

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION

Date: January 24, 2007

File No.: USE2007-00001

Jensen Yorba Lott, Inc.
522 West Tenth Street
Juneau, AK 99801

Application For: A Conditional use permit to modify the exterior facade of the Miner's Hall building.

Legal Description: Tidelands Addition BL 83 LT 10

Parcel Code No.: 1-C07-0-K83-005-0

Hearing Date: January 23, 2007

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 11, 2007, and approved the modification to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

Construction phase conditions:

1. Construction-related exterior lighting shall be shielded and shall not cause glare or spill onto neighboring residential properties.
2. All debris from the project should be collected and disposed of at an approved upland location. In addition, all practicable efforts should be made to minimize the amount of debris from the project that reaches the water or intertidal area.
3. The sidewalk and canopy along Franklin Street must be constructed in full by May 1, 2007, prior to issuance of either a Temporary Certificate of Occupancy or Certificate of Occupancy.
4. The applicant shall obtain a DOT ROW permit for all associated work in the DOT ROW.
5. The applicant must provide a survey to the CBJ Chief Regulatory Engineer and ADOT for review which locates both sides of the Right-of-Way in front of the proposed development prior to any building permit submittals.
6. If pile driving occurs on Saturdays and/or Sundays, it may only occur between the hours of 9:00 a.m. and 7:00 p.m.
7. To address habitat concerns, pile driving shall not occur within the time period of April 1st – June 15th to avoid impacts to migrating juvenile salmon and herring in the project area.

Ongoing conditions:

8. Since Warner's Way will be used as a combination vehicle/pedestrian access way, adequate warning signage to pedestrians and vehicle users, to be reviewed and approved by the CBJ Engineering Department, shall be placed within the alleyway (location and permit to be approved by appropriate ROW agency).
9. Mechanical equipment must be placed toward rear of building, as indicated on the site plan. In addition, any rooftop mechanical equipment shall be shielded or designed to prevent noise to neighboring properties and residences. Noise from rooftop equipment shall not exceed ambient noise levels at the property line.
10. A DOT Right-of-Way permit must be applied for pursuant to AS19.25.105 and be received in order to construct the canopies in the ROW.
11. No vehicles shall park within the future Seawalk path. No equipment or storage is to be placed within the Seawalk path and shall remain free and clear at all times for pedestrian usage.
12. A canopy and storefront shall be constructed on the channel-facing side of the building in accordance with Long Range Waterfront Design Criteria, and in keeping with the previous three Conditional Use approvals for Miner's Hall. The canopy design shall follow the January 2005 approval, and is to be reviewed and approved by CDD prior to construction. No Certificate of Occupancy or Temporary Certificate of Occupancy shall be issued until this canopy and storefront are completed.
13. Sprinklers shall be included in the construction of the building. Plans indicating such shall be submitted prior to issuance of a building permit and reviewed and approved by the CBJ Fire Marshall.
14. Prior to the issuance of a Temporary Certificate of Occupancy, the applicant shall comply with the CBJ's Seawalk Ordinance, Serial No. 2005-29 (am), and pay a fee to the CBJ equal to twenty percent of the final project cost for a Seawalk constructed to public assembly standards for the section abutting their property. The fee shall be based on CBJ's construction estimate, and CBJ shall refund any remaining balance after construction.

Historic District-related conditions:

15. Future approvals for sign permits shall only allow signs in the approved envelope for façade signage as shown on the façade signage plan. The façade signage plan shall accompany a sign permit application, with indication from the applicant where the signage will be placed within approved envelopes.
16. Exterior work must be in conformance with the approved set of elevations accompanying the Conditional Use permit. Any deviation shall trigger re-review by CDD, the HRAC, and the Planning Commission until guidelines are met.

17. Prior to the installation of exterior lighting the applicant shall submit to Community Development Department staff, for review and approval, the proposed light plan and luminaire specifications causing no glare of spill onto neighboring properties.
18. No display cases are allowed on the exterior of the building.
19. The applicant shall use wood or a smooth finish cement board, or "Hardiplank" siding with an exposure of four to six inches.

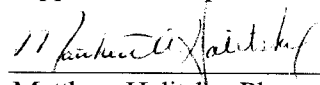
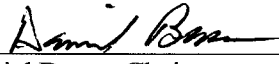

Attachments: January 11, 2007, memorandum from Matthew Halitsky, Community Development to the CBJ Planning Commission regarding USE2007-00001.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ Sec. 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, January 23, 2007.

Expiration Date: The permit will expire 18 months after the effective date, or July, 2008, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to expiration date.

Project Planner:		
	Matthew Halitsky, Planner Community Development Department	Daniel Bruce, Chairman Planning Commission
		1/25/07
	Filed With City Clerk	Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.