

# *We Step Up Sober Living, Inc.*

Application for Special Exception for Family Community Residence

1520 NE 43<sup>rd</sup> Ct., Pompano Beach, FL 33064

## NARRATIVE<sup>1</sup>

### **1. Property Information**

The Property listed above is owned by Mr. Chris LiVolsi/CLAT Holdings, and will be rented with the endorsement of the owner as a Family Community Residence, by the Applicant, Lyndsey Norwood. The Property contains a two-story, single-family home with eight (8) bedrooms and four (4) bathrooms. The home is 4,601 sq. ft.

The Applicant seeks to provide a Family Community Residence to individuals in recovery from addiction by providing housing for two (2), or three (3) persons where permitted by the City of Pompano Beach, per bedroom which is consistent with recognized therapeutic standards for such housing.

### **2. Legal Description of Property**

Lot 12, Blk 51 POMPANO BEACH HIGHLANDS 4TH SECTION according to the plat thereof as recorded in Plat Book 40, Page 35, Public Records of Broward County

### **3. Intended Use of the Property**

The intended use of the Property is as a Family Community Residence, as that term is defined by Chapter 155 Article 9 of the Zoning Code, to mean "...a community residence that provides a relatively permanent living arrangement for people with disabilities where, in practice and under its rules, charter, or other governing document, does not limit how long a resident may live there. The intent is for residents to live in a family community residence on a long-term basis, typically a year or longer. Oxford House is an example of a family community residence."

As stated, in part, in s. 397.487, Florida Statute, "...Legislature finds that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence while ... or after completing treatment." Therefore, residents will be permitted to stay as long as necessary to build their foundation. There will be no treatment or clinical services in any form at the Property and it is exclusively being used as a Recovery Residence as defined within s. 397.311, Florida Statutes. We Step Up Sober Living, Inc. is in the process of obtaining FARR (Florida Association of Recovery Residences) certification consistent with the requirements of s. 397.487, Florida Statutes.

<sup>1</sup> This Narrative and Justification response is taken directly from the findings and conclusions of Daniel Lauber, Esq., the City's Special Outside Counsel and Land Use Consultant, and his report "Pompano Beach, Florida: Principles to Guide Zoning for Community Residences for People with Disabilities" dated June 2018, and is incorporated herein by reference

The Property is in the RS-3 zoning district in Pompano Beach. This zoning district allows for Family Community Residence uses to be established as of right (Permitted Use) so long as the Property meets additional conditions required. Those conditions require:

- (a) Spacing between such community residences of 660 feet;
- (b) Proof of licensure or certification; and
- (c) Confirmation that the correct type of Community Residence (Family v. Transitional) is being sought.

If any of these conditions cannot be met, then the use can only be established pursuant to the City's Special Exception Use approval process specifically tailored for Community Residences, as codified within Section 155.2404.E of the Pompano Beach Zoning Code.

During the initial use approval process, the Applicant was advised there is a previously approved Transitional Community Residence within the 660-foot separation distance required by the City's Zoning Code, located at 4341 NE 16th Avenue. According to the City's GIS, that property is 580' +/- from the proposed residence.

As such, to establish this home, the Applicant is required by the City's Zoning Code to obtain Special Exception approval based upon the specific standards adopted and codified within Section 155.2406.E.1 of the Zoning Code (when the proposed community residence arrangement would be located within 660 linear feet of an existing community residence or recovery community). The Property and the use otherwise meet all other criteria applicable to Family Community Residences and therefore the additional review standards set forth in Section 155.2406.E.2 and 155.2406.E.3 are inapplicable.

Pursuant to Section 155.2406.E.1, entitled, “Special Exception Review Standards for Community Residences,” when the proposed community residence arrangement is required to obtain a special exception because it would be located within 660 linear feet of an existing community residence or recovery community, the following two (2) standards must be met by the Applicant:

a. *The applicant demonstrates that the proposed community residence will not interfere with the **normalization and community integration of the residents** of any existing community residence or recovery community and that the presence of other community residences or recovery communities will not interfere with **the normalization and community integration of the residents** of the proposed community residence; and*

b. *The applicant demonstrates that the proposed community residence in combination with any existing community residences and/or recovery **communities will not alter the residential character of the surrounding neighborhood** by creating an institutional atmosphere or by creating or intensifying an institutional atmosphere or de facto social service district **by concentrating or clustering community residences and/or recovery communities on a block face or in a neighborhood.***

## JUSTIFICATION RESPONSE

### **A. SPACING - Residence does not interfere with normalization and community integration**

“Community residences are crucial to achieving the adopted goals of the State of Florida and the nation to enable people with disabilities to live as normal a life as possible in the least restrictive living environment. Community residences seek to achieve “normalization” of their residents and incorporate them into the social fabric of the surrounding community, often called “community integration.” (Lauber, pg. 6).

“It cannot be emphasized enough that there are many circumstances where a city should allow a proposed use to be located within the applicable spacing distance for permitted uses to make the reasonable accommodation that the Fair Housing Act requires” (Lauber, pg. 6).

The City's study concluded that a community residence should be allowed within that “as the crow flies” spacing distance when it will not affect normalization and community integration at the closest existing community residence, and the use of neighbors as role models.

Regular, consistent contact between residents of both communities would need to occur for any potential impact on the residents of the existing community residence. If the residents of the proposed family community residence don't engage in regular contact with the occupants of Trinity by Traditions, the existing transitional community residence, then the proposed family community residence obviously will not affect normalization and community integration of the residents at Trinity by Traditions, and vice versa.

The likelihood that the residents of the existing transitional community residence will even know the proposed family community residence exists is minimal. The two locations are not within sight of each other, are not located on the same block or block face and have a block face between them. Residents of the proposed family community residence would not have to walk past the existing transitional community residence to access public transportation or go to the grocery store. In the unlikely event the residents would cross paths, it would not be obvious that the proposed family community residence is such, as there will not be any identifying characteristics announcing its presence or purpose. This is standard with all community residences since their goal is to assimilate as seamlessly as possible into the community.

The proposed family community residence is surrounded on three (3) sides by traditional residences, on a different block and block face, with a block face between and the front door of the proposed community residence facing away from Trinity by Traditions. The juxtaposition of the residences leaves all residents plenty of opportunities to use neighbors without disabilities as role models.

Consequently, with the chance of regular, consistent contact between the residents of the existing and proposed community residences slim to none, there is every reason to conclude that granting this special exception will not lead to any interference with community integration, normalization, or the use of neighbors as role models for the occupants of either community residence. Consistent with all of Lauber's conclusions, which the City has adopted and codified, the proposed residence, both singularly and cumulatively, does not impact the normalization or community integration of either the proposed residence or the existing residence.

Lauber has recommended and the City has elected to measure spacing distance "as the crow flies" because "it establishes a predictable radius around existing community residences that can quickly be measured using [the City's] geographic information system" (Lauber, pg. 16).

It is important to note that the existing residence is a Transitional Community Residence. As defined in Section 155.4202.I.2 Article 4, Part 2, City of Pompano Beach Zoning Code a transitional community residence is "...a community residence that provides a temporary living arrangement for four to ten unrelated people with disabilities with a limit on length of tenancy less than a year that is measured in weeks or months as determined either in practice or by the rules, charter, or other governing document of the community residence."

The proposed residence is a Family Community Residence and defined as "...a community residence that provides a relatively permanent living arrangement for people with disabilities where, in practice and under its rules, charter, or other governing document, does not limit how long a resident may live there. The intent is for residents to live in a family community residence on a long-term basis, typically a year or longer" as defined in Section 155.4202.J.2 Article 4, Part 2, City of Pompano Beach Zoning Code.

Admittedly, both types of residences are a vital part of the recovery process. The benefit of having a Family Community Residence in the City of Pompano Beach is that the longer a resident stays, one year is suggested, the more they integrate into the community by interacting with neighbors and forming relationships with them and develop connections to the city and neighborhood. A resident's contribution to the neighborhood and greater city can have a lasting impact on not only the present but the future.

As such, this standard has been met.

**B. RESIDENTIAL CHARACTER OF NEIGHBORHOOD - Residence does not alter the residential character of the surrounding neighborhood by clustering on a block face or neighborhood**

According to Lauber, “[a]ll the evidence recorded to date shows that one or two nonadjacent community residences for people with disabilities on a block do not alter the residential character of a neighborhood” (Lauber, pg. 15). “The research on the impact of community residences makes it abundantly clear that two community residences separated by at least several other houses on a block produce no negative impacts (Lauber, pg. 17). Lauber continues (on pages 22-23):

- Over 50 statistically valid studies have found that licensed community residences not clustered on a block face do not generate adverse impacts on the surrounding neighborhood.
- They do not affect property values, nor the ability to sell even the houses adjacent to them.
- They do not affect neighborhood character — as long as they are licensed (i.e., certified by FARR) and not clustered on a block face.
- They do not create excessive demand on public utilities, sewer systems, water supply, street capacity, or parking.
- They do not produce any more noise than a conventional family of the same size.
- All told, licensed, unclustered group homes, recovery communities, and small halfway houses have consistently been found to be as good a neighbor as biological families.

As stated previously, the proposed family community residence and Trinity by Traditions are not on the same block or block face, hence granting the special exception will not create a cluster of community residences. The Florida Association of Recovery Residences (FARR) has certified First Step and Trinity by Traditions and We Step Up Sober Living, Inc. is in the certification process.

The City’s own study identified over 50 statistically valid studies that have found that licensed community residences not clustered on a block face do not generate adverse impacts on the surrounding neighborhood. It is impossible to imagine how these homes, both sitting in a sea of conventional homes, could create an institutional atmosphere in the neighborhood and alter the residential character of the surrounding neighborhood. Just as Trinity by Traditions has not altered the residential character of the block on which it is located, the proposed community residence will not alter the residential character of the block on which it will be located. There is no reason to imagine that the presence of these homes, separated as they are, could generate an institutional atmosphere altering the residential character of their immediate neighborhoods.

According to Lauber, the special use permit process “allows a jurisdiction to evaluate the cumulative effect of locating so close to an existing community residence and whether the proposed community residence would interfere with normalization at the existing community residence or alter the character of the neighborhood” (Lauber, pg. 16). Moreover, Lauber wrote that: We are unaware of any factual information to suggest that the mere presence of another community residence within the spacing distances of an existing community residence always creates an overconcentration or that it always substantially alters the nature and character of any area. (Lauber, page 90).

As such, this standard has been met as well.

In conclusion, as evidenced by Lauber’s study, community residences serve to aid individuals with disabilities to experience normalization, which occurs by residing in non-institutionalized environments. While consistent interaction between individuals living in the community residence enhances the residents’ ability to reach their full potential, residents neighboring individuals who do not have disabilities greatly enhances community integration. This community integration does not negatively affect the able-bodied neighbors or the community as a whole. The proposed family community residence, as previously stated, is surrounded on three sides by traditional single-family homes, and therefore will not interfere with the normalization and community integration of Trinity by Traditions residents, and vice versa. Since the proposed community residence is not on the same block or block face as Trinity by Traditions, and the front door faces away from the existing community, the existence of We Step Up Sober Living, Inc. will not interfere with the residential character of the surrounding neighborhood. The establishment of We Step Up Sober Living, Inc. will benefit the lives of its residents and not cause harm to the community or already established community residences.



Jordan Cairns, CRRA

Dated: September 13, 2024