<table>
<thead>
<tr>
<th>Name of Association</th>
<th>Contact Person</th>
<th>Address</th>
<th>Phone Number</th>
<th>Fax Number</th>
<th>E-mail Address</th>
<th>Alternate Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blueberry Hills Neighborhood Association</td>
<td>Paul Dick</td>
<td>2906 Blueberry Hills Rd., Juneau, AK 99801</td>
<td>586-3459</td>
<td></td>
<td><a href="mailto:okapudiek@hotmail.com">okapudiek@hotmail.com</a></td>
<td></td>
</tr>
<tr>
<td>Douglas Indian Association</td>
<td>Linda Snow</td>
<td>811 W. 12th Street, Juneau, AK 99801</td>
<td>364-2916</td>
<td>364-2917</td>
<td><a href="mailto:lsnow-dia@acg.net">lsnow-dia@acg.net</a></td>
<td>Andrea <a href="mailto:Candente-Lati-dia@acg.net">Candente-Lati-dia@acg.net</a></td>
</tr>
<tr>
<td>Douglas Advisory Board</td>
<td>John Delgado</td>
<td>1901 1st St., Douglas, AK 99926</td>
<td>(h):364-3636, (w):296-3616</td>
<td>500-7336</td>
<td><a href="mailto:urbanskimon@hotmail.com">urbanskimon@hotmail.com</a></td>
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<tr>
<td>Downtown Neighborhood Association</td>
<td>Emily Ferry</td>
<td>836 Calhoun Ave., Juneau, AK 99801</td>
<td>463-5145</td>
<td></td>
<td><a href="mailto:emily.ferry@gmail.com">emily.ferry@gmail.com</a></td>
<td></td>
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<tr>
<td>Fritz Cove Neighborhood Association</td>
<td>Cody Salter</td>
<td>2770 Fritz Cove Rd., Juneau, AK 99801</td>
<td>(cel):209-9240, (w):789-3717</td>
<td></td>
<td><a href="mailto:eric.salter3@acg.alaska.net">eric.salter3@acg.alaska.net</a></td>
<td></td>
</tr>
<tr>
<td>Indian Point Neighborhood Association</td>
<td>Jim Parr</td>
<td>P.O. Box 210567, Auke Bay 99921</td>
<td>331-2060</td>
<td></td>
<td><a href="mailto:panhan7@acg.alaska.net">panhan7@acg.alaska.net</a></td>
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</tr>
<tr>
<td>Lemon Creek Neighborhood Association</td>
<td>Daniel Collison</td>
<td>5980 Mountain Ave., Juneau, AK 99801</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lena Extended Neighborhood Association</td>
<td>Kirk Miller</td>
<td>P.O. Box 210945, Auke Bay 99921</td>
<td>790-8557</td>
<td>790-8557</td>
<td><a href="mailto:kmiller@acg.net">kmiller@acg.net</a></td>
<td></td>
</tr>
<tr>
<td>Mountainside Estates Neighborhood Association</td>
<td>Dale Staley</td>
<td>4881 Mountainside Dr., Juneau, AK 99901</td>
<td>(h):790-4658, (w):(533-1588</td>
<td></td>
<td><a href="mailto:Staley@acg.alaska.com">Staley@acg.alaska.com</a></td>
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</tr>
<tr>
<td>North Douglas Neighborhood Association</td>
<td>Anne Fuller</td>
<td>7943 N. Douglas Highway, Juneau, AK 99901</td>
<td>(h):365-4219, (w):365-6558</td>
<td></td>
<td><a href="mailto:fernkeaf@ymail.com">fernkeaf@ymail.com</a></td>
<td></td>
</tr>
<tr>
<td>North Tee Harbor Neighborhood Association</td>
<td>Gary Miller</td>
<td>20105 Cohoe Drive, Juneau, AK 99901</td>
<td>789-3757</td>
<td></td>
<td><a href="mailto:gmiller_juneauak@hotmail.com">gmiller_juneauak@hotmail.com</a></td>
<td></td>
</tr>
<tr>
<td>Norway Point Neighborhood Association</td>
<td>Russell Strandmann</td>
<td>1401 Glacier Hwy., Juneau, AK 99901</td>
<td>586-1826</td>
<td></td>
<td><a href="mailto:r_strandtmann@hotmail.com">r_strandtmann@hotmail.com</a></td>
<td></td>
</tr>
<tr>
<td>Riverwood Homeowners</td>
<td>Lorilyn Swanson</td>
<td>3101 Riverwood Dr., Juneau, AK 99901</td>
<td>789-7290, (w):586-5920</td>
<td></td>
<td><a href="mailto:paulswan@acg.net">paulswan@acg.net</a></td>
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</tr>
<tr>
<td>Pt. Stephens Neighborhood Association</td>
<td>Russ Senkovich</td>
<td>10810 Trails End, Juneau, AK 99901</td>
<td>(h):728-0176, (w):713-1150</td>
<td></td>
<td><a href="mailto:vich@acg.net">vich@acg.net</a></td>
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<tr>
<td>Shelter Island Neighborhood Association</td>
<td>Karen &amp; Rick Bierman</td>
<td>P.O. Box 211167, Auke Bay 99921</td>
<td></td>
<td></td>
<td><a href="mailto:whalssaye@starband.net">whalssaye@starband.net</a></td>
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<tr>
<td>Sunny Point Neighborhood Association</td>
<td>Mary Lou King</td>
<td>1700 Brant Rd., Juneau, AK 99901</td>
<td>789-7450</td>
<td></td>
<td><a href="mailto:kingfarm@acg.alaska.net">kingfarm@acg.alaska.net</a></td>
<td></td>
</tr>
<tr>
<td>Tall Timbers Neighborhood Association</td>
<td>Guy Holt</td>
<td>8810 Gall Ave., Juneau, AK 99901</td>
<td>586-6544</td>
<td></td>
<td><a href="mailto:guy@akzonfire.com">guy@akzonfire.com</a></td>
<td></td>
</tr>
<tr>
<td>Telephone Hill Neighborhood Association</td>
<td>Maureen Connerton</td>
<td>214 Dixon St., Juneau, AK 99901</td>
<td></td>
<td></td>
<td><a href="mailto:brown@acg.alaska.net">brown@acg.alaska.net</a></td>
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<tr>
<td>Thane Neighborhood Association</td>
<td>Larrin Irene Spengler</td>
<td>4545 Thane Road, Juneau, AK 99901</td>
<td>586-9768</td>
<td>586-9768</td>
<td><a href="mailto:lspengler@ak.net">lspengler@ak.net</a></td>
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<tr>
<td>Tongass Park Neighborhood Association</td>
<td>Timothy R. Frowley</td>
<td>2335 Kaa Seen Ave., Juneau, AK 99901</td>
<td>209-4986, (h):700-2848, (w):465-6931</td>
<td></td>
<td><a href="mailto:association@tongasspark.org">association@tongasspark.org</a></td>
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</tr>
<tr>
<td>West Mendenhall Valley Neighborhood Association</td>
<td>Michelle Kaelke</td>
<td>9733 Trapper's Lane, Juneau, AK 99901</td>
<td>789-5350</td>
<td></td>
<td>flyfish2ak.net</td>
<td></td>
</tr>
</tbody>
</table>
City & Borough of Juneau  
NEIGHBORHOOD ASSOCIATION  
REGISTRATION FORM  

YOUR ASSOCIATION: Tell us about your organization, your neighborhood and attach a copy of any bylaws.

Name of Association: TALL TIMBERS NEIGHBORHOOD ASSOCIATION
Geographic Area of Concern: MARILYN AVE, GAIL AVE, MALISSA DR.
Estimated Population of Area: 85
Issues of Concern: TRAFFIC - LIGHTING - FUTURE DEVELOPMENT AND USAGE.

YOUR MEMBERSHIP: Please provide the names and addresses of your members. Attach extra pages as necessary.

PLEASE SEE ATTACHED

HOW WE CAN REACH YOU: Please list a primary and secondary contact person for your Neighborhood Association along with their contact information. This information is included in the Neighborhood Association Masterlist on the CBJ website so please indicate if you do not wish any of the below information posted online.

<table>
<thead>
<tr>
<th>Primary Contact</th>
<th>Alternate Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guy Holt</td>
<td>Dan Hubert</td>
</tr>
<tr>
<td>8610 Gail Avenue</td>
<td>8577 Marilyn Ave</td>
</tr>
<tr>
<td>Juneau, AK 99801</td>
<td>Juneau, AK 99801</td>
</tr>
<tr>
<td>907-586-6844</td>
<td>907-523-9719</td>
</tr>
<tr>
<td>guyteakbonfire.com</td>
<td><a href="mailto:danhubart@gmail.com">danhubart@gmail.com</a></td>
</tr>
</tbody>
</table>

SPECIAL NOTES: Tell us anything else you would like us to know about your association.  Please keep membership records private.

[Notes on page: See Note on Back]

In order to register your Neighborhood Association in accordance with CBJ Code 11.35, your completed registration form along with any attachments need to be submitted to the Clerk's Office at the following address:

OFFICE OF THE MUNICIPAL CLERK, 155 S. Seward St., Room 202
Phone: (907)586-5278 Fax: (907)586-4552 e-mail: City_Clerk@ci.juneau.ak.us

Agendas, Minutes, and Notices about Planning Commission, Assembly, and Assembly Standing Committee Meetings can be found on the City & Borough of Juneau website at www.juneau.org.
5/14/14 I called buy's phone # v.s., she & his wife who answered the phone. I explained to her that the note on the application "Please keep membership records private" could not be followed since the registration form & its attachments are considered public documents & would be provided to the public upon request.

Betty McCurdy
<table>
<thead>
<tr>
<th>Name</th>
<th>Home Email</th>
<th>Mobile</th>
<th>Home Phone</th>
<th>Home Address</th>
<th>Work Address</th>
</tr>
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<tbody>
<tr>
<td>Bertoni, Sam</td>
<td><a href="mailto:bmas@ptialaska.net">bmas@ptialaska.net</a></td>
<td>907-789-3786</td>
<td></td>
<td>POB 32993</td>
<td>8614 Gail Avenue</td>
</tr>
<tr>
<td>Denton, Susie - Terry Kullander</td>
<td><a href="mailto:denton.kullander@gmail.com">denton.kullander@gmail.com</a></td>
<td>907-723-7522</td>
<td>907-789-1779</td>
<td>8618 Gail Avenue</td>
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<tr>
<td>Duran, Paul &amp; Lolita</td>
<td><a href="mailto:pauld2839@live.com">pauld2839@live.com</a></td>
<td>907-796-2839</td>
<td></td>
<td>3208 Malissa Drive</td>
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<tr>
<td>Fenumiai, Julie</td>
<td><a href="mailto:amazongirl513@yahoo.com">amazongirl513@yahoo.com</a></td>
<td>907-789-0436</td>
<td></td>
<td>8609 Marilyn Avenue</td>
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<tr>
<td>Hearn, Joe &amp; Kim</td>
<td><a href="mailto:kimberly.heim@yahoo.com">kimberly.heim@yahoo.com</a></td>
<td>907-957-4850</td>
<td></td>
<td>8611 Gail Avenue</td>
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<tr>
<td>Hoff, Brandon &amp; Caroline</td>
<td><a href="mailto:bphoff@mac.com">bphoff@mac.com</a></td>
<td>907-229-7684</td>
<td></td>
<td>8595 Marilyn Avenue</td>
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<tr>
<td>Hubert, Dan &amp; Paula</td>
<td><a href="mailto:danhubert@gmail.com">danhubert@gmail.com</a></td>
<td>907-523-9719</td>
<td></td>
<td>8597 Marilyn Avenue</td>
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<tr>
<td>Hughes, Andy</td>
<td><a href="mailto:andyhughesusa@hotmail.com">andyhughesusa@hotmail.com</a></td>
<td>907-723-5203</td>
<td></td>
<td>3200 Malissa Drive</td>
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<tr>
<td>Judy, Will</td>
<td><a href="mailto:will@alaskatechguys.com">will@alaskatechguys.com</a></td>
<td>907-723-9199</td>
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<tr>
<td>Lager, Noah &amp; Shelly</td>
<td><a href="mailto:lager_house@msn.com">lager_house@msn.com</a></td>
<td>907-209-0274</td>
<td>8607 Marilyn Avenue</td>
<td></td>
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<tr>
<td>Larson, Eddie &amp; Samantha</td>
<td></td>
<td>907-780-2206</td>
<td>8613 Marilyn Avenue</td>
<td></td>
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</tr>
<tr>
<td>Legg, Sammy</td>
<td><a href="mailto:sammy_legg6@hotmail.com">sammy_legg6@hotmail.com</a></td>
<td>907-723-5293</td>
<td>3200 Malissa Drive</td>
<td></td>
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<tr>
<td>Marvel, David &amp; Lynn</td>
<td><a href="mailto:david.marvel@uas.alaska.edu">david.marvel@uas.alaska.edu</a></td>
<td></td>
<td>8616 Gail Avenue</td>
<td></td>
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<tr>
<td>Nelson, Dan &amp; Becky</td>
<td><a href="mailto:akadventure@yahoo.com">akadventure@yahoo.com</a></td>
<td>907-723-2634</td>
<td>8606 Marilyn Avenue</td>
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<tr>
<td>Reid, Scott</td>
<td><a href="mailto:scottareid@live.com">scottareid@live.com</a></td>
<td>907-723-9993</td>
<td>8619 Gail Avenue</td>
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<tr>
<td>Sullivan, Tom</td>
<td><a href="mailto:thomascsullivan@hotmail.com">thomascsullivan@hotmail.com</a></td>
<td>907-957-0477</td>
<td>3704 Malissa Drive</td>
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<td>VanKirk, Brian &amp; Michelle</td>
<td></td>
<td></td>
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<tr>
<td>Wilson, Debe &amp; Ted</td>
<td><a href="mailto:debewilson65@gmail.com">debewilson65@gmail.com</a></td>
<td>907-321-5252</td>
<td>8612 Marilyn Avenue</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Juneau Neighborhood Associations
City and Borough of Juneau | 155 S. Seward Street | Juneau, Alaska 99801

Juneau's Neighborhood Associations provide a direct and continuing means of citizen participation in local government decisions about neighborhoods through the use of neighborhood associations recognized as advisory to the municipal government. These associations are intended to improve the ability of local government to elicit opinions and recommendations, to assess the priorities of residents, property owners, and businesses and to formulate its basis for decisions regarding community development programs, and crime prevention programs, including neighborhood watch programs, and other issues.

The links below provide additional information such as: who to contact in your neighborhood if you would like to become involved in a registered neighborhood association, how to register a new neighborhood association, and what the CBJ Code says about neighborhood associations. Anyone wishing additional assistance should contact the Municipal Clerk's Office at 586-5278 or send an email to City_Clerk@ci.juneau.ak.us.

WHO: Neighborhood Associations and Contacts List
WHAT: Neighborhood Association Ordinance
Adobe Acrobat (PDF) file

HOW: Register Your Neighborhood Association
Adobe Acrobat (PDF) file

For general information on how to keep in touch with your local government, please click here for the "Your Municipality" Brochure.

We encourage neighborhood association members and anyone from the public interested in items coming before the Assembly and the Assembly Standing Committees to sign up for one or more of the CBJ RSS feeds. Additional information on the RSS feeds can be found on the following web page: http://www.juneau.org/about/rss.php

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Return to City Government and Services page
Last updated 2014-05-14 bjm
www.juneau.org
BYLAWS

for

TALL TIMBERS NEIGHBORHOOD ASSOCIATION

ARTICLE 1
NAME

The name of this organization shall be the Tall Timbers Neighborhood Association, hereinafter "Association".

ARTICLE 2
MEMBERSHIP BOUNDARIES AND SCOPE

The Association is primarily concerned with issues that affect the Juneau, Alaska neighborhood including but not limited to properties along Marilyn Ave, Gail Ave, and Malissa Dr. ("the neighborhood").

ARTICLE 3
DEFINITION

The Association is a non-profit, voluntary, self-governing association composed of residents, property owners, business owners, and representatives from non-profit associations and other entities physically located within the Association's membership boundaries. The Association is not a branch or layer of government. The Association is not a regulatory or legislative body. Upon motion of its membership, it may file Articles of Incorporation as a State of Alaska Domestic Nonprofit Corporation.

ARTICLE 4
MEMBERSHIP

A. Any person 18 years or age or older who is a homeowner, tenant, resident, property owner, business owner, or a designated representative of a corporation or non-profit association physically located within the membership boundary described in Article 2 is to be treated as and may act as a member, whether or not that person has attended a meeting or paid dues.
B. Annual dues may be set by the members at an annual meeting; payment is optional, and is not a prerequisite for membership.

C. A mailing list of members will be maintained by the secretary and an e-mail list of members e-mail addresses will be maintained by the President and at least one other Board member. The mailing lists will remain confidential and will not be distributed to any individual or entity for any purpose.

ARTICLE 5
PURPOSE

The Association is primarily concerned with issues affecting the neighborhood including but not limited to preserving harmony of the neighborhood, protecting public health and safety, and preserving property values. The purpose of the Association is to provide a direct and continuing means of citizen participation in the neighborhood. The Association exists to afford citizens an opportunity for maximum involvement and self-determination.

This Association is intended to give:

A. Local people a method by which they can work together for expression and discussion of their opinions, needs, and desires in a manner that will have an impact on their neighborhood’s development and services;

B. Governmental agencies a method for receiving opinions, needs, desires and recommendations of the neighborhood; and

C. Local governing bodies such as the Juneau Assembly and Planning Commission an improved basis for decision making and assignment of priorities for all programs affecting the neighborhood.

ARTICLE 6
FUNCTION

The Association has a policy and practice of open participatory membership.

ARTICLE 7
MEMBERSHIP MEETINGS

A. Membership meetings shall be held as needed.
B. Notices shall be sent, distributed, posted, or otherwise conveyed by email, social media, telephone, or such other means as is reasonable.

C. Meetings shall be run in a manner intended to increase the public expression and discussion of opinions held by Association members.

D. Meetings shall be conducted as informally as the number of participants will allow.

ARTICLE 8
MEMBERSHIP VOTING

A. Each member of the Association shall have only one vote.

B. If a vote is taken during a membership meeting, each member must be present at the time of the vote in order to cast a vote. There will be no proxy voting.

C. A member who is absent may send personal correspondence to the Association detailing his or her position on the question to be voted on which shall be read to the Association prior to the vote.

ARTICLE 9
BOARD

Section 1: Board

The Board of the Association shall be the President and Treasurer. They two shall be elected at an annual member meeting.

A. The President shall:

1. Be the principal presiding officer and shall in general supervise the affairs of the Association and shall also ensure that these bylaws are followed and enforced;

2. Establish meeting agenda; and

3. Ensure the proper distribution of meeting notices and agendas.

4. Accept service of process.
B. The Treasurer shall:

1. Have charge and custody of and be responsible for all funds of the Association;

2. Make disbursements as necessary upon authorization by the membership or Board; and

3. Report at each annual membership meeting all receipts and expenditures since the preceding annual meeting, including a statement of the current balance of funds.

C. Removals, resignations, and vacancies can be filled temporarily by appointment by vote of the remaining Board members until an election is held by the voting membership at the next annual membership meeting.

Section 5: Board Meetings

A. The Board shall meet as needed.

B. All Board meetings will be open to the membership. Notice of a Board meeting will be sent, posted, distributed, posted, or otherwise conveyed to the membership as far in advance as feasible.

ARTICLE 11
COMMITTEES

Committees are optional, and may be established by a vote of the membership or by the Board or President at any time for whatever purpose deemed necessary. The nature and duties of the committees shall be determined by the President.

ARTICLE 12
FINANCES

A. The Association may receive voluntary contributions from each member as needed to meet the costs of its operation.
B. The Treasurer and the President shall have the authority to expend money. The Treasurer on his or her own, or, if the Treasurer is unavailable, the President on his or her own, may make such expenditures.

ARTICLE 13
AMENDMENTS

These bylaws may be altered, amended or repealed by a vote of the members present at a membership meeting.

ARTICLE 14
DISSOLUTION

The Association may be dissolved by a vote of the members present at a membership meeting.

ARTICLE 15
FORMATION OF A STATE OF ALASKA DOMESTIC NONPROFIT CORPORATION

Upon a majority vote of the members present at a membership meeting, the Association may elect to become a nonprofit corporation. In this event, the incumbent officers of the Association also serve as directors of the corporation. These bylaws shall serve as the bylaws of the corporation. The name and address of the initial registered agent and office shall be that of the incumbent President and the names and addresses of the incorporators are the incumbent officers.

Adopted hereby on 13 June 2014

Dan Hubert
Treasurer
BEFORE THE PLANNING COMMISSION OF
THE CITY AND BOROUGH OF JUNEAU

HAVEN HOUSE, INC,

Appellant,

v.

CBJ COMMUNITY DEVELOPMENT,

Appellee,

STATEMENT OF ANDREW HUGHES

1. I reside at 3200 Malissa Drive, Juneau, AK 99801

2. I have resided at that address for almost 40 years.

3. My house was one of the earliest in the Tall Timbers neighborhood.

4. In the early years of the neighborhood, the neighbors organized the Tall Timbers Neighborhood Association.

5. The Association was organized to (i) identify neighborhood concerns and interests, and (ii) so the neighbors would get to know each other so the neighborhood would be safer and more peaceful since the residents would know each other.

6. The Association worked to secure additional street lights, which lead to streets lights being installed along Tongass Boulevard.

7. The Association met regularly and had progressive dinners and block parties.
8. In later years, with neighborhood turnover, the Association's activities waned, until the present Haven House issue arose.

DATED this 23 day of June, 2014, at Juneau, Alaska.

Andrew Hughes

CERTIFICATION

I HEREBY CERTIFY that on June 24, 2014, a copy of the foregoing was emailed to:

Brenwynne Grigg, CDD Administrative Officer
Brenwynne.Griggs@ci.juneau.ak.us

Robert S. Spitzfaden
In re, Tall Timbers Neighborhood Association Notice of Appeal Planning Commission City & Borough of Juneau

Opposition Brief
Community Development Department
In re
TALL TIMBERS NEIGHBORHOOD
ASSOCIATION NOTICE OF APPEAL
Re: CDD Directors Decision in
BLD20130767

Tall Timbers Neighborhood Association Did Not and Does Not Have the Right to
Appeal the March 18, 2014, Director’s Decision.

Tall Timbers Neighborhood Association ("Tall Timbers") jumped the gun. Tall Timbers jumped the gun by filing an appeal before Tall Timbers had the legal capacity to appeal. Tall Timbers jumped the gun by filing an appeal before the use not listed hearing. Tall Timbers jumped the gun by filing an appeal before the Board of Adjustments issued a final decision. Because Tall Timbers jumped the gun, the Planning Commission ("Commission") should dismiss the Tall Timber’s appeal and conduct the use not listed hearing. The use not listed hearing resolves the need for this appeal because it provides for a full public hearing where people for and against Haven House can express their concerns without the restrictions imposed by law in an appeal. Ultimately, Tall Timbers jumped the gun by filing a premature appeal.
I. FACTUAL SUMMARY

Haven House is a not for profit organization that wants to use an existing house on Malissa Drive in a D-5 zone for transitional housing for women coming out of prison.¹ Tall Timbers does not want Haven House to operate in Tall Timbers’ subdivision.²

On December 23, 2013, Haven House applied for a change of use permit from a single family to a transitional group home. A permit was not issued, but the application was assigned the following number, BLD 2013-0767.

On January 24, 2014, the Director issued a decision (“Decision #1”). Decision #1 stated that in a D-5 zone, group homes are allowed outright but halfway houses are not generally permitted. Decision #1 concluded that “because operating a halfway house is not a permitted use in this zoning district; Haven House cannot operate as described in the business plan in this location.”

On February 11, 2014, Haven House appealed Decision #1. It was assigned the following case number APL 2014-0001.

On March 10, 2014, Haven House presented supplemental information and legal argument to clarify and explain the proposed use.

On March 18, 2014, the Director issued a second decision (“Decision #2”). Decision #2 concluded, after receiving the supplemental information and upon legal guidance, the Title 49 provisions regarding halfway houses and group homes are likely unenforceable as applied to Haven House. The Director concluded the proposed use was not a single family residence. The Director also concluded that the proposed use is a “use not listed,” and it is or is most similar to a

¹ Haven House Supplemental information to the building permit application (Dec. 23, 2013, and March 10, 2014).
² Tall Timbers Notice of Appeal (April 1, 2014).
boardinghouse and rooming house. A boardinghouse and rooming house is allowed in a D-5 zone pursuant to a conditional use permit. The Director recommended that Haven House file applications for a "use not listed" and conditional use permit.

On April 1, 2014, Tall Timbers filed an appeal of Decision #2. Tall Timbers requests the Commission adopt Decision #1 and conclude Haven House cannot operate in the D-5 zone.

On April 4, 2014, Haven House withdrew its appeal of Decision #1 and filed an appeal of Decision #2. Haven House requested the appeals be continued until after the use not listed/conditional use permit hearing. Haven House also challenges whether Tall Timbers has a right to appeal Decision #2. Implicitly, Haven House requests the Board of Adjustments find that the proposed use is a listed use, namely a single family home or group home.

On April 19, 2014, Tall Timbers requested to be an Intervenor in the Haven House Appeal.

Staff and Haven House have had two pre-application conferences, April 1 and April 28, regarding the submittals for the unlisted use and, if applicable, the conditional use permit. Haven House requested the unlisted use hearing and the conditional use permit hearing occur at the same time.

On May 2, 2014, Haven House filed a use not listed application.

On May 13, 2014, the appeals filed by Haven House and Tall Timbers were introduced at the regular Commission meeting. Tall Timbers did not appear; only Mr. Dan Hubert appeared in his personal capacity.3

On May 27, 2014, Community Development Department ("CDD") staff conducted a neighborhood meeting to describe the use not listed process.

3 E.g., May 13, 2014, Planning Commission minutes at 17 of 29.
On May 28, 2014, the Presiding Officer held a prehearing conference. The following day, the Presiding Officer issued a stay for the Haven House appeal and requested briefing on whether Tall Timbers has a right to appeal Decision #2.

Since May 28, 2014, Mr. Spitzfaden has filed a plethora of motions to intervene and entries of appearance, even on the Haven House appeal, which was stayed.4

In summary, Decision #1 was rescinded and Haven House’s first appeal was withdrawn. Haven House’s second appeal has been stayed. The Commission requested briefing whether Tall Timbers has a right to appeal Decision #2.

II. DISCUSSION

This brief demonstrates the Commission should dismiss the Tall Timbers appeal and proceed with the use not listed process.

A. Tall Timbers jumped the gun by filing an appeal before the Board of Adjustment conducted the use not listed hearing and issued an appealable decision.

While not specifically requested by the Commission, the doctrine of finality implicates both issues that the Commission requested briefing on. The doctrine of finality requires that a final appealable decision is issued, which ensures adjudication of actual cases and controversies.5 The doctrine of finality also helps frame the context to determine whether a sufficient adversity exists,

4 Motion to Intervene on behalf of Andrew Hughes in the Haven House appeal (May 28, 2014);
Motion to Intervene on behalf of Andrew Hughes in the appeal filed by Tall Timbers (May 30, 2014);
Motion to Intervene on behalf of Tall Timbers in the Haven House appeal (May 28, 2014);
Entry of Appearance on behalf of eighteen people in the Haven House appeal (June 20, 2014); and
Entry of Appearance on behalf of eighteen people in the appeal filed by Tall Timbers (June 24, 2014).

5 CBJ 01.50.020(b) (imposing the doctrine of finality); CBJ 49.20.320 (describing that the Board of Adjustments makes the final decision on use not listed applications).
which is the predicate for determining standing. Here, Tall Timbers jumped the gun by appealing an intermediary decision that is not ripe for review because Haven House cannot operate as intended without a permit.

The Commission can dismiss Tall Timbers’ appeal because the use not listed has not occurred and because the Decision #2 is not a final decision. Unlike a permit denial or a permit approval, Decision #2 is not a final decision subject to appeal by Tall Timbers because it is merely the Director’s recommendation that Haven House should submit an application for the use not listed process. Because the Director concluded that the intended use of Haven House was a use not listed, the Director did not have authority to make the final use not listed decision or issue a permit. Further, the use not listed process provides the appropriate public forum for public comment and provides a final appealable decision. If the Board of Adjustment, and the Commission if the Board of Adjustment concludes the intended use is requires a conditional use permit, authorizes Haven House to operate as intended, then aggrieved parties would be given the opportunity to appeal that final decision. Moreover, the Board of Adjustment/Commission could determine in the use not listed process that the intended use of the Malissa Drive property is not allowed, which would defeat the need for Tall Timbers’ appeal. Thus, Tall Timbers jumped the gun by appealing a final decision can be issued.

In addition to Title 49, City and Borough of Juneau’s (“CBJ”) appellate procedures also preclude Tall Timbers from filing an appeal because Decision #2 was not a final decision. In the

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6 CBJ 49.15.310(d)(1)(B) (stating that the Director cannot issue a permit beyond the Director’s authority); CBJ 49.20.320 (stating that only the Board of Adjustments has authority to hear and decide use not listed applications); Table of Permissive Uses CBJ 49.25.300 at 1.610 (describing that a rooming and boarding house is a conditional use permit); CBJ 49.15.330 (describing that a conditional use permit can only be approved by the Commission).

7 Tall Timbers mischaracterizes the effect of the procedural history and purpose of this briefing. Tall Timbers Opening Brief at 3 of 9. The issue is not mootness but ripeness and standing. By requiring briefing on whether Tall Timbers has a right to appeal, the Commission has not waived ripeness and standing.