

of Haven House.<sup>27</sup> This particular residence, although priced competitively in view of its location and size and features, has remained unsold since Haven House's plan to open at 3202 Malissa Drive became public. In connection with the Marilyn home, real estate agent Errol Champion sent an email to CDD Director Hart inquiring about the so-called "anti" signs in folks' yards.<sup>28</sup> The cited "anti" signs are indeed signs of protest against Haven House, but these are not the source of stagnant sales for the particular Marilyn Avenue home. The signs merely advise the public of the fact of the neighboring use, which real estate agents are required by law to disclose anyway.<sup>29</sup> Therefore, the failure of this particular home to sell is related to the prospect of a new halfway house opening a short distance away.

As another point of reference, a home at 2435 O'Day was on the market for over thirteen months. The sales difficulty of this home is no surprise, since it is next door to the JYS Wallington House for adolescent sexual offenders, located at 2461 O'Day.<sup>30</sup> This extended time on the market is unusual in Juneau, where lately there have only been around twenty-five homes for sale in the Mendenhall Valley. Like Haven House's re-entry home for felons, it is common sense that people do not want to purchase a house next to an home for sex offenders.

Haven House relied on a letter from James Wakefield, which stated that as long as Haven House is "well maintained and the residents do not disturb the peace of the neighborhood, the home would not decrease the property values of nearby properties."<sup>31</sup> However, the letter is not trustworthy for a variety of reasons.

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<sup>27</sup> TTNA EXHIBIT 9, email from Errol Champion to Director Hart dated April 22, 2014.

<sup>28</sup> *Id.*

<sup>29</sup> Moreover, Haven House has speculated that their proposed use would benefit the neighborhood in numerous ways, in which case, potential buyers would not be troubled by the "anti" signs as in Mr. Champion's case.

<sup>30</sup> TTNA EXHIBIT 10, JYS description of Wallington House, published at <http://www.jys.org/wallingtonhouse.php>

<sup>31</sup> Letter from James Wakefield, TTNA EXHIBIT 41 (Attachment from "Haven House's Memorandum in Support of its Application for a Permit Under CBJ 49.20.320 – Use Not Limited [*sic*] (Similar Use Determination)."

First, Mr. Wakefield is not a licensed real estate broker. His license expired over six years ago.<sup>32</sup> Therefore, he has not been immersed in the study of comparable home values and sales, as would a licensed broker. Mr. Wakefield listed Honey Bee Anderson as his employing broker, when registering with the State of Alaska.<sup>33</sup> However, when a representative from Tall Timbers contacted Ms. Anderson by telephone on or about July 15, 2014, she refused to endorse any of the statements in Mr. Wakefield's letter.

Second, other than visiting the property at 3202 Malissa, the relied-upon Wakefield letter did not state that Mr. Wakefield had any familiarity or experience with the Tall Timbers neighborhood, or knew anything about the uses, characteristics, residents, or other features of the neighborhood. Nor did Mr. Wakefield proclaim any familiarity with the details of Haven House's proposed operation such as house rules, residency lengths, background of residents, supervision, or any other feature essential to knowledge about the proposed use beyond "up to nine women who have recently been released from prison."

For these reasons, the Wakefield letter is devoid of any meaningful value in the context of property values.

Haven House further argued that "a well maintained and well-run recovery home does not decrease property values in a neighborhood. In fact, these homes increase property values. They are value-added to the community because they make the community safer."<sup>34</sup>

In making these statements, Haven House relied on a letter from John Shinholser, President of the McShin Foundation, a peer to peer recovery organization from Virginia. The letter is unreliable for several reasons. First, Mr. McShin is not an Alaska licensed real estate broker. In fact, other than visiting Juneau in March 2014, there is no evidence that Mr. McShin has ever been to Alaska. Second, rather than real estate or transitional homes for ex-offenders, Mr. McShin's background concerns a Virginia

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<sup>32</sup> See TTNA EXHIBIT 13, displaying a license listing published at <http://commerce.alaska.gov>.

<sup>33</sup> *Id.*

<sup>34</sup> TTNA EXHIBIT 11, page 21 of 160. TTNA EXHIBIT 17, page 2 of 3, letter of John Shinholser to June Degnan dated April 27, 2014.

foundation that “uses recovery addicts and alcoholics to educate, mentor, and spread the message of recovery to individuals new in sobriety.”<sup>35</sup> Haven House only added the “sobriety” aspect of the proposed use in response to CDD’s denial of their initial application, together with arguments on the Fair Housing Authority and Americans with Disabilities Act. Haven House’s principal focus, all along, has been with transitioning ex-offenders into society.

But Mr. McShin did not express any familiarity at all with transitional housing for felons, and the effect of such housing on neighborhood property values. For the foregoing reasons, Mr. McShin’s statement has no value whatsoever as to the issue of property values.

Haven House also relied on two letters concerning Miryam’s House in Spokane. But Miryam’s House is aimed at ending poverty and homelessness, and has nothing to do with re-entry for ex-offenders.<sup>36</sup> Nor do the authors of these letters proclaim any knowledge of Alaska real estate or the Tall Timbers neighborhood. These letters lack any probative value as to property values.

Haven House’s arguments also rely on statements abstracted from Habitat for Humanity and the Furman Center for Real Estate and Urban Policy to draw broad conclusions about the effect of a single house on values in a neighborhood.<sup>37</sup> However, these statements concern “affordable housing,” rather than the effect of focusing ex-offenders in a single household in a residential neighborhood. The statements do not demonstrate any knowledge of neighborhoods and real estate of Juneau, Alaska. For these reasons, the statement does not have any probative weight.

Haven House further cites statements from a CBJ Assessor regarding “income based rental units.”<sup>38</sup> However, as with the previous statements, this statement did not have anything to do with transitional housing for felons, nor did it concern the effect of such

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<sup>35</sup> *Id.* at page 1 of 3.

<sup>36</sup> <http://www.help4women.org/programs>

<sup>37</sup> TTNA EXHIBIT 11, page 21 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).”

<sup>38</sup> *Id.* at page 22 of 160.

housing on neighborhood property values. Rather, the cited statements concerned a multi-family housing project. The CBJ Assessor statements are not germane to the current analysis, and they should be dismissed entirely.

The proposed use cannot be modified through conditions placed on a conditional use approval. The reason that Haven House would materially decrease neighborhood property values is the very nature and essence of the proposed use, namely a concentration of a transient group of ex-offenders in a low density family neighborhood. Consequently, approval must be denied.

Since the proposed use will substantially decrease the value of property in the neighboring area, Code 49.15.330 requires that the conditional use permit be denied.<sup>39</sup>

3. The Proposed Use Would Be Out Of Harmony With Property In The Neighboring Area

As explained below, the proposed use is clearly “out of harmony” with property in the neighboring area, and therefore CBJ Code requires that the conditional use permit be denied.<sup>40</sup>

The D-5 zoning district is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre.<sup>41</sup> The D-5 zone, as with other residential districts set out in Code 49.25.210, is “established for residential living protected from incompatible and disruptive activities.”

Haven House proposes an institutional use, namely, a structured, supervised living environment pursuant to rules adopted and enforced by Haven House personnel designed to help selected people transition from prison into the general community without reoffending. The essential characteristic of Haven House’s proposed use is to afford a structure by which these people can transition from prison. Living in the house is part of the structure but not of its essence – its essence being the institutional

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<sup>39</sup> If the adverse impacts cannot be satisfactorily overcome, the permit shall be denied as required by Code 49.15.330(a).

<sup>40</sup> *Id.*

<sup>41</sup> Code 49.25.210(c).

framework and supportive environment offering treatment and guidance to avoid recidivism.<sup>42</sup>

Clearly, nine parolees would be forbidden from simply renting a home together. This is because parolees cannot contact or even correspond with a felon without the permission of their assigned parole officers.<sup>43</sup> The difference between nine parolees renting a home together and that of Haven House, and the reason why parole officers are already supporting the concept of Haven House, is the institutional framework. Therefore, Haven House is not simply about living space.

The proposed use is clearly “out of harmony” with property in the neighboring area. In order to reach this conclusion, it is important to consider property in the neighboring area.

The residences of Tall Timbers are made up of single family dwellings, without exception. TTNA EXHIBIT 30 contains photographs showing each one of the homes in the neighboring area, namely, Marilyn Avenue, Malissa Drive, and Gail Avenue between Malissa Drive and Tongass Boulevard. The photographs clearly show that the neighborhood is made up of detached single-family dwellings, with no duplexes, apartments, or other concentrated residential uses. There are no institutions, businesses, or other commercial uses except for a single in-home day care for children.

The neighborhood is suburban, near to schools, and many of the houses adjoin forested land. There is no “through” access to other streets or neighborhoods. People know or at least recognize the other neighbors and their vehicles.

The residents of these homes and their vehicles include:<sup>44</sup>

1. One adult and a tenant. Three vehicles.
2. One elderly woman. One vehicle.
3. Small family including two parents and one minor child. Two vehicles.
4. Small family including two parents and two minor children. Two vehicles.

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<sup>42</sup> EXHIBIT 5.

<sup>43</sup> AS 33.16.150.

<sup>44</sup> Addresses have been omitted in order to protect the residences of children.

5. Small family with two grandparents and four minor grandchildren who live with them part of the week.
6. Small family with two parents and one minor child. Three vehicles.
7. Two brothers and two renters. Two vehicles.
8. Married couple. Two vehicles.
9. Small family with two minor children. Two vehicles.
10. Small family with one minor child. Two vehicles.
11. Small family with three adult children. Two vehicles.
12. Small family with two minor children. Two vehicles.
13. Small family with two parents and two minor children, and one renter. Three vehicles. In-home daycare for minor children.
14. Small family with two parents and three minor children. One vehicle.
15. Small family with one parent and two children. Two vehicles.
16. Small family with one parent and two adult children. Two vehicles.
17. Small family with two parents, one minor child, and another family member. Two vehicles.
18. Small family with two parents and one adult child. Three vehicles.
19. Married couple. Two vehicles.
20. One adult. One vehicle.
21. Small family including two grandparents, one adult child and her boyfriend, and two grandchildren. Three vehicles.
22. Small family with two parents and one adult child. Two vehicles.
23. Small family with two parents and two children. Two vehicles.
24. Parent and one adult child. Two vehicles.
25. Small family including two parents and one adult child. Two vehicles.

These residents are typical family homes, as contrasted with an institution operated by a corporation on behalf of a continually changing body of as-yet unknown residents.

Rain or shine, children are often seen playing in front yards and riding bicycles and scooters in the streets. TTNA EXHIBIT 31 shows some typical scenes depicting children of the Tall Timbers neighborhood in the environment of the nearby homes and streets.

Make no mistake, there is **significant public opposition** to the proposed use. After hosting an informative meeting for the neighborhood, one CDD planner remarked that



this meeting was the “worst experience in her career.”<sup>45</sup> Although some of the meeting conflict was arguably due to the inflexible meeting format imposed by CDD, and CDD’s poor management of the meeting and the speakers, the community outrage expressed at this meeting is indisputable evidence of significant public opposition to the proposed use. It is also evidence that there is a total absence of harmony between Haven House’s proposed use and the neighborhood area.

TTNA EXHIBIT 46 contains a petition protesting the proposed use by Haven House, Inc. from residents of Tall Timbers, further underscoring the widespread public opposition to the proposed use of Haven House, Inc.

TTNA EXHIBIT 7 is a letter from licensed real estate broker Janice Lobaugh, who is a 33 year resident of Juneau and a former resident of Tall Timbers. As a former resident, Ms. Lobaugh is familiar with the appearance, traffic, residents, and character of the neighborhood. Ms. Lobaugh observed that the proposed business of Haven House, Inc. is “completely out of harmony with the neighborhood.”<sup>46</sup>

Indeed, since the very beginning of this project, the staff of Haven House, Inc. has known that the proposed use is out of harmony with the neighborhood.

On February 22, 2014, Haven House co-director Anne Flaherty publicly stated that Haven House’s intention was to come into the neighborhood “under the radar,” which means that Haven House was trying to commence operations at 3202 Malissa Drive without the knowledge of anyone in the neighborhood. Why would Haven House try to sneak their re-entry home into the neighborhood? Clearly, because the project was so out-of-harmony with the neighborhood that it was likely to result in significant public outcry.

Haven House stated that “[w]hen we realized that some neighbors were upset about Haven House seeking to be in their neighborhood, we delivered invitations to the houses in the neighborhood and held an informative meeting at the house.”<sup>47</sup> Truth be

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<sup>45</sup> TTNA EXHIBIT 32, email from Hal Hart to Rob Steedle, dated May 28, 2014.

<sup>46</sup> TTNA EXHIBIT 7, letter from Janice Lobaugh dated July 22, 2014.

<sup>47</sup> TTNA EXHIBIT 11, page 24 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).”

said, Haven House did not contact any of the neighbors until after the neighbors' legal counsel contacted Haven House.

In addition to the lack of harmony between the proposed use and the neighboring area, Haven House's lack of respect for the neighboring community further demonstrates a lack of harmony between the staff of Haven House, Inc. and the neighborhood. Haven House's scheme to come in "under the radar" is at odds with the conventional wisdom applicable in developing transitional living. In this regard, the U.S. Department of Justice published a document entitled "Guide for Developing Housing for Ex-Offenders."<sup>48</sup> The Guide is intended as a tool to help interested groups by presenting a step-by-step approach for developing housing for ex-offenders.<sup>49</sup> According to the Guide:

One of the most challenging problems that you can expect to encounter is resistance from residents of the neighborhood where you plan to provide housing for the ex-offender population. Residents may be opposed to changes they perceive as not in their best interests especially before they have reliable information and become involved in the planning process.

It will be important that you prepare for neighborhood resistance by **involving the residents early in the process** and help them to understand the facts, thus neutralizing the fears and rumors that often circulate around these efforts. By letting the neighborhood residents know what kind of support services will be provided, what kind of safety measures will be in place, and any other protections that will be built into the program, you can help assuage their concerns.<sup>50</sup>

Moreover, the Guide states:

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<sup>48</sup> TTNA EXHIBIT 33, "Guide for Developing Housing for Ex-Offenders," published by the U.S. Department of Justice.

<sup>49</sup> *Id.* at page 4 of 26.

<sup>50</sup> *Id.* at page 10 of 26.



If you are able to get the residents' cooperation, the program will have a much better chance of succeeding. The optimum goal is to have them offer suggestions for what needs to be done and how they are willing to help.<sup>51</sup>

Haven House ignored the conventional wisdom and decided to come in "under the radar," showing disrespect for the people that live nearby. A number of citizens have lived in the Tall Timbers community for two, three, and four decades.

Haven House claims that "[i]t is important to recognize that some residents in the Tall Timbers subdivision already welcome Haven House."<sup>52</sup> Upon more careful consideration, neither of Haven House's cited "residents" actually lives in Tall Timbers. Jocelyn Peterson<sup>53</sup> lives at 3224 Tongass and Susan Boegli<sup>54</sup> lives at 3220 Tongass. Both of these addresses did not even exist when the Tall Timbers neighborhood was created.<sup>55</sup>

In its permit application, Haven House included a number of supportive letters. Most or all of these proclaim their support of the abstract idea of re-entry housing. None of these letters demonstrates knowledge of any specific characteristics of the Tall Timbers neighborhood, nor do any of these letters address whether opening a re-entry housing as proposed by Haven House would be out of harmony with the neighboring area. As such, the letters of support have no value to the present analysis.

Rather, the proposed use is completely out of harmony with the neighboring area and the neighboring occupants, as shown herein. Harmony cannot be achieved by modifying the proposed use through conditions placed on a conditional use approval. The central theme of the proposed use is wholly incompatible with the existing land

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<sup>51</sup> *Id.*

<sup>52</sup> TTNA EXHIBIT 11, page 24 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)."

<sup>53</sup> TTNA EXHIBIT 44, letter from Josclyn Peterson to June Degnan dated April 23, 2014.

<sup>54</sup> TTNA EXHIBIT 45, letter from Susan Boegli to June Degnan dated April 21, 2014.

<sup>55</sup> TTNA EXHIBIT 16, Plat of Tall Timbers Subdivision No. 1, dated May 1, 1973.

uses in terms of business versus personal use, residential density, institutional goals and framework, and foot and vehicle traffic.

Since the proposed use would be out of harmony with property in the neighboring area, Code 49.15.330 requires that the conditional use permit be denied.<sup>56</sup>

4. The Proposed Use Will Not Be In General Conformity With The Land Use Plan, Thoroughfare Plan, Or Other Officially Adopted Plans

A. The Proposed Use Is Not In General Conformity With The 2013 Comprehensive Plan ("Comprehensive Plan").

The proposed use should be rejected because it does not conform to the current 2013 Comprehensive Plan of the City & Borough of Juneau, which was adopted November 2013. The entirety of the foregoing document is hereby incorporated herein by reference.

The Comprehensive Plan documents many benefits of living in Juneau Alaska, including that:

**We live in safe neighborhoods and go about our day-to-day business with a friendly and functional community.**<sup>57</sup>

Moreover, the Comprehensive Plan adopted guiding principles including a goal of maintaining a "safe place to raise a family", and particularly, to "**maintain safe neighborhoods.**"<sup>58</sup>

Clearly neighborhood safety is an important concept in the Comprehensive Plan. However, as explained in detail above in conjunction with public health and safety and harmony of the neighborhood, the proposed use of Haven House, Inc. threatens the

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<sup>56</sup> If the adverse impacts cannot be satisfactorily overcome, the permit shall be denied as required by Code 49.15.330(a).

<sup>57</sup> Comprehensive Plan of the City and Borough of Juneau, Adopted November [sic] 2013, Ordinance 2013-26, page 1.

<sup>58</sup> *Id.*, at page 2.

safety of the Tall Timbers and surrounding neighborhoods, and moreover threatens to destroy the fabric of the friendly and functional community that has been carried on, undisturbed, for over forty years. Approving the proposed use is not in furtherance of having a safe place to raise a family.

The Comprehensive Plan documents the vision of comprehensive planning to:

...preserve, promote, protect, and improve the **public health, safety, appearance, convenience, provision of services, and general welfare.**<sup>59</sup>

The proposed use violates the spirit of the Comprehensive Plan because it does not preserve, promote, protect, and improve the public health, safety, and general welfare of the Tall Timbers and surrounding neighborhoods. As explained above, there are significant issues concerning neighborhood "safety."

Furthermore, the "general welfare" of Juneau is not enhanced because Haven House seeks to import ex-offenders into Juneau from other communities such as Ketchikan, all of Southeast Alaska, and Anchorage.<sup>60</sup>

The Comprehensive Plan states a further policy of facilitating residential developments of various types and densities that are appropriately located in relation to site

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<sup>59</sup> *Id.*, at page 1.

<sup>60</sup> "Haven House Juneau is a start-up not for profit social service agency serving Southeast Alaska... Southeast Alaska is home to approximately 12% of the state's population... so we expect approximately 12% of these released women to choose to live in Southeast Alaska." TTNA EXHIBIT 2, page 4 of 11, Haven House Juneau Business Plan from Haven House Development Permit Application filed December 23, 2013.

"We will also accept referrals from... Anchorage, if residents of Anchorage homes wish to transition to Juneau." TTNA EXHIBIT 3, page 4 of 6, "Haven House Business Plan." See also, TTNA EXHIBIT 11, pages 11-12 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)."

conditions, surrounding land uses, and capacity of public facilities and transportation systems.<sup>61</sup> In connection with this, the Comprehensive Plan recognizes that

[A] major concern expressed by Juneau residents is the need to **protect the character of existing neighborhoods from incompatible uses.**<sup>62</sup>

The proposed use is wildly incompatible with Tall Timbers and adjoining neighborhoods, as expressed thoroughly above.

The Comprehensive Plan also acknowledges the importance of neighborhood character.

“The CBJ’s land area has four distinct community forms that appeal to a diverse population. Each type of community form satisfies the lifestyle of the residents living therein and those **residents have expressed a strong desire to protect and enhance this community form.**”<sup>63</sup>

The proposed use would destroy the neighborhood character of a neighborhood comprised exclusively of single family homes and families and free of any corporate institutions and social experiments involving ex-offenders.

In Policy 4.1 – IA7, the Comprehensive Plan seeks to

...facilitate the provision of special needs and adaptive housing and supportive services in residential neighborhoods that are readily accessible to public transit, shopping, public amenities and supportive services.<sup>64</sup>

According to their own characterizations, Haven House qualifies as “special needs” housing and indeed Haven House has argued that “past history of drug or alcohol

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<sup>61</sup> Comprehensive Plan of the City and Borough of Juneau, Adopted November [sic] 2013, Ordinance 2013-26, page 131, Policy 10.3.

<sup>62</sup> *Id.*, page 131.

<sup>63</sup> *Id.*, at page 13.

<sup>64</sup> *Id.*, at page 37, Policy 4.1 – IA7.

abuse qualifies as a handicap or disability.”<sup>65</sup> However, the proposed use of Haven House does not conform to the Comprehensive Plan because Haven House does not intend to provide their services in a neighborhood that is readily accessible to public transit, public amenities and supportive services.

The property at 3202 Malissa is not “readily accessible” to public transit. The streets of Tall Timbers do not have sidewalks. Nor do they have street lights, making for dark streets on winter mornings, afternoons, and evenings. The city lists these streets as “not maintained,” which means that they are not regularly plowed during periods of snow.<sup>66</sup> By Haven House’s own admission, the nearest stop to catch a bus heading toward the Valley is at Haloff Way and Mendenhall Loop Road, nearly one mile from 3202 Malissa Drive.<sup>67</sup> The walking time is said to be fifteen minutes,<sup>68</sup> but this quite clearly does not account for icy or unplowed streets and sidewalks. “Readily accessible” is a stretch, at best.

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<sup>65</sup> TTNA EXHIBIT 15, letter from Pamela Finley to Director Hart dated March 10, 2014.

<sup>66</sup> TTNA EXHIBIT 18, published at <http://www.juneau.org/streets/SidewalkMaps.php>

<sup>67</sup> TTNA EXHIBIT 14, excerpted from the USE20140008 application filed May 2, 2014. TTNA EXHIBIT 14 also shows a bus stop at Mendenhall Loop Road and Nancy Street, but these busses are traveling toward the glacier and away from the overwhelming bulk of businesses, services, institutions, and employment opportunities of the Valley, Lemon Creek, and Downtown. Admittedly, Haven House residents could board the bus going the wrong direction, but in today’s hustle-bustle society, it is difficult to imagine someone arriving at a bus stop, late for work or an appointment, only to wait for a bus going the wrong direction. Furthermore, crossing the street between the traffic control signals operating at Haloff Way and Egan Drive to catch the southbound bus is not a viable option. This could subject crossers to a violation of Code 72.02.160(c), which may violate the conditions of their probation or parole. Code 72.02.160 (TTNA EXHIBIT 6) might be considered ambiguous without having a legal interpretation of the undefined word “adjacent,” however, crossing in this manner would not be worth the risk since it could arguably violate an ex-offender’s conditions of parole.

<sup>68</sup> TTNA EXHIBIT 11, page 16 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).”

Aside from “public transit,” the property also fails to be “readily accessible” to public amenities and supportive services, which the Comprehensive Plan lists independent of “public transit.” Haven House has failed to identify any supportive services, let alone provide any evidence that the proposed property is near to such supportive services. Moreover, by its own admission, Haven House “will not provide any on-site substance abuse treatment programs, job-training problems [sic], mental health counseling or the like....”<sup>69</sup> So, residents must leave the property for virtually every need.

Haven House therefore fails to comply with the Comprehensive Plan as adopted because its proposed use does not comply with Policy 4.1 - IA7.

Haven House has argued that Policy 4.1 of the Comprehensive Plan supports the proposed use.<sup>70</sup> Policy 4.1 expresses a desire to facilitate the provision and maintenance of safe, sanitary, and affordable housing for CBJ residents.<sup>71</sup> And, although the Comprehensive Plan documents an on-going housing crisis,<sup>72</sup> the plan does not show any focus on ex-offenders or those with drug or alcohol addictions. Rather, the Plan’s focus is explicitly aimed at those who are **homeless, rent overburdened, families, unaccompanied youth, and the elderly**.<sup>73</sup> Therefore, Policy 4.1 does not seem to support the proposed use at all.

In Policy 13.3, the Comprehensive Plan expresses a desire to promote quality medical and social services to ensure the safety, health, well-being, and self-sufficiency of its residents.<sup>74</sup> In this regard, the Comprehensive Plan specifically mentions a focus on the

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<sup>69</sup> TTNA EXHIBIT 15, page 1 of 39, letter from Pamela Finley to Director Hart.

<sup>70</sup> TTNA EXHIBIT 11, page 25 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 11, page 5, “Haven House’s Memorandum in Support of its Application for a Permit Under CBJ 49.20.320 – Use Not Limited [sic] (Similar Use Determination).”

<sup>71</sup> Comprehensive Plan of the City and Borough of Juneau, Adopted Novembr [sic] 2013, Ordinance 2013-26, page 36.

<sup>72</sup> *Id.*, at page 25.

<sup>73</sup> *Id.*, at page 36.

<sup>74</sup> *Id.*, at page 214.



**indigent, youth, elderly, disabled persons, and homeless.**<sup>75</sup> However, the Comprehensive Plan does not mention drug and alcohol addicted persons or ex-offenders in this context.

Policies 4.1 and 13.3 are further inapplicable to the proposed use because these policies are explicitly aimed at “**CBJ residents**.”<sup>76</sup> Haven House’s proposed use is not limited to CBJ residents, and indeed, Haven House seeks to import people from Ketchikan, all of Southeast Alaska, and Anchorage.<sup>77</sup> Indeed, since Haven House’s purview is not limited to Juneau, Haven House will actually have the effect of importing ex-offenders into Juneau from prisons in other cities, worsening the existing crisis of housing and social services in Juneau.

Since the proposed use fails to conform with the Comprehensive Plan, the conditional use permit must be denied in accordance with Code 49.15.330.<sup>78</sup>

B. The Proposed Use Will Not Be In General Conformity With Juneau Safe Routes to Schools Plan (“Schools Plan”)

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<sup>75</sup> *Id.*, at page 214.

<sup>76</sup> *Id.* at page 36. *Id.* at page 214.

<sup>77</sup> “Haven House Juneau is a start-up not for profit social service agency serving Southeast Alaska...” Southeast Alaska is home to approximately 12% of the state’s population... so we expect approximately 12% of these released women to choose to live in Southeast Alaska.” TTNA EXHIBIT 4 of 11, page 1, “Haven House Juneau Business Plan” from Haven House Development Permit Application filed December 23, 2013

“We will also accept referrals from... Anchorage, if residents of Anchorage homes with to transition to Juneau.” TTNA EXHIBIT 3, page 4 of 4, “Haven House Business Plan.” TTNA EXHIBIT 11, pages 11-12 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).”

<sup>78</sup> If the adverse impacts cannot be satisfactorily overcome, the permit shall be denied as required by Code 49.15.330(a).

The proposed use should be rejected because it does not conform to the current Juneau Safe Routes to Schools Plan adopted Juneau 2012 ("Safe Schools Plan"). The entirety of the foregoing document is hereby incorporated herein by reference.

According to the language of the Safe Schools Plan:

The purpose of the Juneau Safe Routes to Schools Plan is to create **safe, convenient and fun opportunities for Juneau children to walk and bicycle to and from school** and thus encourage more children to be physically active."<sup>79</sup>

The CBJ website currently provides a link to the final plan, for review and use by the public.<sup>80</sup> The Safe Routes Plan recognizes that:

One of the fundamental reasons parents do not allow their children to walk to school is a **fear for their safety**, which can be a legitimate concern."<sup>81</sup>

Therefore, by adopting the Schools Plan, CBJ encourages children to walk and bicycle to and from school on its proposed routes. In addition to the mere issuance of the Schools Plan, the city has promoted use of the plan through meeting with school officials, hosting school open houses and PTO/PTA meetings, publishing articles in school newsletters, and attending school staff meetings.<sup>82</sup>

Unfortunately, the recommended "safe" routes are the identical routes that Haven House's ex-offenders would walk to reach bus stops.

Clearly, ex-offenders live in a variety of neighborhoods across Juneau and the state of Alaska. And they are as free to travel along the surface streets as anyone else. Nobody is trying to impinge on that freedom. What is objectionable, however, is that Haven House's proposed use would create a new concentration of ex-offenders in the midst of a residential neighborhood. And one undesirable effect of this would be to create a high concentration of ex-offenders using the children's pre-existing safe routes

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<sup>79</sup> Juneau Safe Routes to Schools Plan adopted Juneau 2012, page 1.

<sup>80</sup> <http://www.juneau.org/cddftp/JuneauSafeRoutestoSchoolPlan.php>

<sup>81</sup> Juneau Safe Routes to Schools Plan adopted Juneau 2012, page 4.

<sup>82</sup> *Id.* at page 12.

to school in order to travel to work, job interviews, addiction counseling, meetings with parole and probation officers, shopping, social activities, and other purposes.

Juneau parents would be surprised and dismayed to learn that the CBJ urges children to use pre-approved "safe" walking and biking routes to school that overlap daily walking routes used, over the next decade, by a transient group of between 95 and 1080 ex-offenders. Haven House has stated that few, if any, residents will initially have cars.<sup>83</sup>

As a specific example, one recommended "safe" route to Floyd Dryden Middle School is along Nancy Drive and Tongass Boulevard.<sup>84</sup> The same route is recommended for Glacier Valley Elementary School.<sup>85</sup> This recommended route overlaps both of the walking routes depicted in Haven House's application USE20140008.<sup>86</sup>

Since the proposed use violates the Schools Plan, the conditional use permit must be denied in accordance with Code 49.15.330.<sup>87</sup>

##### 5. The Proposed Use Offends Social Policy

The proposed use should also be denied because to allow it would offend social policy.

Many people believe that there is a need in Juneau for a re-entry facility for ex-offenders, assuming that the ultimate facility were properly organized, managed, and located.

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<sup>83</sup> TTAN EXHIBIT 11, page 142 of 160.

<sup>84</sup> TTNA EXHIBIT 4, Juneau Safe Routes to Schools Plan adopted Juneau 2012, page 31 of 122.

<sup>85</sup> Juneau Safe Routes to Schools Plan adopted Juneau 2012, page 81 of 122.

<sup>86</sup> TTNA EXHIBIT 14, taken from page 40 of 160 from "Haven House's Memorandum in Support of Its Application for a Permit Under CBJ 49.20.320 – Use Not Limited [*sic*] (Similar Use Determination)."

<sup>87</sup> If the adverse impacts cannot be satisfactorily overcome, the permit shall be denied as required by Code 49.15.330(a).

However, Haven House does not seek to squarely address this need. According to the 2012 Offender Profile from the Alaska Department of Corrections, Lemon Creek contained 24 female offenders in 2012, whereas there were 197 male offenders.<sup>88</sup> Whereas Lemon Creek contained 19 female offenders in 2011, there were 212 male offenders.<sup>89</sup> Whereas Lemon creek contained 19 female offenders in 2010, there were 196 male offenders.<sup>90</sup>

Clearly the pressing need in re-entry housing is for male offenders.

Parole Officer Dusty Dumont testified before the Planning Commission on August 21, 2014, stating that Haven House will likely have difficulty filling all nine beds due to low release numbers for female offenders.<sup>91</sup>

If there truly is a need for a re-entry facility in Juneau, the need is for a facility serving men.

For unexplained reasons, Haven House has made an explicit decision not to confront the most significant need for transitional housing in Juneau. One result of this, is that Haven House will have to import ex-offenders from outside Juneau. Indeed, Haven House's plans seek to include communities beyond Juneau, such as Ketchikan, all of Southeast Alaska, and Anchorage.<sup>92</sup>

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<sup>88</sup> TTNA EXHIBIT 34, page 10 of 72, "2012 Offender Profile" published by Alaska Department of Corrections.

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> TTNA EXHIBIT 49, page 10 of 14.

<sup>92</sup> "Haven House Juneau is a start-up not for profit social service agency serving Southeast Alaska..." Southeast Alaska is home to approximately 12% of the state's population... so we expect approximately 12% of these released women to choose to live in Southeast Alaska." TTNA EXHIBIT 2, page 4 of 11, Haven House Juneau Business Plan from Haven House Development Permit Application filed December 23, 2013.

"We will also accept referrals from... Anchorage, if residents of Anchorage homes with to transition to Juneau." TTNA EXHIBIT 3, page 4 of 6, "Haven House Business Plan." See also, TTNA EXHIBIT 11, pages 11-12, "Haven House's Memorandum in Support of USE20140008

The effect of this policy is to import ex-offenders into Juneau. Although Haven House has outlined house rules and a probationary period, they have not put forth any relocation plan for residents who are evicted after breaking house rules or failing their probationary period. Presumably, ex-offenders will simply be released on the streets of Juneau to find housing elsewhere in town. At any rate, this is simply bad social policy for all residents of Juneau.

The proposed use of Haven House is bad social policy for another reason, explained as follows.

Haven House submitted a memorandum in support of its application for a permit, and the memorandum included many letters of support. While most of these letters appear to “talk the talk” by putting words to a page, they all stop short of actually “walking the walk” by welcoming the ex-offenders into their own housing, whether this be new construction or use of an existing space. It is simple, quick, and obligation-free to write a letter supporting a transitional home and urging implementation of that home in someone else’s neighborhood.

Many of these letters’ authors live in Downtown Juneau, Douglas, Lena Point, Anchorage, and even Virginia. Again, it is simple for a person to write a no-obligation letter of support for a re-entry facility far removed from that person’s residence.

One letter is from pastor Susan Boegli of Aldersgate United Methodist Church.<sup>93</sup> This is a large church on Cinema drive, but Rev. Boegli stops short of offering her church’s land or facilities to help house some ex-offenders or open an appropriate re-entry facility. Another letter is from Josclyn Peterson, who emphasizes the need to house people such as her sister, who is an ex-offender that recently completed a rehab treatment program.<sup>94</sup> Although Ms. Peterson lives in a two-story, four bedroom home with 2,000 square feet, she does not explain why her living space is unavailable to provide a “safe place” where her sister “could have the support and help to get her on her feet.” Other than a mere letter of support, these advocates stop short of offering

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its Application for a Permit Under CBJ 49.20.320 – Use Not Limited [*sic*] (Similar Use Determination).”

<sup>93</sup> TTNA EXHIBIT 45.

<sup>94</sup> TTNA EXHIBIT 44.

anything of their own to help the transitional facility open. Nor do any of the letters argue persuasively that opening a re-entry facility in Tall Timbers is a good idea.

Common sense says that individually housing ex-offenders in different family homes would provide a greater comfort, supervision, stability, self-respect, role modeling, and acceptance than squeezing nine ex-offenders into five bedrooms of a halfway house comprised exclusively of other felons. Yet to date, none of the Haven House management has demonstrated the ability to "walk the walk" by adopting one or more of the resident candidates into their own home.

Juneau should follow the courageous lead of other communities that have listened to their residents and denied applications such as that by Haven House, Inc.. Two examples that come to mind are the Planning Commission of Couer D'Alene, Idaho<sup>95</sup> and the Board of Adjustment of Marysville, Kentucky.<sup>96</sup>

## 7. Conclusion

In summary, it would be improper and illegal for the Planning Commission to approve the Conditional Use Permit because, as described herein, 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) not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans, and (5) violate social policy.

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<sup>95</sup> TTNA EXHIBIT 42, Agenda, Coeur D'Alene Planning Commission.

<sup>96</sup> TTNA EXHIBIT 43, Regular Meeting, Marysville Board of Adjustment.