

## MINUTES

### REGULAR PLANNING COMMISSION MEETING

City and Borough of Juneau

Mike Satre, Chairman

October 14, 2014

#### I. ROLL CALL

Mike Satre, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 pm.

**Commissioners present:** Mike Satre, Chairman; Dennis Watson, Vice Chairman (telephonically); Karen Lawfer, Bill Peters, Ben Haight, Nicole Grewe, Gordon Jackson, Paul Voelckers, Dan Miller

**Commissioners absent:**

**Staff present:** Hal Hart, Planning Director; Travis Goddard, Planning Manager; Beth McKibben, Senior Planner; Eric Feldt, Planner II; Robert Palmer, Assistant Attorney II; Dan Bleidorn, Assistant Director, Lands and Resources

#### II. APPROVAL OF MINUTES

- September 9, 2014 – Regular Planning Commission Meeting
- September 23, 2014 – Regular Planning Commission Meeting

**MOTION:** *by Mr. Miller, to approve the September 9, 2014, Regular Planning Commission Meeting minutes and the September 23, 2014, Regular Planning Commission Meeting minutes with any minor modifications by any Commission members or by staff.*

The motion was approved with no objection.

#### II. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

##### *Day Care*

Juneau resident Israa Gehring noted that both an infant and preschool childcare service are closing down at the end of October. In addition, another day care facility closed down

September 5, (2014), said Ms. Gehring. She said that she and her husband want to open a day care facility to assist in filling the day care need in Juneau.

Ms. Gehring stated that in a D3 zone fraternity houses, schools and universities are allowed but that day care centers are not allowed, and this is what she and her husband want to open with property that they want to purchase in a D3 zone. She added that this is the type of neighborhood which is conducive to a day care center, not an industrial zone or a business area. The permit that they could receive in a residential zone would limit them to less than 12 children, and this would not allow them to make any type of profit, said Ms. Gehring.

#### *Accessory Apartments*

Juneau construction company owner Russ McDougal reminded the Commission that affordable housing in Juneau was still a great need of the community, and that accessory apartments was one way to deal with this issue. He wanted to support the staff recommendation to increase the accessory apartment rule from the current 600 square feet up to 800 to 1,000 square feet.

The staff informed the Commission this issue would be before it at its' October 28, (2014) regular meeting.

#### **IV. PLANNING COMMISSION LIAISON REPORT**

Mr. Nankervis reported that the Assembly has been doing a lot of "house-keeping" work, has passed the Wireless Telecommunication Facility Ordinance, and that the Landscape Alaska appeal has been settled in favor of Landscape Alaska.

#### **V. RECONSIDERATION OF THE FOLLOWING ITEMS – None**

#### **VI. CONSENT AGENDA**

Item CSP2014 0018 was pulled from the Consent Agenda due to a request from the public and placed on the Regular Agenda for a full hearing.

#### **VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None**

#### **VIII. UNFINISHED BUSINESS - None**

#### **IX. REGULAR AGENDA**

CSP2014 0018: A City Consistency permit for temporary parking at the 'Bridge Park' under the Juneau-Douglas Bridge.

Applicant: City and Borough of Juneau

Location: Juneau-Douglas Bridge Area

#### **Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's findings and analysis and

recommend approval of the City Consistency Review for a proposed temporary parking lot with the following items to ensure consistency with adopted plans:

- 1) The approval of the subject CSP shall expire at the end of the CBJ's Lands & Resources Dept. temporary use permit or the discontinuation of the parking lot, whichever is sooner.
- 2) Prior to construction, a drainage plan shall be submitted to the CDD that indicates how surface water run-off will be adequately addressed.
- 3) Prior to final inspection, wheel stops shall be placed at each parking stall.
- 4) Full parking lot infrastructure and landscaped buffer must be installed if the parking lot is approved for use past its expiration, unless determined otherwise by the CDD Director.
- 5) The parking stalls shall be at least 10 feet away from the top edge of the bank of shoreline, where feasible.

As the applicant representing the City, Mr. Bleidorn told the Commission the project was fairly short term with the expectation that it would last for about 10 months with the permit limit at one year. A park will be placed upon the site in the future and the Public Works Department will continue to use a portion of the site as well, said Mr. Bleidorn, while they continue to use it for parking.

Juneau resident Dixie Hood said she has been concerned for many years about the development on the property by the bridge. She stated that she has testified in the past about the Juneau hotels being built in that area and how they are an eyesore. She stated that she felt the entire area should be all green park and not interrupted with office buildings and other intrusive elements to the landscape.

Mr. Bleidorn stated that he wanted to reiterate that the permit was short-term and temporary in nature and not to exceed a year, at which point the long term use for the area was designated as a public park.

**MOTION:** *by Mr. Miller, to approve CSP2014 0018, with staff's findings, analysis, recommendations and conditions.*

The motion was approved with no objection.

USE2014 0008: Conditional Use permit for transitional housing for up to nine women coming out of prison.

Applicant: Haven House, Inc.

Location: 3202 Malissa Drive

### **Staff Recommendation**

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of transitional housing

for up to nine women coming out of prison in an existing single-family home. The approval is subject to the following conditions:

1. There will be no back out or stacked parking unless a variance to these standards is approved.
2. Prior to issuance of an occupancy permit for the proposed transitional housing, the applicant must submit a revised site plan showing the number of parking spaces that comply with the requirements of CBJ 49.40. The number of occupied bedrooms will be limited to the number of on-site parking spaces provided unless a variance is received. The maximum occupancy of 9 residents and one resident manager will be allowed only when either six on-site parking spaces are provided or a variance to either (or both) parking design and number of spaces has been obtained.
3. A minimum 1,800 square feet shall be maintained with live vegetative cover.
4. If new lighting is proposed it shall be designed, located and installed to minimize offsite glare.
5. A resident house manager will live on site.

#### *Staff Report*

Ms. McKibben stated that on August 21, 2014, the Commission, sitting as the Board of Adjustment, held a public hearing and considered the request of Haven House for a Similar Use determination. The Board decided that transitional housing for people coming out of prison is of the same general character as uses listed in the category of Miscellaneous Rooms for Rent and that Haven House could apply for a Conditional Use permit to operate in this location, said Ms. McKibben.

Ms. McKibben provided a description of the home, located at 3202 Malissa Drive, and its surrounding area, which is zoned D5. The proposal for Haven house includes the housing of no more than nine women in addition to a resident manager, said Ms. McKibben. Eight residents would share four bedrooms and one resident would have her own bedroom. The resident manager would also have her own bedroom, said Ms. McKibben. Housing would be provided for a maximum of two years. All nine residents would pay a rent of \$550 a month. Haven House has developed house rules to which all residents must agree. No drugs or alcohol would be allowed on the premises, explained Ms. McKibben.

For miscellaneous rooms for rent in this location said Ms. McKibben, the parking requirements are one parking space for each bedroom. For this type of use, explained Ms. McKibben, back-out parking and stacked parking are not allowed.

To deal with this parking issue said Ms. McKibben, Haven House has three parking spaces readily available, and in the future can either apply for a variance or design additional spaces in front of the house.

Therefore, said Ms. McKibben, the staff recommends that the current occupancy of the home be limited to the number of parking spaces which can legally be provided which at this time which is three parking spaces. That would be one space for the resident manager, said Ms. McKibben, and two spaces for up to four people in two of the bedrooms.

Noise is not expected to be unusual for a residence, said Ms. McKibben. Residents have a curfew of 10 p.m. and visitors need to leave the residence by 10 p.m., said Ms. McKibben.

The vegetative cover of 1800 square feet is easily met, said Ms. McKibben. This requirement would need to be adhered to in the event that additional parking is added to the property, she said.

Neighbors have expressed concern about public safety, said Ms. McKibben. There will be a resident manager living on site, and this should address that concern, said Ms. McKibben. There are also staff members on call 24 hours seven days a week should additional concerns arise, she said. House rules have been established and in order to maintain their residency the clients must abide by those house rules, said Ms. McKibben. Visitors are limited to legal family, and those visits must be approved 48 hours in advance.

Others have expressed concerns about impacts to their property values, said Ms. McKibben. The house will continue to look like other single-family homes in the neighborhood, said Ms. McKibben. Residents will also be required to perform chores which will include maintenance to the home and its grounds. The borough assessor has also found no evidence to indicate that this type of home will have adverse effects to property values, said Ms. McKibben.

The staff has found the application complete, that it is appropriate according to the Table of Permissible Uses as a result of the use not listed hearing held in August, that it complies with public notice hearing requirements and with conditions it does not materially affect public health or safety, and with conditions will not substantially decrease the value of or be out of harmony with property in the neighboring area, and it is in general conformity with the Land Use Plan. The staff recommends that the Commission approve the application with conditions one through five listed above.

#### *Commission Comments and Questions*

Mr. Miller asked why the two parking spaces in the garage could not be counted as parking spaces.

If the parking spaces in the garage were used then the parking spaces in front of the garage could not be used said Ms. McKibben, because stacked parking is not allowed for this use.

Mr. Watson asked if on-street parking was allowed in this area.

Ms. McKibben responded that on-street parking is not allowed in this area of Juneau.

Mr. Satre asked for more detail on comments from the city assessor aside from the statement that there would be no negative impact on property values.

Ms. McKibben said that no further detail was provided.

*Haven House – Mary Alice McKeen*

Need for housing for the formerly incarcerated is immense. Statewide there are 6,300 people in custody with 5,500 of those people men and 800 of those individuals women, said Ms. McKeen. In Juneau there are 60 women on supervised probation or parole, said Ms. McKeen.

The biggest need for people coming out of prison is housing, said Ms. McKeen. Haven House will provide housing for nine women recently released from prison. Haven House will not start out with nine women, said Ms. McKeen, even without the parking limitation. They will come to the residence after a thorough screening process, she said. There will be a one-month trial period with a two-year maximum stay. All residents must abide by house rules. The purpose of this is to create a safe, sober, stable, structured, group-living situation that will help them stay out of prison, said Ms. McKeen.

There will be a resident manager in the home No sex offenders will be allowed as residents within the home. Haven House is modeled after a successful group home in Anchorage called the New Hope Safe Living Home, said Ms. McKeen.

Haven House will not materially endanger public safety, said Ms. McKeen. People on probation or parole could live anywhere as long as it is approved by their probation or parole officer, said Ms. McKeen.

Haven House is not a halfway house and does not share any of the characteristics of a halfway house, said Ms. McKeen.

There is a high recidivism rate amongst individuals released from prison, said Ms. McKeen. A big reason why people do go back to jail is because they do not have safe, stable, secure housing, said Ms. McKeen. Haven House cites numerous studies which indicate that people released from prison who are provided housing are less likely to go back to prison. The rate of two thirds recidivism of people going back to prison is the status quo, not the rate of people provided with good housing, said Ms. McKeen.

The recidivism rate of those who complete the New Hope Safe Housing program in Anchorage is down to 20%, said Ms. McKeen. Also, many people who are arrested and put back in prison are arrested for technical violations, not because they have committed a crime.

The prior family who lived in Haven House was composed of 12 or 13 people, and someone had broken into a home in the neighborhood by a young man visiting a person who lived in that

home, said Ms. McKeen. Crime often can be perpetuated by a regular family living in a neighborhood, as it was in this neighborhood.

If it would be unsafe to have Haven House in this particular neighborhood said Ms. McKeen, then it wouldn't be safe to have Haven House in any neighborhood in Juneau. Juneau would never have any transitional housing for people coming out of prison in a residential district, she added.

The neighborhood Association has stated that it feels this housing would threaten children, said Ms. McKeen. She said that women are very rarely guilty of sex offenses involving children. She said that on the sex offender registry she believes there are two women out of 500 individuals. Regardless, she said that sex offenders will not be allowed at Haven House. The women will be carefully selected and approved by the probation and parole officers.

Ms. McKeen stated that the studies that they have submitted show no evidence that transitional housing reduces property values on neighboring properties. Ms. McKeen added that this particular house was on the market for well over a year in 2006 and 2007, indicating at least in her opinion, that houses in this neighborhood do not sell extremely fast all of the time.

Haven House is very much in keeping with the characteristics (harmony) of the neighborhood, said Ms. McKeen.

Haven House is not a halfway house, said Ms. McKeen:

1. People that live in a halfway house are in the custody of the Department of Corrections.
2. They are ordered to live in a halfway house.
3. They would be in prison if they were not in a halfway house.
4. You are guilty of the crime of escape if you are absent without authority from a halfway house.
5. You receive credit for time served when living in a halfway house.

#### *Commission Comments and Questions*

Mr. Voelckers asked Ms. McKeen to elaborate on the number of people that could potentially cycle through Haven House.

There is a month review process said Ms. McKeen, to make sure that the applicant is a good fit for the household.

Mr. Haight asked if there was any signage associated with the housing.

Ms. McKeen answered that there was no signage associated with the house.

Ms. Grewe made a statement about rules between Haven House and its residents a few years

down the road when Haven House is not on the front page of the paper and about the success of the enforcement of those rules.

Ms. McKeen responded that those rules were for the success of the program and the Haven House residents, not because Haven House was under scrutiny by the neighbors.

Chairman Satre asked the staff to what extent do the rules in the application package become part of the Conditional Use application.

Ms. McKibben stated that the standard language in the Notice of Decision says that it is in compliance with the conditions and the application as presented and the staff. Therefore the application is part of what is approved in the Notice of Decision, said Ms. McKibben.

Mr. Voelckers asked if this meant that Haven House would be constrained from changing its rules without coming back to the Planning Commission, such as the hours of visitation.

Mr. Palmer stated that the big picture before the Commission tonight was to look at the conditions within the Conditional Use permit within the code 49 15.330. As long as the Commission can pinpoint an external adverse impact that it is tying to a condition then it likely has the authority under Title 49 to impose that condition. In regards to the Haven House application, if there are items such as the drug testing requirement for example, then he said he felt that would be a stretch for the Commission to find enforcement under Title 49 for that type of provision.

Mr. Jackson stated that Haven House has a Board of Directors which has adopted these rules and regulations which are attached to the application. He stated he feels that they have a long-standing commitment to do the best they can with the fiduciary duty that they carry.

Ms. McKeen said the ordinance does contain conditions which the Planning Commission has imposed. She said Haven House accepts all of the particular conditions recommended by the staff. She added that she felt it would be difficult for Haven House to have to go back to the Planning Commission every time it wanted to change anything about how it operated, such as the hours of work by its residential supervisor. Ms. McKeen stated she felt something like that went beyond regulating external adverse impacts.

*Tall Timbers Neighborhood Association – Robert Spitzfaden*

Mr. Spitzfaden told the Commission that the Tall Timbers Neighborhood Association has appealed to the Assembly the Commission's decision to consider the Haven House use as a Use Not Listed. Mr. Spitzfaden said the Assembly has subsequently denied that appeal and the Tall Timbers Neighborhood Association plans to appeal that decision to the Superior Court. Mr. Spitzfaden told the Commission that "you may well be spinning your wheels tonight if the Neighborhood Association is successful in its appeal".



The neighbors in the Haven House area are in good faith trying to protect their neighborhood, said Mr. Spitzfaden. The conditional use authority authorizes the Commission to impose conditions on the safety and harmony of the neighborhood, said Mr. Spitzfaden. External appearance or detrimental impact analysis is not in the ordinance, said Mr. Spitzfaden. What the Commission does have the authority to do is to look at the use that Haven House is proposing, and to put conditions on that use in a way that ensures the safety and harmony of the neighborhood, said Mr. Spitzfaden. The Commission does have the authority to put in place conditions that ensure that the neighborhood is safe and that the house remains in harmony with the neighborhood, said Mr. Spitzfaden.

Judging from the recent paperwork that he has seen, Mr. Spitzfaden said that it appears that residents of Haven House will have substance abuse issues and mental health problems. That is the use that needs to be addressed, he said. It is important that those problems of those individuals do not become the problems of the neighborhood, said Mr. Spitzfaden.

The resident manager should have some professional background in dealing with mental illnesses and substance abuse, said Mr. Spitzfaden. Under the current house rules if a resident needs help and support with addiction problems or mental illness after the curfew hours of 10:00 p.m. they are not allowed to go seek that support, nor are they allowed to have support come to them at the residence, said Mr. Spitzfaden.

Haven House residency should be limited to women who are from Juneau, said Mr. Spitzfaden, so that their chances of having familial support within the community are heightened.

Mr. Spitzfaden said he did not agree with the claim of Ms. McKeen that just because Haven House was not allowed in the Tall Timbers neighborhood that transitional housing would be eliminated from all residential areas within Juneau. Not all neighborhoods are the same, said Mr. Spitzfaden. Some neighborhoods may welcome Haven House, and some neighborhoods are composed of mixed uses, he said. The Tall Timbers neighborhood is a tightknit group of people with regular contact with each other and who know each other, said Mr. Spitzfaden.

Even if the recidivism rate is reduced to 20% in Haven House said Mr. Spitzfaden, that is still one or two people within the home of nine residents, he said.

When it is estimated that property values will not increase, said Mr. Spitzfaden, it is assumed that there will be no disturbances of the peace. He said it is the job of the Commission to make sure that the proper conditions are in place to assure that there will be no disturbances of the peace emanating from the home.

The neighborhood is not denying that there is a problem here, said Mr. Spitzfaden. People released from prison need to reintegrate into society, he said. This neighborhood is being forced to solve this problem, and to ascribe to them bad motives because they don't want to do this is not fair, said Mr. Spitzfaden. They are raising the issues that need to be raised in order to

protect themselves, their families, and their property, said Mr. Spitzfaden.

#### *Commission Comments and Questions*

Mr. Miller asked Mr. Spitzfaden why the neighborhood association was recommending that occupancy be limited to one person per bedroom.

Mr. Spitzfaden answered that it would limit the number of people in the home; the fewer people in the home the less likely there would be problems. He answered that secondly it is like the experiment where they put too many rats in a cage and they kill each other. Two people in a bedroom who have substance abuse and mental illness problems is tough, said Mr. Spitzfaden.

Mr. Miller asked about the neighborhood association suggested condition of transport of an evicted individual from the residence.

Mr. Spitzfaden replied that he believed this was to protect the neighborhood from an individual being evicted from the residence with no means of transport out of the neighborhood.

Mr. Miller asked about the neighborhood association suggested condition regarding bus stop monitoring.

Mr. Spitzfaden responded that this is to protect older children as well as younger children. He said that older teenagers were subject to potential negative influences from Haven House residents, not just younger children.

#### *Public Comment*

In Favor Of USE2014 0008	Against USE2014 0008
Mary Alice McKeen	Robert Spitzfaden
Dixie Hood	Shelly Lager
Kara Nelson	Darlene Thornton
Heather Schimanski	Traci Gilmour
Freda Westman	Teri Maxwell
Sandy Pahlke	Dan Nelson
Dale Anderson	Guy Holt
Leonard Hill	Noah Lager
Donna Baldwin	Dan Hubert
Honey Bee Anderson	Paula Hubert
Talitha Lickshorn	Sammy Legg
Janice Hotch	Andy Hughes

Long-time counselor and therapist Dixie Hood said that she believed strongly in the need for transitional housing in the community, and spoke in favor of Haven House specifically. She added that she has offered her services as a volunteer counselor for the program for substance

abuse or mental health issues if needed.

Mr. Miller asked Ms. Hood if she felt that it was a good idea that the on-site supervisor for Haven House be licensed.

Ms. Hood responded that she would trust the board of directors to have the proper requirements in place that would be proper for the program. She added that she had not heard anything presented that would make her feel there was any reason to have a supervisor on-site that needed to be licensed.

Other individuals spoke about their own personal experiences with substance abuse problems and subsequent incarceration, and the need within the community for a home such as Haven House following incarceration for re-entry into the community. These people are living in your community whether you want to recognize it or not, said Juneau resident Leonard Hill. Others such as Kara Nelson, spoke about working and raising their children within the community and being “shamed as felons” when they are working hard to make this something of their past.

Freda Westman spoke in favor of the need for Haven House, particularly for the Native community, mentioning the statistic that Alaska Native people make up about one third of the incarcerated population.

Tall Timbers area resident Shelly Lager told the Commission that her current primary concern with the project is the lack of oversight. She wanted to know who would be in charge of making sure that this “business” would continue to operate correctly in the future. Other operations such as day care centers require regular inspections she said, and she wanted assurances that this would be required for Haven House as well.

Other Tall Timbers residents expressed concerns about traffic in their neighborhood, possible unsightliness if property in the front of the home was reconfigured to allow for additional parking, and possible unforeseen danger to their property or their families from residents released from prison living in their neighborhood. Tall Timbers residents also expressed their frustration at the Community Development Department from the beginning of the process by what they felt were unfair or confusing rulings.

Juneau resident Sandy Pahlke said there are neighbors who are bad neighbors who have not gotten in trouble with the law, but they are still bad neighbors. She stated that she is in favor of Haven House, and that she knows people who live in the neighborhood who are also in favor of Haven House, even though she did not see them at the meeting this evening.

Tall Timbers resident Dan Hubert said he felt by anyone’s account a halfway house would include a residence exclusively made up of felons with the only thing in common that they were hand-vetted by a parole officer, ejected if they are out of the house for longer than 48 hours; they are all undergoing rehabilitation of some sort, and are working in close cooperation with

the parole officer. It is not just a residence, said Mr. Hubert.

Ms. McKeen opposes the notion that Haven House is a halfway house said Mr. Hubert, because placement of a halfway house in this neighborhood with children and a day care is “inherently repugnant” to a common sense, said Mr. Hubert. For this reason, said Mr. Hubert, this permit must be denied. If the permit is not denied, said Mr. Hubert, then it is absolutely essential that there be meaningful conditions imposed on the permit.

Tall Timbers resident Paula Hubert stated that she opposed the Haven House conditional use permit and wanted to add an Americans with Disability Act (ADA) condition of compliance prior to occupancy. This condition is to ensure that the proposed use does not violate the rights of disabled people, said Ms. Hubert. The front door of the building is currently only accessible by stairs, said Ms. Hubert, and currently would not be accessible by many physically disabled people.

*Haven House Response – Mary Alice McKeen*

It is time to open Haven House, said Ms. McKeen. This is the culmination of ten months of intense legal proceedings, she said. Ms. McKeen said she saw the big points as public safety, property values and harmony.

The key point for public safety said Ms. McKeen, is that these women live here anyway, and they can live anywhere. There is a two thirds recidivism rate, said Ms. McKeen, and there is a lot of evidence that Haven House will help decrease the recidivism rate, thus helping the public safety issue. Not having housing within the first six months after being released from prison is a big predictor of whether a person goes back to prison or not, said Ms. McKeen.

Haven House is patterned after a proven successful transitional home in Anchorage, said Ms. McKeen. No one will be housed at Haven House that is a convicted sex offender, said Ms. McKeen.

Mr. Spitzfaden was incorrect when he said the Commission can impose whatever conditions that it wants, said Ms. McKeen. CBJ ordinance 49.15.330 states, “The Commission may attach to the permits such conditions listed in subsection G as well as any further conditions necessary to mitigate external adverse impacts.”

Ms. McKeen stated that she feels the issue of property values has been covered enough and does not need to be addressed further.

Ms. McKeen stated that she does agree with Mr. Spitzfaden in that part of the issue of neighborhood harmony does rely on the use of the house. But the use of the house does not rely on whether people in the neighborhood want the house there or not, because then the issue gets tangled up with the issue of prejudice, she stated. Ms. McKeen said she does not think it is the job of the Commission to adopt the job of the licensing entity such as exists for a

licensing body for day care for example. She said a licensing board does not exist for group homes. Ms. McKeen said she felt the Commission's job was to adopt an appropriate use for Haven House as a transitional group home for women coming out of prison.

#### *Commission Comments and Questions*

Ms. Lawfer asked Ms. McKeen to address the issue of the (ADA) compliance and accessibility.

Ms. McKeen said this is the first time that anyone has mentioned this particular issue. Haven House brought up ADA because it is illegal to discriminate in housing against someone because of their disability.

Mr. Miller said there were concerns brought up in the Tall Timbers brief about the distance between Haven House and the bus stop and the time that it would take the Haven House residents to traverse that distance. Mr. Miller stated because of that distance those residents could perhaps meet acquaintances along the way and potentially cause trouble in the neighborhood. Mr. Miller asked Ms. McKeen if she could alleviate those concerns.

There will be not anyone living in the house who has been convicted of a sex offense or any type of offense involving harm to children, said Ms. McKeen. The family that lived here that lived in this home previously with 12 or 13 children was the source of antisocial behavior, said Ms. McKeen. There could possibly be antisocial behavior stemming from Haven House on an occasion said Ms. McKeen, just as there was from the home prior to Haven House occupancy with the "regular" family, she said. These women will be under more scrutiny in Haven House than they would be living in a regular household, she said.

Ms. Grewe asked if there has been discussion by the Board as to what kind of qualifications the house manager for Haven House should possess.

There will be a director of the program, said Ms. McKeen. The primary job of the person who lives in the home (not the director of the program) will be safety, said Ms. McKeen. The resident manager will not be a counselor, said Ms. McKeen. If there are problems the resident manager would either call staff or a probation officer, said Ms. McKeen.

Mr. Palmer told the Commission that in the rules of operation of Haven House there are some rules which are clearly beyond the scope of the Commission such as the food requirement stating that each individual's food must be clearly marked, for example. Because the rules of operation are interspersed with these types of rules which are clearly not under the scope of the Commission, it makes it difficult to deal with the rules of operation as a total package, said Mr. Palmer.

Mr. Palmer said on one hand the Commission can require house rules but not anything specific, and on the other hand the Commission could go topic by topic through the rules and select the relevant code provisions such as the safety and welfare type of provisions. Then in the future if

changes were required by Haven House they could approach the Director and the Director could decide if it was a change which needed to be run through the Commission or not, said Mr. Palmer.

Mr. Satre said he thought that it would become very messy for the Commission to address the rules by which the house would operate or to address the business bylaws of any development which would come through the Commission.

Chairman Satre said if they approve the application with the five conditions that were proposed, at what point in the future would their use become substantially different than what they applied for to the extent that they have to come back to the Commission. Mr. Satre used the example that Haven House decided to change the no drugs and alcohol rule.

Mr. Palmer said that the Commission would need to set up the standard of what a substantial change would be.

Chairman Satre said that most enforcement is complaint driven.

Mr. Palmer said the best advice he could give the Commission is to look through the application and figure out the substantive terms that define the use. Those would be the conditions the Commission consider imposing, said Mr. Palmer.

Ms. Lawfer suggested adding in the staff recommendation that the permit would allow the development of transitional housing for up to nine women coming out of prison to be substance, drug, alcohol and tobacco free coming out of prison.

Mr. Palmer said that would be one way to define it but that Haven House is not without regulation, because it is already governed by the conditions of release and by the parole and probation rules.

Mr. Miller said that he would like to stay away from listing all of the specifics in the recommendation. He added that he does feel very strongly that the business plan and the house rules and the other contents of the application are part of what the neighborhood and the community are counting on will lead to the success of Haven House. In order for this to be a success all of the aspects of the plan have to be adhered to, said Mr. Miller. If there are changes that Haven House needs to make down the road they can take it to the staff and let the staff decide if it's a minor change that is fine, said Mr. Miller, but he added that he liked that type of structure.

Mr. Peters noted that the house rules address that the purpose of Haven House is to maintain a safe, sober and stable home environment. As this relates to rules, said Mr. Peters, he would like to add a condition number six pertaining to house rules. But he said that he does have some worries that the Commission is going to try and manage every degree of those

expectations.

Mr. Voelckers stated that he agreed both with the comments of Mr. Peters and with the comments of Mr. Miller. He said there are already a set of rules and operational procedures that are identified that would provide a good operation and be good for the neighborhood. Mr. Voelckers said that he agreed with Mr. Peters' concern that it is hard to imagine how a minor operational question would come back to the Director of the planning staff for resolution when it is clearly not under their expertise to manage this. Mr. Voelckers said that he is leaning towards a Condition Six that is more generalized which would state something like, "the Commission is in favor of a managing board that would review and monitor the operating procedures and generally follow the conditions that were established in the application." Mr. Voelckers said the idea is to leave it more broad so that the Commission is not sucked in to monitoring minor changes such as the hours of operation.

Mr. Satre asked Mr. Palmer if the Commission could write in a condition such as this that is enforceable.

Mr. Palmer said if this condition was connected to one of the three items of health, safety or welfare topics under 49.15.330 F that there would be the rational basis to make it enforceable.

Mr. Watson stated that he, too, agreed with Mr. Peters. He said that attempting to micro-manage something like this created nothing but problems for the Director and the Planning Commission, the applicant, and even the neighbors. When the Commission approves a condominium complex it does require a set of rules for that complex, but Mr. Watson said he never recalled micromanaging those rules.

**MOTION:** *by Mr. Jackson, to approve USE2014 0008, with staff's findings, analysis, recommendations and conditions.*

**(Motion by Mr. Jackson with friendly amendment by Mr. Peters and added language by Chairman Satre:** *to approve USE 2014 0008, with staff's findings, analysis, recommendations and conditions with the addition of condition number six: in order to preserve public health and safety as well as the harmony of the neighborhood, Haven House is to establish house rules following the Guidelines and Expectations as stated in the application.)*

Mr. Peters said that he would like to amend the motion by adopting Condition Six, establishing house rules, which relates to the Guidelines and Expectations listed in Exhibit 9, Page 4 of nine. Mr. Peters said he did not want to delve into all of the individual rules. He said he felt that the Guidelines and Expectations section of the Haven House rules speaks to the intent and that is what the Commission is really after.

Mr. Peters said he would also like to offer a friendly amendment that the Commission include the language following the word "women" to provide a safe, sober, and stable home

environment coming out of prison and existing within a single family home.

Mr. Jackson accepted the friendly amendment. Chairman Satre said he felt it would be best to preface Condition Six with, "In order to preserve public health and safety as well as the harmony of the neighborhood".

Mr. Miller said that he has had acquaintances and family members who have been successful with transitional programs such as this and the success has been completely remarkable. Mr. Miller said he thinks the program is a great program and that people coming out of prison need this type of a program to help them, and that he thinks it will do a tremendous amount of good for these people, and that perhaps it will be a great inspiration to others coming out of prison. However, said Mr. Miller, he still has some concerns. When a group of felons is brought into a neighborhood that is a half mile distance from the home to the bus stop that is in a neighborhood with a lot of children and it is close to an elementary school, this is a concern for him, he said.

Ms. Grewe said that she has been thinking about this issue as well. She said that felons and people who have committed sex offenses and misdemeanors are all over this community. She said that these are risks that we all take living in a community and in a neighborhood. Ms. Grewe said that she spoke in favor of the motion and that she felt the five criteria in the staff report were met by Haven House. If this type of transitional home reduces the rate of recidivism for repeat offenses, then this is performing a benefit for the greater Juneau community, said Ms. Grewe.

Ms. Lawfer also spoke in favor of the motion. Individuals who do not have stable housing are open to sexual assault and domestic violence, said Ms. Lawfer. This is an extremely vulnerable population, said Ms. Lawfer. Public health and safety is applied not only to the community but also to the individuals who are in these vulnerable positions, said Ms. Lawfer.

Mr. Jackson said they have never had any problems with the home for juvenile youths in his neighborhood when initially the neighborhood had been worried about this. They have proved to be kind and generous neighbors, said Mr. Jackson.

Mr. Voelckers said that he supports the motion with the addition of Condition Six which he feels will help the program continue with adherence to the conditions in the future. He said he does feel there is a legitimate anxiety in the neighborhood which must be weighed against the deep need for the service provided by Haven House and the ability of our society to provide rehabilitative opportunity for individuals coming out of prison.

Mr. Haight said that he also supports the motion coming back to public safety and harmony. Mr. Haight noted the strong support he is observing from the community to make this project work.



Mr. Watson also spoke in favor of the motion. He did note that many students do walk down the busy street in the area surrounded by trailer courts on both sides and a liquor store. We can't protect our children any more thoroughly than we do already, said Mr. Watson. Mr. Watson said that he does feel troubled somewhat in supporting the motion because there has been a lot of discussion about protection of the neighborhood and the neighbors. Mr. Watson expressed some concern about protection of the future residents of Haven House from potential hostility of the neighbors. It takes neighborhood harmony on both sides, said Mr. Watson.

Chairman Satre said this is a tough issue for him. When the Commission unanimously voted on the Use Not Listed application sitting as the Board of Adjustment and voted to treat this as a Miscellaneous Rooms for Rent there was very little that could be brought to the table not to approve that, said Mr. Satre. Chairman Satre said that he does not necessarily think this project is in the wrong place. There has not been substantial evidence presented to show that this would substantially endanger public health or safety, said Chairman Satre.

That leaves the Commission with the issue of harmony, said Chairman Satre. The neighborhood has almost unanimously indicated that Haven House will not be in harmony with the neighborhood, said Chairman Satre. The biggest reason, said Chairman Satre, is that he thinks the neighborhood feels like the rug has been pulled out from under them throughout this whole process. He said he could not disagree with this. Chairman Satre said he thought there were many missteps at the very beginning of this that caused multiple different decisions within the Community Development Department that led everyone down this long path of deciding what decisions were appealable and what decisions were not appealable with continuing neighborhood meetings on conditional use while the Commission was still trying to decide it. Chairman Satre said that he keeps coming back to the history of this and thinks if he was one of these neighbors that he may have lost some faith in the City government. He said that he could not disagree with that point of view.

Chairman Satre said that he really thinks that the original decision that this was a halfway house and was not allowed should have been allowed to stand so that it could be appealed, and that the concept that Mr. Palmer brought out that the law that is on the books that is likely unenforceable could have been tested at that time. If it was truly unenforceable, said Chairman Satre, it could have been thrown out, and it could have been dealt with right away. Chairman Satre said that he has nothing before him to vote "no", but that he would almost like to vote "no" just to voice his concern over the process.

Unfortunately, said Chairman Satre, he said he felt the neighborhood harmony well has been poisoned. There have only been a few times during his tenure on the Planning Commission when neighbors have come out this adamantly against a project, said Chairman Satre.

The motion was approved with no objection.

- X. **BOARD OF ADJUSTMENT** - None
- XI. **OTHER BUSINESS** – None
- XII. **DIRECTOR’S REPORT** - None
- XIII. **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None
- IV. **PLANNING COMMISSION COMMENTS AND QUESTIONS** - None
- XV. **ADJOURNMENT**

The meeting was adjourned at 11:02 p.m.