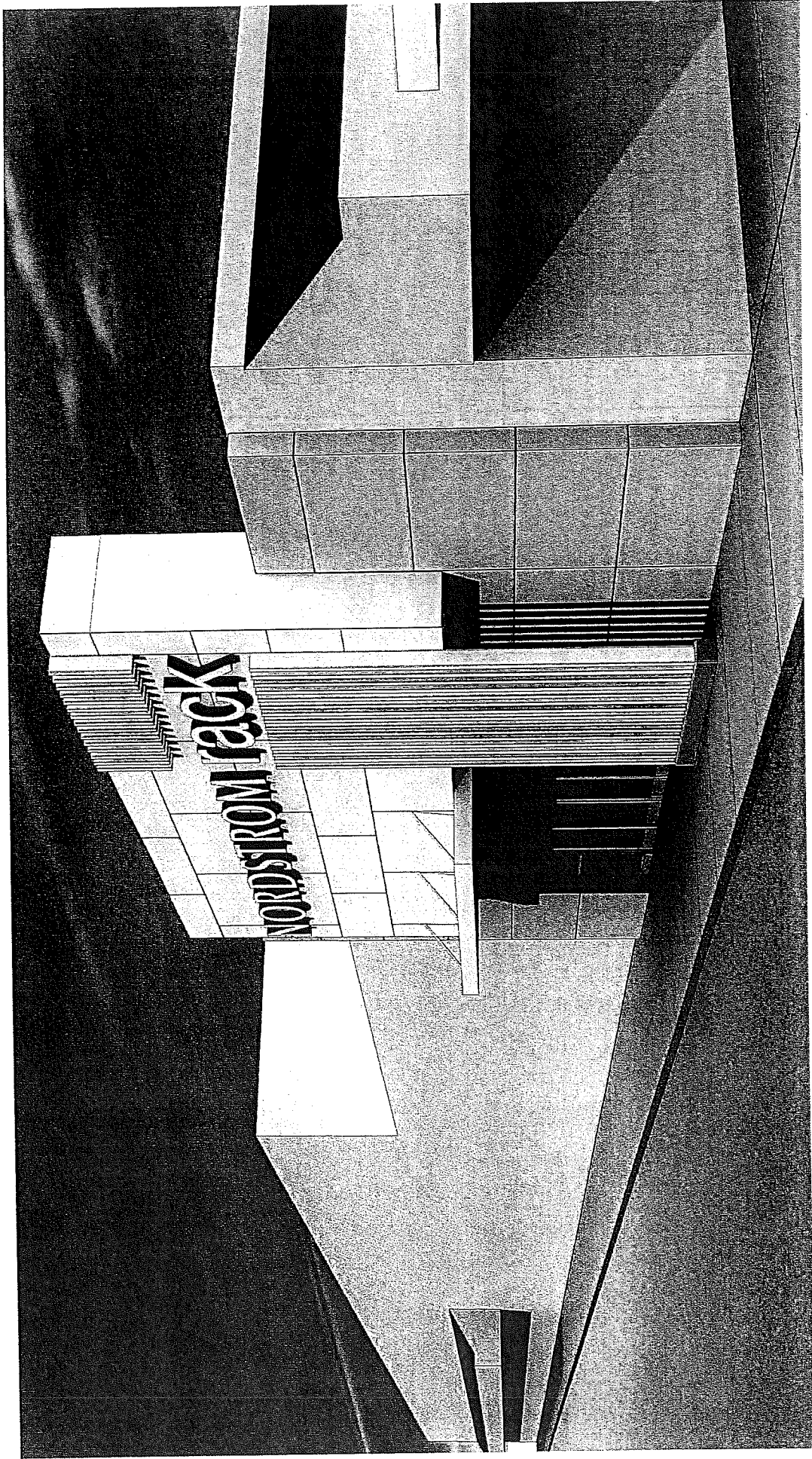
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PROJECT #: 214348.00
DATE: MARCH 27, 2014

NORDSTROM rack



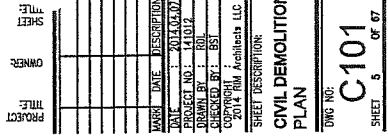
CALLISON

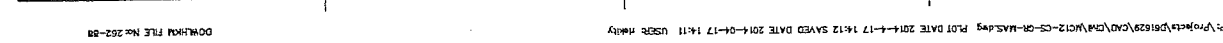


NORDSTROM RACK AT
ANCHORAGE
ANCHORAGE, AK

PROJECT #: 214348.00
DATE: MARCH 27, 2014

APPENDIX B
CIVIL SITE PLAN





APPENDIX C
LANDSCAPE PLAN

2014 RIM Architects LLC
 SHEET DESCRIPTION:
 LANDSCAPE
 DETAILS
 DWO NO:
 L501
 SHEET 12 OF 12

5 CONCRETE MASONRY UNIT SCREEN PLAN

APPENDIX D
PARKING STUDY

DS7548-CF
SIGNED BY MOA



December 5, 2001
W.O. DS7548

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

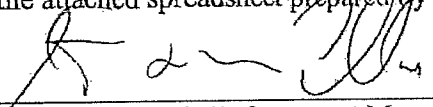
Attachment: Spreadsheet – Sears Mall Area Calculations

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).

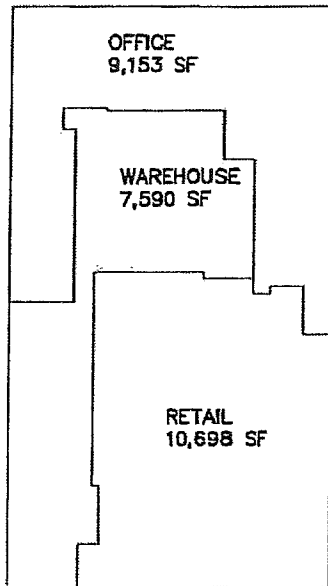
GLA = Gross leasable area as defined by Anchorage Municipal Code (21.45.080.H.2)

Parking Requirements Per Municipal Code Title 21

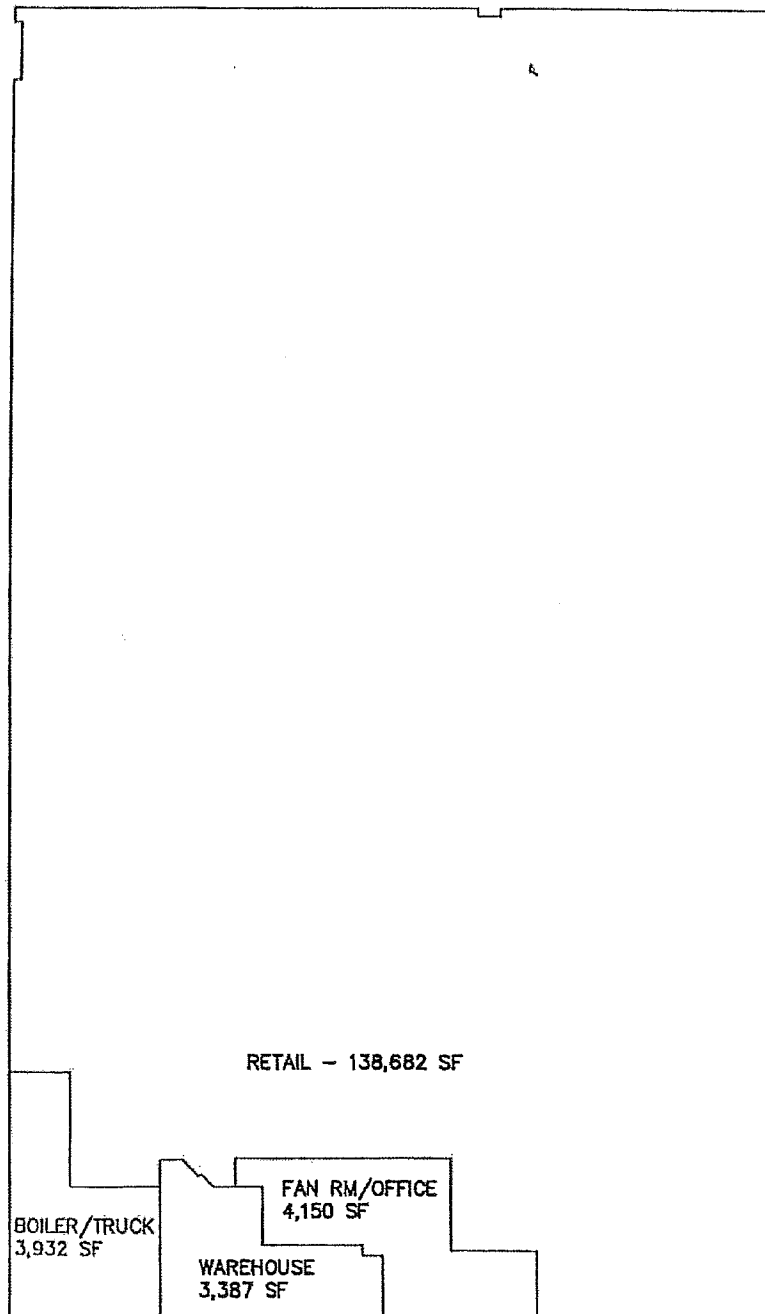
Existing Mall	GLA (SF)	Title 21 Parking	Required Parking	Provided
GLA	253,576	4.0 per 1,000 sf	1,014	
Warehouse	10,977	1.0 per 1,000 sf	11	
			1,025	1,203
			Excess parking =	178
Post Carrs Expansion	GLA (SF)	Title 21 Parking	Required Parking	Provided
GLA	264,274	4.0 per 1,000 sf	1,057	
Warehouse	10,977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

Expansion based on Parking Counts

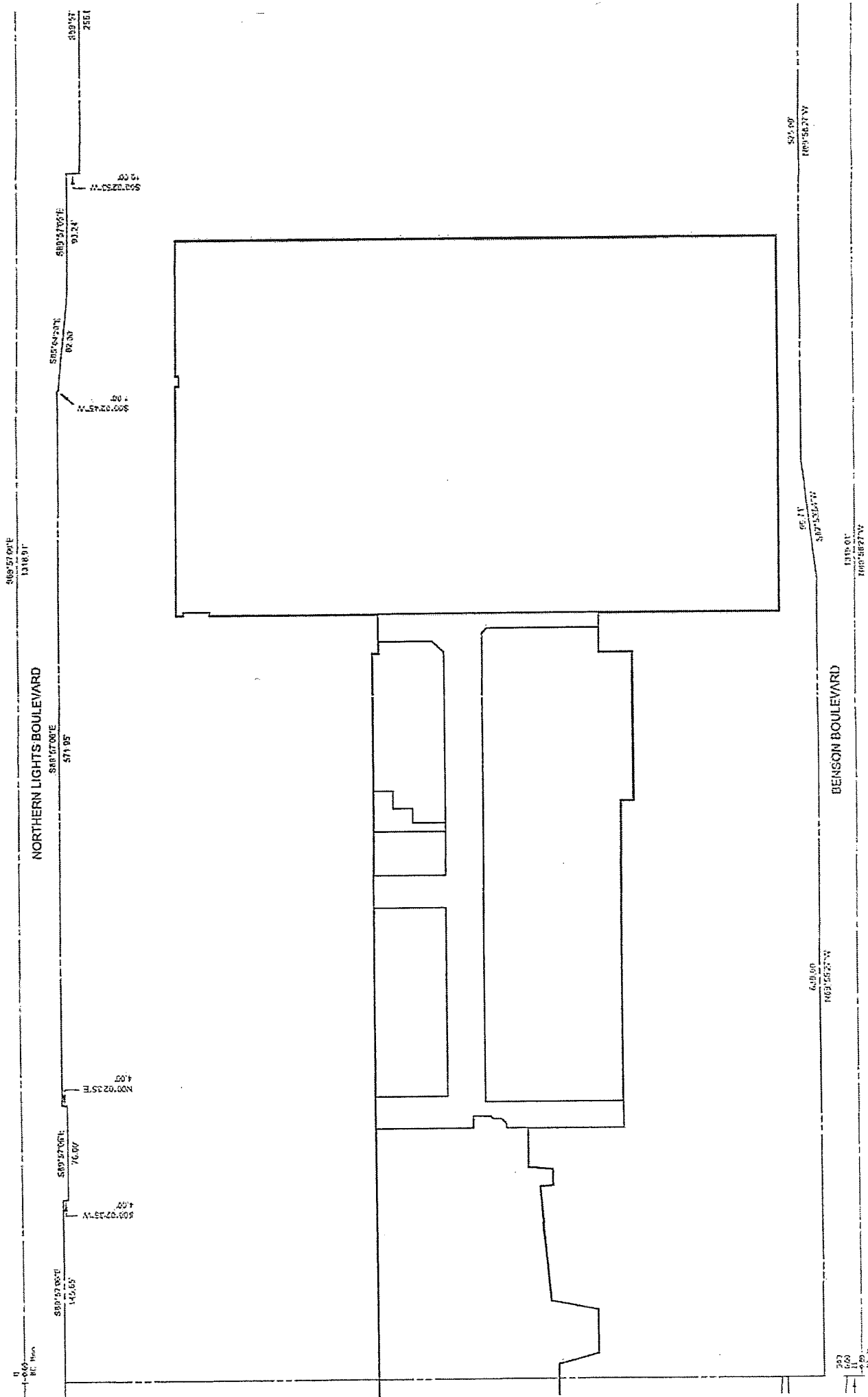
Mall Configuration	Excess Parking	Title 21 Parking	Expansion GLA
Existing Mall	178	4.0 per 1,000 sf	44,500
Post Carrs Expansion	119	4.0 per 1,000 sf	29,750



SEARS SECOND FLOOR
AREAS BY USE TYPE



SEARS FIRST FLOOR - AREAS BY USE TYPE



S89°57'00"E
1318.54'

NORTHERN LIGHTS BOULEVARD

S89°57'00"E
571.05'

S89°57'00"E
1445.05'

S89°57'00"E
76.00'

S89°57'00"E
1.00'

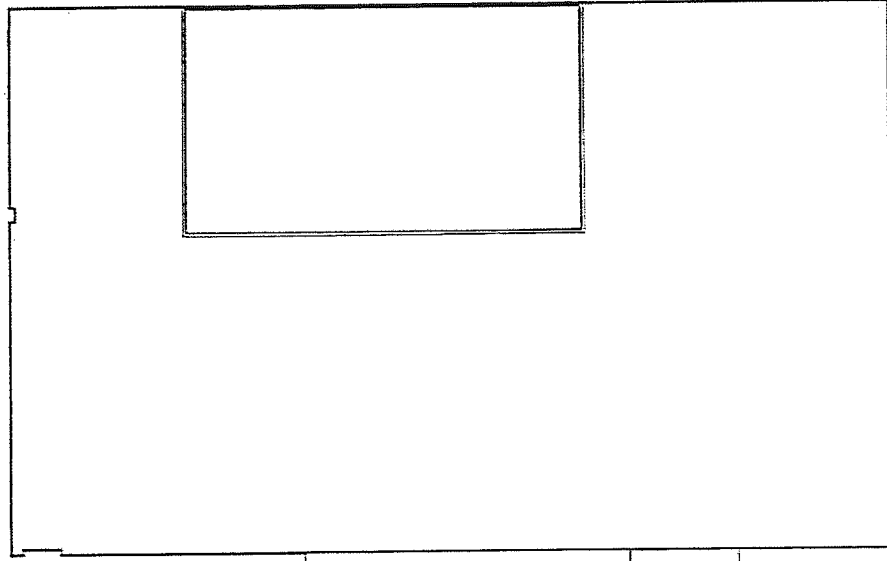
S89°57'00"E
1.00'

S89°57'00"E
102.30'

S89°57'00"E
03.34'

S89°57'00"E
10.00'

S89°57'00"E
255.00'



S89°57'00"E
160°25'37"W
525.00'

S89°57'00"E
54.11'

S89°57'00"E
1318.01'

BENSON BOULEVARD

S89°57'00"E
160°25'37"W
525.00'

S89°57'00"E
160°25'37"W
160°25'37"W

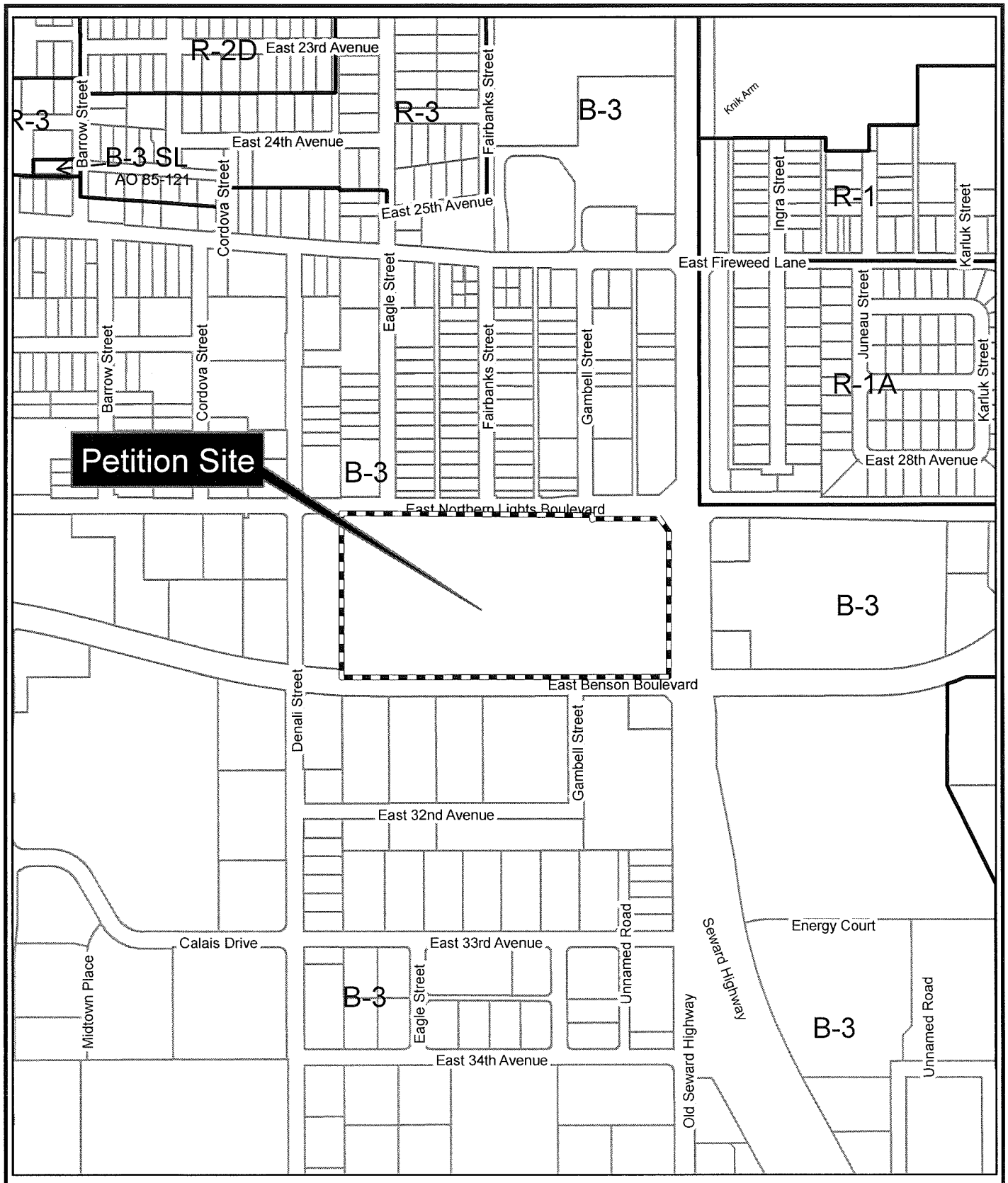
APPENDIX E

CONSTRUCTION COST BREAKDOWN

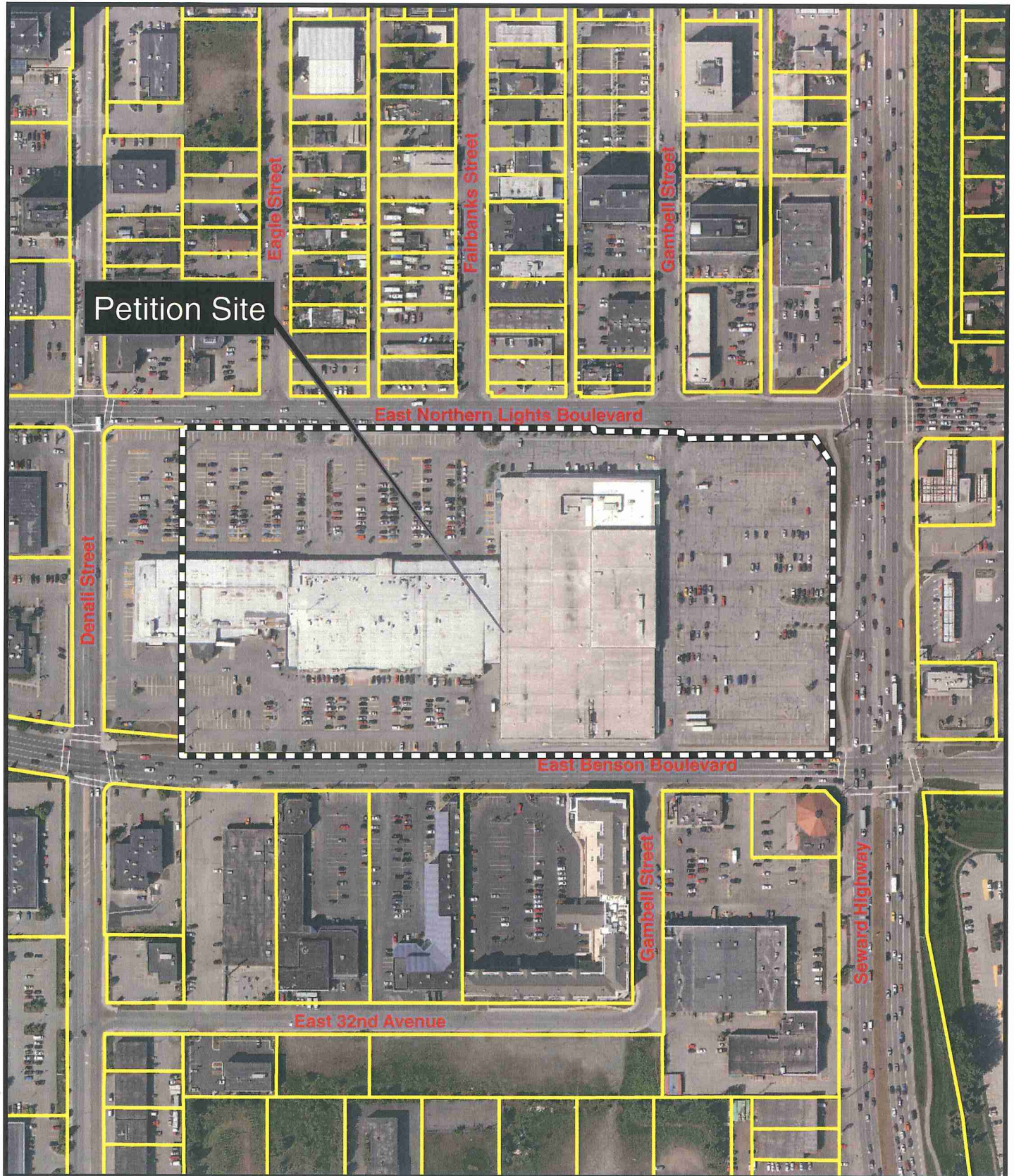
Sears/Nordstrom Rack Cost Analysis

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		
CMU 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

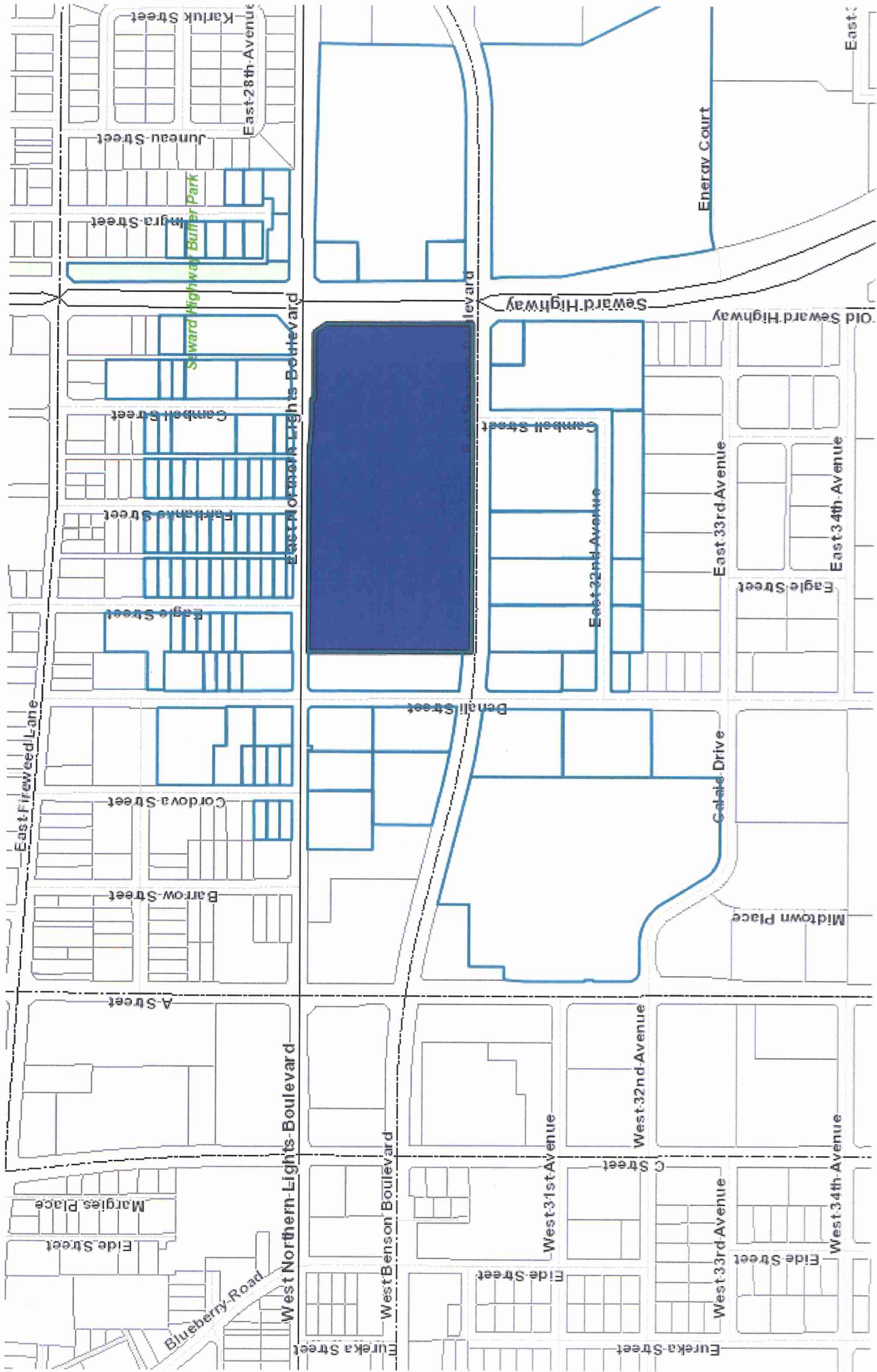
2017-0124



2017-0124



Anchorage



PHN map 2017-0124
Distance = 600' (92 pels)