

**Beth McKibben**

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**From:** James Sutton <juneaujim@gmail.com>  
**Sent:** Tuesday, May 27, 2014 8:45 PM  
**To:** Beth McKibben  
**Subject:** Haven House

Dear Ms. McKibben:

First, I want to thank you for your very professional conduct during the meeting on Haven House on May 27. Even the face of unreasonable hostility you kept you cool and made sure the meeting did not devolve into chaos.

I have lived in the Tall Timbers area for 34 years at 3157 Bresee St. and have no problem whatsoever with Haven House moving into the neighborhood. They will be providing a much needed service to women who want to turn their lives around and become productive members of society. It will be a very controlled environment and will be much quieter than it would be if a family lived there. I can't count the number of times I have seen the streets lined with cars for private parties at private residences in the area practically blocking the streets, something that will not happen at Haven House.

Anyway, just wanted you to know that I fully support Haven House being in Tall Timbers. Also, I want you to know that the neighborhood association does not represent everyone in the neighborhood, in fact I have never been contacted by anyone in the association and after what I heard last night wouldn't join them if they did contact me.

Again, thank you for your professionalism and coolness.

Peace,

Jim Sutton

<sup>1</sup>  
**ATTACHMENT G**

Physical Address: 3157 Bresee St.  
Mailing Address: PO Box 32985  
Juneau, AK 99803  
Tel: 789-2392  
Cell: 209-6661

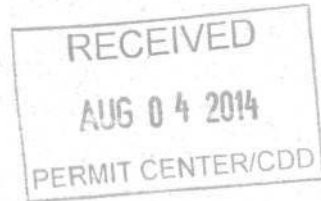
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"You know when sometimes you meet someone so beautiful and then you actually talk to them and five minutes later they're as dull as a brick? Then there's other people, when you meet them you think, "Not bad. They're okay." And then you get to know them and... and their face just sort of becomes them. Like their personality's written all over it. And they just turn into something so beautiful." - Amy Pond

August 4, 2014

To: Planning Commission  
Hal Hart, CDD

From: Sam Larson RN CNOR  
8613 Marilyn Ave  
Juneau, Alaska  
907-780-2206



RE: Neighborhood Meeting, Glacier Valley School  
"Use Not Listed" permit explanation in re: Haven House Permit Request

Dear Planning commissioner

I attended the above mentioned Meeting and would like to express my outrage in the handling of the presentation by the City Employee in charge of the meeting and the process of moving forward with Haven House's request for a Conditional Use Permit.

I have never met Beth McKibben before this meeting and I was surprised at the way she conducted herself. Her first line of business was to tell everyone that they were not allowed to throw cookies. What kind of meetings are conducted at the City that people throw cookies? I was so disturbed by this comment.

I am unclear as to Why Haven house was allowed to do a presentation for this meeting. Why was the neighborhood not allowed the same time to present a presentation?

It was very clear however that Beth was very much pro Haven House . She presented herself right next to the people from Haven House. She parked herself over there the whole evening. It has been my experience that when someone is presenting they speak to the whole audience and move from side to side as to not look as though they are showing favoritism to one side or the other. At the very least present from the middle of room and then speak to the group.

Beth obviously was there to be an advocate for Haven House. Her whole demeanor was derogatory as she offered no understanding of what the neighborhood was trying to say and said on at least two occasions " If you don't like it you can leave." I felt she was very disrespectful to the neighborhood that was there in support of there neighborhood and concern for the safety of the area.

She should be dismissed from any further dealings with the presenting of Haven House VS Tall Timbers Neighborhood Association permitting process.

I would also like to add that as she is a city employee she should be attending a communication classes. A class on "How to communicate with Tact and Professionalism" and "Managing Emotions under pressure", would be two classes that she diffidently needs to attend if you plan on her continuing her career. The City's employees that are conducting themselves in public meetings should be able to be objective at least. This would be much more beneficial to her and to our town then a "Spa Day"

My husband I left the meeting after Haven Houses attorney compared us to racist people who would not allow black people in there neighborhood. I feel Beth McKibben should know how to conduct a meeting and be able to defuse and deal with comments like that. Clearly that was out of line.

Thank you in advance for your prompt attention to this matter.

Sincerely,

  
Sam Larson RN CNOR

ATTACHMENT G

August 4, 2014

To: Hal Hart, Director,  
Community Development

From: Traci Gilmour, LMP  
Juneau, Alaska

RE: Neighborhood Meeting, Glacier Valley School  
"Use Not Listed" permit explanation in re: Haven House Permit Request



To Whom It May Concern:

I attended the above mentioned Meeting and would like to express my outrage in the handling of the presentation by the City Planner representing the City and Borough of Juneau who was in charge of the meeting and the process of moving forward with Haven House's request for a Conditional Use Permit.

I had not had the pleasure of being exposed to Beth McKibben prior to this meeting. I can say I was somewhat surprised, confused and downright concerned by her behavior when she announced the reason for the meeting to the community members in attendance.

Ms. McKibben started the meeting by announcing there were cookies available and that throwing of cookies would not be tolerated. I wasn't sure why she assumed there would cookie throwing, but waited to see what transpired.

Ms. McKibben then announced that the meeting was being held to explain what "Use Not Listed" meant which would be followed up by a presentation by Haven House. This was understandably upsetting to the Neighborhood who will be directly impacted and they espoused their displeasure. They were caught offguard and the Agenda did not say HH would be presenting. Not once did Ms. McKibben act as though she might understand why the neighbors were upset nor did she try to ask why.

Many neighbors stated they did not know this was an HH presentation and asked if they would be given their time to present as well. This was received brusquely by Ms. McKibben and the neighbors were told they could stay for the presentation or they were welcome to leave. She treated them with disregard and was, truthfully quite vicious in her response when they voiced their surprise.

I encouraged my family member from the neighborhood to stay and hear them out. This proved to be quite insightful as to the City Employee's defensive nature when presented with questions from the neighbors.

The neighbors did as they were told by Ms. McKibben and only asked questions following the presentation by herself and Haven House. She made it perfectly clear they could only ask questions, not anything else. So, they did ask their questions. This was met with a clear low level of patience from Ms. McKibben, Pro Bono Atty representing Haven House, as well as Ms. McKibben.

Not once during the presentation or Q&A were the neighbors met with patience, understanding or respect. In fact, it was quite the opposite, they were met with open hostility from both sides. This presentation was clearly one-sided. I am shocked and appalled that we are paying the City and City Planner to take sides or, if we are not paying her to take sides, she is not being stopped from being clearly biased in favor of Haven House. I do not believe anyone working with Haven House is paying property taxes to the CBJ in regards to this quest for a Halfway House on Malissa Drive. However, the 28 households in this neighborhood are current with their property taxes and deserve respect in this endeavor.

If the city cannot furnish an objective employee to work with both sides of the aisle, perhaps they should table such endeavors until they can properly handle their business.

I am formally requesting Ms. Beth McKibben be removed from the Haven House v. Tall Timbers Neighborhood Association permitting process.

Thank you for your time and consideration.

Traci K Gilmour, LMP  
9343 Rivercourt Way  
Juneau, Alaska 99801

ATTACHMENT G

08/01/14

Hal Hart, City director

155 S. Seward St.

Juneau, Alaska

907-586-0770



Dear Hal Hart,

My name is Shelly Lager and I own my home at 8607 Marilyn Ave Juneau, Alaska, in the Tall Timber neighborhood. I am writing this letter in attempt to give a formal complaint against Beth McKibben based on her acting biased toward Haven House.

I have attended assembly meetings as well as the premature meeting at Glacier Valley School in regards to a conditional use permit process held and facilitated by Beth McKibben. Beth pursued this meeting although the assembly had already agreed to place the conditional use permit on hold depending the outcome of the appeals. It was also at this assembly meeting that I felt she was very passionate about dropping all appeals and rushing toward the condition use permit, which happens to be how Haven House wanted to proceed. Depending on the outcome of the appeals a conditional use permit may not ever had existed. I cannot help but feel her intent was to rush this neighborhood meeting knowing it would help push the process faster as soon as the appeals were completed, which would also benefit Haven House. The neighborhood invite to this Glacier Valley meeting was mailed out the day after the assembly agreed to place the conditional use permit on hold. The question still stands with me, "why rush that meeting so quickly?"

In my opinion I would describe the Glacier Valley meeting as a Haven House meeting facilitated by Beth McKibben. Beth briefly did her power point then the meeting was handed over to Haven House and their power point. Answers to questions were given to Haven House while Beth McKibben stood in their corner. Beth did proceed to shush us when she thought we were talking out of turn, at this point we were all very frustrated how this meeting was being held and at the very least having to be there so prematurely. Tensions were very high with the whole situation and several people were very angry. The frustration breaking point was when the attorney for Haven House suggested we were racist just like when black people weren't allow in certain neighborhoods and I would say that is when at least 90% of the neighborhood left the meeting. I do not believe this would have happened if Beth McKibben was leading the meeting.

ATTACHMENT G



Previously to everyone walking out Beth was asked the question, "why are we here when there technically isn't a conditional use permit in process and is on hold by the assembly with the possibility the conditional use permit may never take place depending on the outcome of the appeals?" She had no answer to the question and stated we weren't forced to be there and we could leave (this was actually in the very beginning of this meeting). Her demeanor/attitude was so poor some people did leave. This is how the meeting started after she instructed us that there were snacks and we were not to throw them at Haven House. At that point I was convinced by her demeanor she wanted to get through that meeting as soon as possible and wasn't interested in any of our questions. When the Haven House power point was done all answers to questions were done by Haven House, when asked to Beth why we had to sit through a Haven House presentation and that it would take up time for questions for her she stated "Haven House would know better than I would" I was very disappointed that she was in such a rush to have the meeting even though the conditional use permit was placed on hold, she wasn't prepared for our questions and that she had Haven House do the meeting for her. She shouldn't have rushed it and should have done it on her own being the city official for that city meeting. Given all these facts I believe this meeting wasn't done properly and should be redone by a non-biased city planner.

Given the past experiences with Beth McKibben I do feel she is too biased toward Haven House and I personally am not comfortable with submitting any of my concerns/comments about my neighborhood to her and a new non-biased city planner should take over all Haven House matters. I do not feel the staff report to the assembly will be based on a non-biased stand point coming from Beth McKibben.

Whether or not Beth is biased toward Haven House or in a hurry to just get it done so she can be done with it, non-the-less we need a fair and non-biased city planner, someone who will take the time to read all concerns/comments and take them all into consideration and properly submit a non-biased staff report.

Regards,



Shelly Lager

907-209-0274

8607 Marilyn Ave

Juneau, Alaska 99801

Lager\_house@msn.com



ATTACHMENT G

## Beth McKibben

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**From:** David Campbell <DCampbell@juneaupolice.com>  
**Sent:** Wednesday, September 24, 2014 10:35 AM  
**To:** Beth McKibben  
**Cc:** Ed Mercer; Bryce A. Johnson  
**Subject:** RE: Please review UNL 2014 0001 and USE2014 0008 Haven House

Still no concerns on our end.

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**From:** Beth McKibben [[mailto:Beth\\_McKibben@ci.juneau.ak.us](mailto:Beth_McKibben@ci.juneau.ak.us)]  
**Sent:** Tuesday, September 23, 2014 4:55 PM  
**To:** David Campbell  
**Cc:** Ed Mercer; Bryce A. Johnson  
**Subject:** RE: Please review UNL 2014 0001 and USE2014 0008 Haven House

Thank you for comments.

I am working on the staff report for the conditional use permit application to operate Haven House at 3202 Malissa Drive. I need to finish up very quickly.

I just wanted to touch base and be sure JPD does not have comments on this. The comments sent in August are in regard to rezoning and this is not a rezone.

Are there concerns or comments in regard to Haven House Inc operating transitional housing for up to 9 women coming out of prison in a primarily single family neighborhood?

Thanks

Beth McKibben, AICP  
Senior Planner, CDD  
City & Borough of Juneau  
907.586.0465



Please consider the environment before printing this email.

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**From:** David Campbell [<mailto:DCampbell@juneaupolice.com>]  
**Sent:** Monday, August 11, 2014 2:24 PM  
**To:** Beth McKibben  
**Cc:** Ed Mercer; Bryce A. Johnson  
**Subject:** RE: Please review UNL 2014 0001 and USE2014 0008 Haven House

I have reviewed the attached request for rezoning for Haven House. At this time I do not have any concerns.

Thanks,

Lieutenant David Campbell

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**From:** Beth McKibben [[mailto:Beth\\_McKibben@ci.juneau.ak.us](mailto:Beth_McKibben@ci.juneau.ak.us)]  
**Sent:** Thursday, August 07, 2014 11:24 AM

## Beth McKibben

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**From:** Robin Potter  
**Sent:** Wednesday, September 24, 2014 10:51 AM  
**To:** Beth McKibben  
**Subject:** RE: Request for comments

Beth,

I reviewed the information you sent to me and did some extensive research online for reports of studies done to determine whether or not halfway houses or any other type of group/community service type housing impacts surrounding property values.

I have found no evidence to support this type of housing adversely affects surrounding property values.

If you need references to the studies, I can provide them for you.

Thanks,  
Robin

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**From:** Beth McKibben  
**Sent:** Tuesday, September 23, 2014 5:22 PM  
**To:** Robin Potter  
**Subject:** Request for comments

Robin

This is a last minute request and I apologize for that. Your comments will be provided to the Planning Commission.

I am working on the staff report for the conditional use permit for Haven House Inc. They propose to operate transitional housing for up to 9 women coming out of prison in an existing single family home at 3202 Malissa Drive, a D5 zoning district. The application is VERY large so I've only attached the parts that I thought would be most helpful to you.

There will no changes to the structure and the house is under going repairs.

Do believe there will be an impact to property values?

Thanks and please call me if you have questions.

Beth McKibben, AICP  
Senior Planner, CDD  
City & Borough of Juneau  
907.586.0465



Please consider the environment before printing this email.



The following materials were submitted by the Tall Timbers  
Neighborhood Association after the completion of the staff report.

Staff will provide a supplemental staff report before the Public Hearing  
that addresses these comments.

Timbers Neighborhood Assn, Inc.  
P.O. Box 33257  
Juneau, AK 99803-3257

September 24, 2014

*via hand delivery*

Juneau Planning Commission & Board of Adjustment  
c/o Community Development Department  
155 S. Seward Street  
Juneau, AK 99801

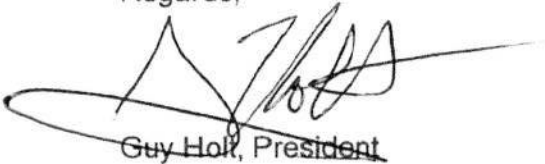
RECEIVED  
OCT 01 2014  
PERMIT CENTER/CDD

Re: USE20140008

Submitted herewith is a memorandum opposing issuance of a conditional use permit for Haven House, Inc. to open a "re-entry housing for women coming out of prison" at 3202 Malissa Drive, Juneau Alaska.

Please enter the memorandum into your files and deliver copies to the Planning Commission and Board of Adjustment in advance of the conditional use hearing scheduled for October 14, 2014.

Regards,

A handwritten signature in black ink, appearing to read 'Guy Holt', is written over a horizontal line.

Guy Holt, President  
Tall Timbers Neighborhood Assn, Inc.

**MEMORANDUM OPPOSING ISSUANCE OF  
CONDITIONAL USE PERMIT FOR HAVEN HOUSE, INC.**

This is a memorandum by the Tall Timbers Neighborhood Association, Inc., explaining the numerous reasons why the Community Development Department (CDD), Juneau Planning Commission, and Board of Adjustment should deny a conditional use permit sought by Haven House, Inc. in file USE20140008.

Introduction

Haven House, Inc. is a non-profit corporation that seeks to use an existing home in a D-5 zone for transitional housing for people coming out of prison. Haven House has submitted various and sometimes contradictory descriptions of its proposed use in their permit application BLD20130767, first appeal APL20140001, second appeal APL20140004, conditional use application USE20140008, and use-not-listed application UNL20140001.

Each of the foregoing files contain public records on file with the Community Development Department, the entirety of which is hereby incorporated herein by reference.

On August 26, 2014, the Planning Commission of Juneau, Alaska sitting as the Board of Adjustment decided the use-not-listed case, UNL20140001. The Planning Commission decided that that the proposed use is of "the same general character" as those uses listed in category 1.610, miscellaneous rooms for rent, and would be permissible with an approved Conditional Use Permit.<sup>1</sup>

It would be improper for the Planning Commission to approve the Conditional Use Permit because the proposed use would: (1) materially endanger public health or safety, (2) substantially decrease the value of property in the neighboring area, (3) be out of harmony with property in the neighboring area, (4) fail to be in general conformity with land use plans, thoroughfare plans, or other officially adopted plans, and (5) violate social policy. The foregoing assertions are explained below in detail.

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<sup>1</sup> TTNA EXHIBIT 1, Board of Adjustment decision dated August 26, 2014, UNL20140001.

Under these circumstances, Code 49.15.330(a) unambiguously proclaims that “the permit shall be denied.”

1. The Proposed Use Would Materially Endanger Public Health Or Safety

Make no mistake, Haven House's proposed use is that of a “halfway house.” In her Nova Southeastern University Alumni Association biography, the President of Haven House, Inc. represents Haven House as a “halfway house for women recently released from prison.”<sup>2</sup> Moreover, the National Taxonomy for Exempt Organizations (NTEE) category for Haven House, according to Haven House's IRS filings, includes “Half-Way House for Offenders/Ex-Offenders.”<sup>3</sup> In a letter issued by CDD Director Hart on January 24, 2014, Mr. Hart proclaimed that “Haven House best fits the definition of a halfway house.”<sup>4</sup>

Numerous dictionaries make it clear that a halfway house is a place where people who have recently left a prison, mental hospital, or similar facility can live until they are considered ready to live by themselves; halfway houses may provide vocational training, counseling, and other services. The proposed use of Haven House fits this definition exactly, with the exception of providing any services, since Haven House

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<sup>2</sup> TTNA EXHIBIT 20, Nova Southeastern University Alumni Association summary for June I. Degnan.

<sup>3</sup> See TTNA EXHIBIT 21, a listing from GuideStar, an organization that seeks to “revolutionize philanthropy by providing information that advances transparency, enables uses to make better decisions, and encourages charitable giving,” published at from <http://www.guidestar.org/organizations/27-3085950/haven-house.aspx>. See also TTNA EXHIBIT 22, a listing from another non-profit records aggregator, published at [http://501c3lookup.org/HAVEN\\_HOUSE\\_INC/](http://501c3lookup.org/HAVEN_HOUSE_INC/).

<sup>4</sup> TTNA EXHIBIT 23, letter from CDD Director Hal Hart dated January 24, 2014. Although CDD subsequently refused to enforce the Halfway House ordinance, CDD's characterization still stands, and the definition from Code 49.80.120 is still on the books regardless of any enforceability issues.

requires residents to find their own social services off-site.<sup>5</sup> Therefore, Haven House, Inc. in effect proposes a “reduced services” halfway house.

The following chart illustrates the comparison between the proposed use of Haven House and the concept of a Halfway House.

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<sup>5</sup> By its own admission, Haven House “will not provide substance abuse treatment programs, job-training problems [sic], mental health counseling or the like....” See TTNA EXHIBIT 15, page 6 of 39, letter from Pamela Finley to Director Hart.

	Haven House	Halfway House	Family
Residents are recently released ex-offenders.	✓	✓	O
Residents are serving a sentence. <sup>6</sup>	✓	✓	O
Residents are recruited by Parole Officers or Department of Corrections staff to live in facility.	✓	✓	O
Facility does not welcome non-offenders as residents.	✓	✓	O
Some on-site supervision by paid staff.	✓	✓	O
Sole feature in common among all residents: ex-offender, recruited by sponsoring organization to live in house.	✓	✓	O
Familial relationship among residents is unnecessary.	✓	✓	O
Facility provides on-site counselors and services.	O	✓	O

<sup>6</sup> "Sentence" includes the prison term as well as probation and parole. Probation is part of a sentence, according to the Alaska Judicial Council. See TTNA EXHIBIT 24, page 10 of 18 ("A Handbook for Victims of Crime in Alaska," from the Alaska Judicial Council). Parole is also part of a sentence, according to the Alaska Department of Corrections, since it "lets the offender serve the last part of a sentence in the community." See TTNA EXHIBIT 25, published by the Alaska Department of Corrections at <http://www.correct.state.ak.us/probation-parole/victim-resources-faq>.



The danger to public health and safety of having a *reduced services* halfway house in a residential neighborhood is explained as follows.

By Haven House's own admission, two out of three prisoners in Alaska returns to prison within three years.<sup>7</sup> The recidivism statistics are even worse for those with alcohol or substance abuse problems.<sup>8</sup>

However, these alcohol and substance addicts, with the highest recidivism rates, are the central focus of Haven House's operations.<sup>9</sup>

The shortest stay for a resident at Haven House is said to be a one month probationary period; the longest stay is said to be two years.<sup>10</sup> Therefore, over a ten year period, Haven House would introduce a transient population of between 95 (best case) and 1,080 (worst case) ex-offenders into the Tall Timbers community. With a recidivism rate of approximately 70% for those with drug and alcohol problems, this would mean that between 66 and 756 of the ex-offenders living at 3202 Malissa Drive over a ten year period would return to prison within three years.

An even greater number would inevitably commit crimes and evade being caught or convicted.<sup>11</sup>

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<sup>7</sup> TTNA EXHIBIT 5, excerpted from the USE20140008 application filed May 2, 2014. See also TTNA EXHIBIT 11, page 5 of 160, "Haven House's Memorandum in Support of its Application for a Permit Under CBJ 49.20.320 – Use Not Limited [*sic*] (Similar Use Determination)." See also TTNA EXHIBIT 48, page 5 of 21, from Haven House, Inc. presentation of May 27, 2014.

<sup>8</sup> TTNA EXHIBIT 19, See page 27 of 30, "Criminal Recidivism in Alaska," published by the Alaska Judicial Council.

<sup>9</sup> "Of the nine residents, Haven House has reserved a minimum of seven spaces for women who are recovering from addiction." TTNA EXHIBIT 15, page 4 of 39, letter from Pamela Finley to Director Hart.

<sup>10</sup> TTNA EXHIBIT 11, page 14 of 160, "Haven House's Memorandum in Support of its Application for a Permit Under CBJ 49.20.320 – Use Not Limited [*sic*] (Similar Use Determination)." See also, TTNA EXHIBIT 48, page 7 of 21.

<sup>11</sup> In the Planning Commission hearing of August 21, 2014, Kara Nelson testified that she committed many more crimes (probably thousands of felonies) than she was

The State of Alaska explicitly recognized the danger of ex-convicts congregating outside prison when they made it illegal for parolees to “contact or correspond with... a felon without the permission of the parole officer assigned to a parolee.”<sup>12</sup>

There is no shortage of documented cases of halfway house residents committing violence or other crimes. For example, consider the brief sampling set forth in TTNA EXHIBIT 36, TTNA EXHIBIT 37, TTNA EXHIBIT 38, TTNA EXHIBIT 39, and TTNA EXHIBIT 40.

Clearly, the proposed use of Haven House materially endangers public health and safety because it focuses a continually changing population of ex-offenders at 3202 Malissa Drive, exposing the families of neighboring homes and communities to a transient stream of ex-offenders that are statistically proven to re-offend far more often than not.

There is considerable doubt as to whether halfway houses help the problem of recidivism or actually make it worse. A groundbreaking study by officials in Pennsylvania cast serious doubt on the halfway house model, concluding that inmates who spend time in these facilities were actually more likely to return to crime than inmates who were directly released to the street.<sup>13</sup> A different study by Harvard Professor James A. Beha, observed that there has been an explosion in the halfway house field, but little research has been done on the effectiveness of such programs.<sup>14</sup>

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ever prosecuted for. TTNA EXHIBIT 49, page 9 of 14, minutes from August 21, 2014 planning commission meeting. Likewise, Susan Boegl testified that the only difference between her and potential felons of Haven House was that she did not get caught. *Id.* at 10 of 14.

<sup>12</sup> AS 33.16.150.

<sup>13</sup> TTNA EXHIBIT 26, “Recidivism Report 2013” published by Pennsylvania Department of Corrections. See also, TTNA EXHIBIT 27, “Study: Halfway Houses a Flop at Rehabilitation,” Houston Chronicle. TTNA EXHIBIT 28, “Pennsylvania Study Finds Halfway Houses Don’t Reduce Recidivism,” New York Times.

<sup>14</sup> TTNA EXHIBIT 29, page 335, “Testing the Functions and Effect of the Parole Halfway House: One Case Study,” Journal of Criminal Law and Criminology.

Beha studied halfway houses, ranging from two or three to over fifty residents, providing services and treatment ranging from simple shelter to intensive therapeutic community, and focusing on the ex-offenders difficult transition from prison to the community.<sup>15</sup> After studying the Brooke House in Massachusetts, Beha found:

Even after all the appropriate methodological fallbacks are explored, the evidence on Brooke House discloses no net impact for the program in terms of reducing recidivism. This is consistent with other research on residential programs, whether pre-release, parole, or referral, whatever the program modality employed.

This does not mean that some programs may not help some people. But it does seem to imply that the general utility of such programs as a tool in crime reduction is minimal, given the limits of present knowledge about instigating behavior change. The case of Brooke House demonstrates that this is probably true even where the program is stable, the house well-run, and the staff well-trained.<sup>16</sup>

In the case of Haven House specifically, there is no clear evidence that the proposed use would succeed where other attempts have failed. Would Haven House improve recidivism, have no effect, or worsen it? The prospects for success are unclear at best. The Haven House staff has no experience operating a halfway house and, indeed, this is a brand new venture—a social experiment of sorts. None of the staff are certified in counseling or psychotherapy, and consequently the plan of Haven House, Inc. is for residents to somehow find such services off-site.<sup>17</sup>

Haven House has inconsistently described the supervision to be provided, ranging from a nighttime supervisor only, to night and day supervision.”<sup>18</sup>

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<sup>15</sup> *Id.*

<sup>16</sup> *Id.*, at pages 348-349.

<sup>17</sup> By its own admission, Haven House “will not provide substance abuse treatment programs, job-training problems [sic], mental health counseling or the like....” TTNA EXHIBIT 15, page 6 of 39, letter from Pamela Finley to Director Hart.

<sup>18</sup> TTNA EXHIBIT 15, page 3, letter from Pamela Finley to Director Hart. TTNA EXHIBIT 49, Haven House at Glacier Valley Elementary School presented May 27,

A substantial risk to public health and safety is posed by focusing ex-offenders in a residential neighborhood, by the poor record of the halfway house model, by the inexperience of the Haven House staff, by the high recidivism rate in Alaska, by the potential for high turnover at Haven House, and by the distance of 3202 Malissa from police stations.<sup>19</sup>

This risk is especially acute considering that: (1) there are at least twenty children residing within one block of 3202 Malissa Drive,<sup>20</sup> (2) an in-home day care for children is located three homes away, and (3) an elementary school is located 0.19 miles away.<sup>21</sup>

In its permit application, Haven House included several letters of support. Most or all of these tout the concept of re-entry housing in general. None of the letters addressed specific facts pertaining to the Tall Timbers neighborhood, nor the issue of whether Haven House would pose a substantial risk to public health and safety by focusing of ex-offenders in this residential neighborhood. As such, the letters of support must be dismissed when considered for this purpose.

Clearly, ex-offenders already live in a variety of neighborhoods across Juneau and the state of Alaska. In most individual cases, they are free to live wherever they wish. Some ex-offenders already live in Tall Timbers with full knowledge and acceptance by their neighbors. Nobody is trying to impinge on that freedom. What is objectionable, however, is that Haven House's proposed use would create a new and permanent institutional concentration of a transient body of ex-offenders focused in the midst of a residential neighborhood.

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2014. In one description, Haven House, Inc. merely suggested that one or two co-directors might only be "generally present." TTNA EXHIBIT 48, page 9 of 21.

<sup>19</sup> The home at 3202 Malissa is 4.5 miles from the Juneau Police station at 6255 Alaway Avenue. As a point of reference, Gastineau Human Services is another halfway house in Juneau, located at 5597 Aisek Street, which is less than one mile from Juneau Police.

<sup>20</sup> EXHIBIT 31 depicts a small sampling of children and some typical activities in the Tall Timbers neighborhood.

<sup>21</sup> The distance from 3202 Malissa Drive to Glacier Valley Elementary School is 0.19 miles directly, and 0.38 miles along surface streets.

For the reasons expressed above, this concentration as proposed by Haven House is rife with problems. The proposed use cannot be modified through conditions placed on a conditional use approval. The reason for the danger to public health and safety is the very nature and essence of the proposed use, namely a concentration of transient ex-offenders from a penal system with high recidivism, focused in a low density suburban family neighborhood. Consequently, approval must be denied.

The proposed use would materially endanger the public health and safety, and the impacts cannot be satisfactorily overcome. Under these circumstances, Code 49.15.330 requires that the conditional use permit be denied.<sup>22</sup>

2. The Proposed Use Would Substantially Decrease The Value Of Property In The Neighboring Area

The conditional use permit must also be denied because the proposed use would substantially decrease the value of property in the neighboring area. Although the actual danger to public health and safety is substantial, as explained above, the public apprehension surrounding the proposed reentry facility is even greater. And this perception is central to the nature of property values, aside from any arguments about whether the perception is justified or not.

Common sense dictates that, if a potential buyer viewed a Tall Timbers property proximate Haven House operating as proposed, and the potential buyer also viewed a property of comparable size and features and price elsewhere in the Valley, the buyer would select the "other" property in order to avoid the potential future impact on safety, nuisance, and property values due to the presence of Haven House. This avoidance of Tall Timbers property in favor of similarly situated properties elsewhere has a direct and obvious correlation with property values.

This effect is reflected by a letter from real estate broker Janice Lobaugh, who is a 33 year resident of Juneau and a former resident of Tall Timbers.<sup>23</sup> As a former resident, Ms. Lobaugh is familiar with the appearance, traffic, people, and character of the

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<sup>22</sup> Code 49.15.330(a).

<sup>23</sup> TTNA EXHIBIT 7, letter from Janice Lobaugh dated July 22, 2014.

neighborhood. Ms. Lobaugh states that, in her professional opinion, the presence of a transitional home as proposed by Haven House would **substantially decrease property values in the neighborhood**.

Moreover, Ms. Lobaugh recognizes that real estate agents would be legally and ethically obligated to disclose the presence of a home housing a transient set of ex-offenders, because this is a material fact relating to neighboring properties.<sup>24</sup>

Also relevant are a substantial number of statements made by many residents of Tall Timbers stating that, had Haven House been operating as proposed when they were considering the purchase of a home in Tall Timbers, they never would have purchased in this neighborhood, or as some stated, without a substantial discount in offering price.<sup>25</sup>

Even the mere possibility of Haven House beginning operations in the future threatens to lower real estate values. For example, a recent professional property appraisal of 8160 Gail noted the following:

There is a proposed half way house "house facility" in a nearby property. At this point, the facility has not been approved by the city and is not felt to be an adverse effect on value or marketability. However, if the housing facility is approved, this may change.<sup>26</sup>

Therefore, at least one professional appraiser is already alert to the adverse effect of Haven House's proposed use on neighborhood properties.

Adverse impacts to property values quite obviously result from the public's avoidance of property in the neighborhood outright, and similarly result from the public's demand for a substantial discount in offering price.

In this regard, at least one real estate agent has already expressed reservations about a particular home for sale on Marilyn Avenue in Tall Timbers in view of the proposed use

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<sup>24</sup> *Id.*

<sup>25</sup> TTNA EXHIBIT 8.

<sup>26</sup> TTNA EXHIBIT 47.