

SPECIAL MEETING
PLANNING COMMISSION

City and Borough of Juneau
Mike Satre, Chairman

7:00 p.m.
August 21, 2014

I. ROLL CALL

Mike Satre, Chairman, called the special 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; Bill Peters, Ben Haight, Nicole Grewe, Gordon Jackson, Paul Voelckers, Dan Miller

Commissioners absent: Karen Lawfer

Staff present: Hal Hart, Planning Director; Travis Goddard, Planning Manager; Beth McKibben, Senior Planner; Robert Palmer, Municipal Attorney II; Rob Steedle, Deputy City Manager

II. REGULAR AGENDA – None

Chairman Satre adjourned as the Planning Commission and reconvened as the Board of Adjustment.

III. BOARD OF ADJUSTMENT

UNL2014 0001: Use Not Listed determination for re-entry housing for women coming out of prison in the D-5 zoning district per CBJ 49.20.320
Applicant: Haven House, Inc.
Location: 3202 Malissa Drive

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and determine that the proposed Haven House, a re-entry home for women coming out of prison, is of the same general character as those uses listed in category 1.610, Miscellaneous Rooms for Rent, with an approved Conditional Use permit.

Furthermore, it is recommended that the Board of Adjustment schedule the public hearing for the Haven House Conditional Use permit. The earliest possible Planning Commission meeting for which this could be heard is September 23, 2014. Any regular meeting after that date is also acceptable.

STAFF REPORT

Ms. McKibben clarified that the staff report was focusing on the Use Not Listed determination, not the Haven House proposal. Haven House is located in a D5 zoning district with D15 zoning down the street, said Ms. McKibben. The existing land use for this property is Single Family Residential, said Ms. McKibben. Title 49 states that after a public hearing, the Board of Adjustment may permit in any district any use which is not specifically listed in the Table of Permissible Uses that has been determined to be of the same general character as those permitted in this district, explained Ms. McKibben. And once the determination has been made, the use will be added to the Table of Permissible Uses, said Ms. McKibben.

From 1987 through 2010, halfway houses and group homes were treated the same and allowed in all of the residential zoning districts, explained Ms. McKibben. In 2010 the definitions of halfway homes and group houses were changed and the Table of Permissible Uses was also changed, explained Ms. McKibben. The results were arbitrary, said Ms. McKibben, with large halfway houses allowed in nearly all zones, and small halfway houses allowed in only a few zones. The changes also prohibited group homes from accepting people who are serving a sentence for a criminal act, and it has been interpreted to prohibit people on probation or parole from living in a group home, said Ms. McKibben. It is not clear whether this is founded upon a rational basis or not, said Ms. McKibben.

Because of the nebulous nature of the 2010 changes, said Ms. McKibben, they are likely unenforceable. Large halfway houses are composed of more than nine residents, said Ms. McKibben, and small halfway houses are comprised of nine or less residents. Based upon this information, Title 49 provisions regarding halfway houses and group homes cannot be applied, which leads to the application of the Use Not Listed provision, explained Ms. McKibben.

None of the uses listed in the Table of Permissible Uses specifically address what Haven House proposes to do in this location, said Ms. McKibben. To address this, the Board of Adjustment has three options, explained Ms. McKibben:

1. It can determine that this is a use listed that requires departmental approval.
2. It can determine that it requires a Conditional Use Permit.
3. It can determine that the proposed use is not of the same general character and that it would not be allowed in the district.

Mr. Satre clarified that the first action would be a final action by the Commission that would then be appealable, and that if the Commission voted for the second option which was a Conditional Use permit, that an additional hearing and public hearing would be required for

that item, and that if the Commission voted for the third item, that would also be a final decision of the Commission, which would also be appealable.

Ms. McKibben concurred with this analysis of Chairman Satre.

The Planning Director's March 18, (2014) decision suggested that the Haven House home was most similar in the Table of Permissible Uses to a boarding house and rooming house, said Ms. McKibben. These would require a Conditional Use permit in the D5 zoning district, she said. These would also require an owner or manager to live on site, she said.

In the definition of halfway houses it states that uses with 10 or more residents will be regulated as institutional correctional facilities which are allowed by Conditional Use permit in the D5 zoning district, said Ms. McKibben. However, there is no definition for correctional facilities within Title 49, she said.

Mr. Voelckers clarified that if there is a determination for a Use Not Listed, that it would be creating by default new definition within the Table of Permissible Uses. He also asked if this would become a general category or if it was more specific in nature.

It has been tentatively called "Re-entry Housing", answered Ms. McKibben. If this were to be passed by the Commission, they would probably work with the Law Department on this, she said. She emphasized this would only be for the D5 zoning district.

Mr. Palmer added that if the Commission did determine this evening that the Haven House request was an unlisted use, it would be empowered to make the determination as to what the unlisted use was, creating a new line in the Table of Permissible Uses, just for the D5 zone.

Chairman Satre asked if Assembly action would be required for that line to be added to the Table of Permissible Uses.

Assembly action could be taken to apply the Commission action to other zones, said Mr. Palmer. The Commission scope this evening could be very narrow, he stated.

Mr. Miller said he had concerns because the definition for a halfway house very closely fit the description of Haven House, and he felt it left the City vulnerable.

Mr. Palmer said it was a significant problem that large halfway houses were allowed in all zones with the Conditional Use permit, but that small halfway houses were not. That existing definition could be used, said Mr. Palmer, but a new line and row in the Table of Permissible Uses would have to be inserted, he said.

HAVEN HOUSE

The issue before the Commission tonight is whether women coming out of prison can live in a residential district or whether they will be excluded from living in a residential district, said the

attorney representing Haven House Mary Alice McKeen. If residential districts are excluded, said Ms. McKeen, where these women can live is seriously limited, she said. Ms. McKeen explained that Haven House is a voluntary re-entry home for up to nine women coming out of prison. The women will be selected through a very thorough screening process. A six month commitment will be required, with up to a two-year maximum stay, said Ms. McKeen. Residents will contribute to household expenses every month, and agree to household rules. The purpose of Haven House is to create a safe, structured, sober, stable, living situation, said Ms. McKeen, for the women who will be living there.

In a D5 district, said Ms. McKeen, a single family is allowed with no limit on the number of residents. In the home they wish to occupy, there were 13 people in the home previously, said Ms. McKeen. It was a very large family, she commented. Other uses allowed in the D5 district include a group home, daycare for eight or less, children or adults, and home occupations, said Ms. McKeen. With a Conditional Use permit, said Ms. McKeen, a day care for 9 to 12 people, rooming house/boardingshouse, bed-and-breakfast, nursing care, assisted living, and correctional facilities are all allowed within this zoning district.

Haven House does not want to be adverse to the City, so it is following the City's recommendation and applying for the Use Not Listed permit, said Ms. McKeen. Haven House feels it is most similar in character to a single family dwelling, said Ms. McKeen. The definition for a single family is very broad. It is defined as one or more persons living together, said Ms. McKeen, as a single housekeeping unit. This is distinguished from a group occupying a group home, she added. The fact that these women have just been released from prison does not mean that they are not people, said Ms. McKeen. The fact that they are on parole does not distinguish them from being members of a household, said Ms. McKeen.

Haven House is primarily and essentially a place to live, not an institution, said Ms. McKeen. They are not compelled to live there, she said. Women on probation and parole can live where they want to live, she said, subject to the approval of their probation officer if they have one.

They also think that Haven House is essential in character to a group home, said Ms. McKeen. This characterizes a group of residents living together in a family setting, she said. One to two supervisors or caregivers must live on site, she stated. Most of the residents of Haven House will be in recovery from alcohol or drugs, said Ms. McKeen. Almost all of the group homes in Juneau are located in the Valley, noted Ms. McKeen.

What Haven House sees as a key fact stated Ms. McKeen, is that men and women who leave prison can live anywhere, subject to the approval of their parole officer. There is no dispute that nine women who have left prison could rent this house and live there as roommates, she said. People live in D5 districts who are on probation or parole, she said. It would be arbitrary, irrational and terrible public policy to say that these nine women could not live in this home because they are part of a program to help them re-enter society, said Ms. McKeen. This would be stating if an individual out of prison was not part of a program then they could live in the

residential district, but that if they were part of a program then they could not, said Ms. McKeen. That is really an irrational conclusion, she stated.

Finding housing is the biggest challenge faced by individuals coming out of prison, said Ms. McKeen. The Alaska Prisoner Re-entry Task Force stated that without a stable residence it is nearly impossible for newly released individuals to reconnect positively to a new community, said Ms. McKeen.

COMMISSION QUESTIONS

Mr. Watson asked if it was possible for a resident who was expelled from the home for violating the rules to be re-admitted to the residence.

Ms. McKeen said the Board has not yet addressed those issues except for two issues thus far, and those are dismissal from the home for having any drugs or alcohol on the property and for being absent from the property for 48 hours.

TALL TIMBERS NEIGHBORHOOD ASSOCIATION

Speaking for the Tall Timbers Neighborhood Association, Mr. Spitzfaden paraphrased that we are a country of laws, not emotions. It's laws that make our society work, he said. Tall Timbers' position is that Haven House cannot meet the standards that the law requires for its residential home, said Mr. Spitzfaden.

Mr. Spitzfaden said he thinks there is a fourth option for the Commission to consider in addition to the three options provided by the staff. It should be a political decision made by the Assembly, said Mr. Spitzfaden. That is the entity that should be making the decision as to where this fits in the Table of Permissible Uses, said Mr. Spitzfaden. The Commission is not a legislative body, said Mr. Spitzfaden, the Assembly is.

It is the view of Tall Timbers that for the Commission to decide whether the Haven House re-entry use could be placed within the Table of Permissible Uses is an unconstitutional act that is a derogation of the delegation of powers and duties which says it is the legislative body that has the power to make legislative decisions, said Mr. Spitzfaden.

Haven House has not identified a specific use for its home, said Mr. Spitzfaden. First it said it's a group home, then it said it's a single family home, he said. It is not following the statute, he said, which states that it must follow the same general character of the use in the district. Haven House is institutional in nature, not residential in nature, said Mr. Spitzfaden. Each of the women has an action plan which is indicative of an institution, he said.

Neither the staff memo nor Haven House have provided any of the matching characteristics to the permissible uses on the Table of Permissible Uses, said Mr. Spitzfaden. Haven House is institutional in nature, said Mr. Spitzfaden. It is not a boarding house or rooming house, which has profit as its chief goal. It is required in 1.610 (CBJ Code of Ordinances, Table of Permissible Uses) to have an owner or a manager to live on site, said Mr. Spitzfaden. That is the essential

function that ties all of those uses together, he said. That is not something that Haven House is proposing, he said.

Haven House is not a single family unit, said Mr. Spitzfaden. An example of the single-family unit would be a foster home, he said. Haven House is not being run as a single economic unit, he said. Another element would be stability, he said. That would not be the case with Haven House, he said. It is not enough to eat, sleep and recreate together, said Mr. Spitzfaden. If that were the case a college would be a family unit, he said. It's not enough to have a corporate structure ruled by a board of directors, he said.

There is also the element of fear on the part of the neighbors, said Mr. Spitzfaden. The recidivism for ex-offenders in Alaska is two out of three, he said, and that is within six months.

Mr. Spitzfaden repeated that he felt the Commission should go back and allow this decision to be considered on a community-wide basis.

COMMISSION QUESTIONS

Mr. Watson asked if Haven House raised the number of residents to above nine if they would not then meet the permissible use for being allowed in a D5 zone.

Mr. Spitzfaden asked to what use Mr. Watson was referring.

Mr. Watson said as an employer he never experienced an individual out of prison violate their conditions when they were in a program. He said it was when they were out of that program that they violated those conditions.

Mr. Spitzfaden responded by saying that statistics are statistics, and that the statistics are that two thirds of these people re-offend, and that most of this occurs within the first six months.

PUBLIC COMMENT

Thirty four people spoke during the public hearing regarding the Use Not Listed determination for re-entry housing for women coming out of prison in the D-5 zoning district. The Commission listened to the comments from each individual who wished to be heard.

Generally, those who lived in the vicinity of the home located on Melissa Drive for the proposed Haven House spoke against the Use Not Listed determination. They stated that they were in favor of the concept of the home, but not in their neighborhood, because of concerns for their children, the increased traffic, and the unease associated with bringing (some) former felons into their neighborhood.

Public comment from those not living in the neighborhood, former addicts who have benefited from social services, and professionals such as those in the social services field, was primarily in favor of the Use Not Listed permit for Haven House.

Mildred Boesser, a Juneau resident since 1959, told the Commission that her grandfather had been in a federal prison for 30 years. She said he was given a job and a place to live by a friend where he continued to work and live until he died. She said it would be good if Juneau could give these women a place to live without knowing them, to give them a chance.

June Tagnan, who chairs the board for Haven House, spoke in favor of the project, stating the purpose of the project is a means to stem the tide of re-offense for those exiting prison.

Sue Ann Randall, a North Douglas resident, was one of the few individuals not living in the neighborhood who also testified against the project, stating that they were individuals who had monetary and emotional investment in their homes, whose concerns should be honored and seriously considered.

Mr. Peters asked Ms. Randall if her adult child were being released from prison and was coming home if she would help them and allow them to live with her.

Ms. Randall responded that she certainly would.

Ms. Karen Morgan, president of the Juneau Rotary Club, spoke in favor of the need for transitional housing in Juneau. Several years ago the Rotary Club purchased and installed a greenhouse in the Lemon Creek Correctional Facility, said Ms. Morgan. She was recently speaking with the management at Lemon Creek about success and how to prevent inmates to re-offend. The two most important items mentioned were to provide skills that could lead to employment, said Ms. Morgan, and to have a safe and nurturing environment when they were released, she said.

Juneau resident John Gaguine spoke, stating that he feels strongly enough about the Haven House project that he pledged \$10,000 for the project, conditioned upon a \$10,000 match from the community, which was made. If the nine women were to move into the house tomorrow without any supervision whatsoever, they could move in, said Mr. Gaguine, which is not rational.

Shelley Lager, a five year resident of the proposed Haven House neighborhood, said she has three children and that they teach their children not to talk to strangers. She said they know who their neighbors are, they recognize the cars in the neighborhood, and that they do not want strangers moving into the neighborhood. She said she does not know of any other facility with nine felons living in it other than a halfway house. She said she wouldn't mind if two felons happened to move next door who had purchased the house and moved in because that would be a long-term situation, because that is what the neighborhood is about, but that she did not like the short term situation that was the Haven House proposal.

Mr. Peters asked Ms. Lager if one of her children came home from prison as an adult if she would provide them food and housing.

Ms. Lager answered that yes she would, but not the volume of nine people coming and going on a monthly basis.

Malissa Drive resident Tom Sullivan said that he lives right next door to the subject Haven House property. At a meeting with the neighborhood Association and Haven House he said he asked why Haven House had selected that specific house. He said he was told that the house was perfect for their needs after months of research. Mr. Sullivan said he thinks they jumped at the lease agreement with the owner and now have found themselves in trouble with the neighborhood and the zoning situation. Mr. Sullivan said he thinks there are laws about felons functioning without constant supervision.

Marilyn Avenue resident Dan Hubert contrasted rooming houses and boarding houses with Haven House as a re-entry home for women coming out of prison. He did not find any general similarities, stating that boarding houses and rooming houses were for-profit entities, and that Haven House would be essentially a nonprofit proposition. Rooming houses and boarding houses could not discriminate on the basis of sex, and with the proposed use of Haven House it is for women only, he said. Mr. Hubert said he did not feel that Haven House was primarily a residential facility unlike a boarding house and rooming house. It is institutional in nature, he said, with its chief goal the provision of rehabilitation.

Leonard Hill said that he is currently on probation, has been to jail, and is currently battling addiction today. He said he has currently been clean and sober for 21 months. Mr. Hill said that criminal acts and addiction are around us whether Haven House is approved or not. Trying to deal with addiction surrounded by people who did not want anything to do with recovery was extremely difficult, said Mr. Hill. He said that he could only hope for a recovery-based facility.

Area resident Darlene Thornton said they wanted to live in the Valley because it was quiet. She did not want Haven House in the area, she said, because of the traffic and because she did not want felons in the area because her son was murdered in another state several years ago.

Mendenhall Loop Road Resident Dale Anderson said that he has come to realize that it is our obligation and privilege to offer shelter to those in need. He said he believes that we are discussing the soul and the character of our community. He said these are women who have made wrong choices have paid the price that society has demanded of them. They made a conscious, rational decision to make a change, said Mr. Anderson.

Guy Holt said that he lives across the street from the Haven House property. He said he feels that Haven House is not in harmony with the neighborhood and that he focused on the traffic aspect. Every single car that would visit the facility would be in front of his house, he said. They would no longer know who belonged in the neighborhood, he said. It would destroy the sense of community and security that they now enjoyed, he said.

Christina Love said that she is the face and voice of recovery; the one that is being criticized and judged. Juneau is in need of housing for those with the disabilities of mental health and addiction, she said. Ms. Love stated that she did not think that anyone in the neighborhood of Haven House is worth any more than herself, her daughter or her husband, or anyone else in recovery or coming out of prison. She asked the Commission to fairly consider both sides of the issue.

Reverend Gordon Blue said that Haven House has been in the planning stages for six years. Justice demands that once the sentence has been served, that retribution should stop, said Reverend Blue. Those with safe, sober, and available housing are much more likely able to accomplish this transition, he said. This project seeks to provide justice and to lower social costs through decreased recidivism by providing for the reentry of women from prison with the support of an environment for women of the shared home. Haven House has been structured to be the home that is provided to support this success, said Reverend Blue.

Haven House area resident Paula Hubert said their neighborhood is a close knit neighborhood full of children and that Haven House is a halfway house, not a boarding house. She said it is not suitable for their neighborhood.

Malissa Drive resident Lolita Duran said that a different location where the nine felons could rehabilitate from their addictions would be appropriate. She said that her neighborhood is beautiful and perfect for raising children and that a house with nine felons would change everything.

Malissa Drive resident Paul Durand said that he is against the Haven House proposal because the safety of the children has to come first and he felt that the residents would be a threat to his children.

Kara Nelson, Director of Haven House, said that she has spent at least 20 years of her life in active addiction and has two felonies. She said the use of drugs is a felony and that she herself has probably committed thousands of felonies in her past. She said she understands the fears of the people living in the area but that the definition of a felon is very broad.

Patty Ware said that she is in support of the Use Not Listed determination for Haven House. She said that her professional background is in Health and Social Services and in Juvenile Justice. She said that in the 1980's when the City and Borough of Juneau had its own mental health department that she helped develop and manage a small residential group home for both male and female adolescent offenders with mental health issues. That home was located on Tongass Boulevard which is very close to the proposed location of Haven House, said Ms. Ware. Even though this was over 20 years ago, said Ms. Ware, she said she does not recall any problems with the neighborhood or criticism of the project.

William Judy said that he lives directly across the street from Haven House. He said that his entire neighborhood is scared; that they don't know anything about law enforcement or about

felons. He said he does believe strongly that people need help. He said he feels that some clear laws need to be developed.

Forest Lane resident Tanya Haight said that she felt that Haven House was a good idea, but that she did not feel there is enough structure in place to proceed with that idea at this point.

Area resident Dan Nelson asked the Commission to use common sense and to enforce the uses that are allowed and not allowed within the zoning code of Juneau. He said the proposed Haven House model is completely inappropriate for the quiet neighborhood. A house of felons still on parole or probation threatens the safety of the neighborhood, he said.

Area resident Susan Boegl said that she adamantly supports Haven House and that she desperately wants to see it happen. She said she is the pastor of the Aldersgate United Methodist Church, so that she does not own the home in which she lives, which may make her unique from many of her neighbors. Ms. Boegl said that we all make mistakes, and that the only difference between her and the potential residents of Haven House was that they got caught.

Malissa Drive resident Sammy Legg said that she lives next door to Haven House and that she loves her neighborhood dearly, and that the proposed residence would create a lot of traffic and unknown faces in the neighborhood. She said it was the quick transition of residents that bothered her the most.

Longtime Juneau resident Cindy Boesser said that she has worked with numerous nonprofit agencies in Juneau for much of her life. She said she has found how difficult it is to find housing in Juneau for felons.

Probation and parole officer Dusty Dumont said that she supports Haven House. She said she understands the fear of the surrounding residents in the area and that it stems from ignorance and unawareness of the project. She said that she doesn't know of a neighborhood in Juneau that doesn't have crime. She said that none of us can pick our neighbors. Jailing is not the way to treat addiction, she said. Re-entry from prison into the community is a critical time, she said. Haven House is offering a structure that these women definitely need, said Ms. Dumont.

Mr. Voelckers asked how many women were released from prison annually in Juneau and how many women could potentially be working into the Haven House program.

Ms. Dumont responded that out of her caseload of 80 to 90 people, that perhaps 10 or 15 of those people were women. In the beginning, she said, there would not even be that many women to fit the criteria.

Lena Loop resident Mindy Lee said as a social worker and as an educator that she believes that we make our children fearful of the unknown and fearful of unknown people when the vast amount of crimes against children in this country are by people who are well known family

members or family friends. She said that she thought that this would be an opportunity for their children to learn compassion and acceptance and to educate them in acceptance.

Molly O'Ray said she felt this was a situation of "not in my backyard". She said that she felt the residents in the area of Haven House should look at this as a way to integrate the women of Haven House into their lives and to share their community with them.

Area resident Noah Laeger said that his concern with the Haven House program was the lack of oversight. The program would not have a legal governing body to make sure the residents abided by its rules and the rules of the city and the state, said Mr. Laeger. Child care facilities, group homes and boarding homes all have the inspections, he said. This program would be self-policed, he said.

Malissa Drive resident Andy Hughes said that he does not think his neighborhood is a good fit for Haven House. While he said that he supports the cause of Haven House, he did not think it was appropriate to force the location of Haven House upon a closely knit neighborhood that did not accept it. Mr. Hughes said that he felt this was an appropriate decision for the Assembly to decide.

Chris Nelson said that he is a chaplain at the Lemon Creek Correctional Facility. The recidivism rate seems to be higher among women than the men, said Mr. Nelson. This is mostly because of drugs and alcohol, he said. The number one problem was that they did not have a viable place to stay, he said. It would make a huge difference for these women to see what a normal living situation and neighborhood looks like, said Mr. Nelson.

Area resident Roger McCoy said he doesn't think there's anybody in the area who doesn't think that Haven House is not a good idea, he just thinks they want to put it in the wrong place. He said he was told if some of the residents were on probation or parole then it would no longer be a group home. He said he was confused about the process.

HAVEN HOUSE

Ms. McKeen said the issue is whether the Haven House proposed use is similar to uses which are allowed in the D5 district. It has to be of the same general character as those which are listed as permitted in the district, said Ms. McKeen. She said she thinks it can be similar to one use and the collective uses which are allowed.

Haven House is very similar to a single-family house, said Ms. McKeen. The single-family house is two or more people living together as a single house-keeping unit, said Ms. McKeen. It does not matter that the purpose of this housing is to help people recover, said Ms. McKeen. The important fact is that we are providing housing, said Ms. McKeen. The fact that Haven House will have policies does not detract from the fact that it will be a single house-keeping unit, said Ms. McKeen. Haven House is not a halfway house, said Ms. McKeen. It has similarities to a group home, she said. The women at Haven House are not serving a sentence, said Ms. McKeen.

Haven House will be a very good neighbor, said Ms. McKeen. The women living there will have a curfew, she said. The prior neighbors living in that home were bad neighbors, she said. You can have neighbors that commit crime even if they are a nuclear family, she said. It's not the job of the City to dictate how long somebody remains within a residence, said Ms. McKeen.

Strong empirical evidence shows that homes of this type do not affect property values, said Ms. McKeen. The property is maintained, the police are not being called, and they are good neighbors, she added. The traffic will be less than many allowable day care centers, said Ms. McKeen, where people travel back and forth to drop off and pick up their children.

COMMISSION QUESTIONS

Mr. Haight asked how Ms. McKeen would define the characteristics of Haven House.

Ms. McKeen responded that she felt the key characteristic would be the definition of a family as applied to Haven House. They will also be participating in a program to help them recover, she added. There will be a resident manager or a nighttime manager on the premises, she said.

Mr. Haight asked if each resident was required to compensate for their stay.

Ms. McKeen said that this was correct. The current proposed amount is \$550 a month, she said.

Mr. Watson asked if this amount was to go for utilities and the mortgage.

Ms. McKeen said this was correct.

MOTION: *by Mr. Watson, to extend the length of the meeting until 11:30 p.m.*

The motion passed with no objection.

MOTION: *by Mr. Voelckers, that the Planning Commission, sitting as the Board of Adjustment, adopt the Director's analysis and findings, and determine that the proposed Haven House is of the same general character as those uses in category 1.610 Miscellaneous Rooms for Rent Such as Boarding House.*

(FINAL VERSION OF MOTION by Mr. Voelckers with final amendment by Mr. Jackson: that the Planning Commission, sitting as the Board of Adjustment, adopt the Director's analysis and findings, and determine that the proposed Haven House is of the same general character as those uses in category 1.610 Miscellaneous Rooms for Rent Such as Boarding House, and that the Commission meet as the Board of Adjustment for the public hearing for the Haven House Conditional Use permit at the earliest time possible. The earliest possible Planning Commission meeting for which this could be heard is September 23, 2014. The Commission and public will be notified by staff as to the date of this meeting.)

In support of his motion, Mr. Voelckers said that he was very impressed by the depth and quality of the application that has been presented. Mr. Voelckers said he does think that this is fairly close to a boarding house; there are a number of people that have bedrooms but that share common space, there is also a sense of the transient occupancy that is a little different from a typical living situation, said Mr. Voelckers. He said he felt that this was an applicable Use Not Listed.

Mr. Jackson also spoke in support of the motion, and requested that a public hearing be scheduled on September 23 for a public hearing for a Conditional Use permit for Haven House. This would be a friendly amendment to the motion, said Mr. Jackson. He added that when years ago a home for juvenile delinquents was established on his street, the whole neighborhood was very upset, but that nothing negative has ever happened as a result of that home, and that now the neighborhood has incorporated that home into the neighborhood. Mr. Jackson said he felt the key to the success of these homes was being a good neighbor in the part of both sides.

Speaking in favor of the motion, Mr. Peters said that he encouraged those living in the Malissa Drive neighborhood to share their knowledge of their neighborhood, and to open their hearts and their homes.

Mr. Miller distinguished the language provided by Ms. McKeen which states that the residents of Haven House would not be serving a prison sentence such as those in a halfway house. He said for him the fact that the Commission is not viewing this as a halfway house, and the fact that this is being viewed as a Use Not Listed is appropriate since it needs its own designation. Mr. Miller said the key for him is that the Haven House residents are not serving a sentence, so that therefore they are not within a halfway house situation. Mr. Miller said he does understand the concerns of the neighborhood, as well as the goal of Haven House. This does give assurances to the neighborhood, said Mr. Miller. The process does not end here, he said. The next step would be a public hearing for a Conditional Use permit, he said, and he supports the motion.

Ms. Grewe said that she supports the motion for Haven House for a re-entry home for women coming out of prison, and as the same general character as 1.610 Miscellaneous Rooms For Rent, and approves the Conditional Use permit amendment to the motion. She said the crux of her comment is that her support is for the Use Not Listed determination, which is what the Commission is at the meeting for this evening.

Noting the characteristics of the Haven House residence, said Mr. Haight said that all but one of them fell under the boarding house or rooming house determination, which was the 1.610 category. The only element that did not fit was the transitional care element, he noted. He said that he does support the motion, and that if they want to categorize it could be categorized as a re-entry type home to differentiate it from the others.

Speaking in favor of the motion, Mr. Watson commended the neighbors who came and

professionally presented their points this evening. Mr. Watson said that he believes that Haven House presents the step the community has been missing since he moved to Juneau.

Mr. Satre said to Mr. Jackson that September 23 is one of the normal meeting nights for the Commission and expressed his concern about the workload for that evening should the Commission take on the Conditional Use permit for Haven House for that evening.

Mr. Satre said that he supports the motion, mostly because it gets the Commission to the point where it can conduct a Conditional Use permit hearing where he said he felt it should have gone in the first place. He said it does bother him to throw away original definitions, and the way that they should be applied, because they think that they are likely unenforceable. As other commissioners have said, said Mr. Satre, they are not issuing a permit, they are getting to a hearing on a permit that has very well-known side boards such as safety, neighborhood harmony, property values, traffic, lighting; very specific items on which to provide input.

Mr. Jackson withdrew the date from his amendment to the motion.

The motion was approved with no objection.

IV. ADJOURNMENT

The meeting was adjourned at 11:13 p.m.