

Application for Special Exception for Community Residence
1302 NE 4th Street
Narrative and Justification

NARRATIVE¹

1. The Property

The Property is owned by Mr. Augustine Crocco, the owner and founder of 1st Step Behavioral Health (1st Step), a long-standing provider of licensed and accredited drug and alcohol treatment services within the City of Pompano Beach. The Property contains a duplex structure of two (2) dwelling units, one with two (2) bedrooms and the other with three (3) bedrooms. The duplex is 2,131 SQ FT (under air).

The Applicant seeks to provide a Family Community Residence to former clients of 1st Step at the Property by providing housing for two (2) persons per bedroom per unit, which is consistent with recognized therapeutic standards for such housing.

2. Intended Use of the Property

The Property is desired to be used as a “Family Community Residence” as that term is defined by Chapter 155 Article 9 of the Zoning Code, to mean “*a family community residence is 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.*” The residents can stay for however long they like, though the initial lease term is for one (1) year.

There will be no treatment or clinical services in any form at the Property. It is exclusively being used as a Recovery Residence as defined within s. 397.311, Florida Statutes. 1st Step is a FARR-certified provider (Florida Association of Recovery Residences) consistent with the requirements of s. 397.487, Florida Statutes.

¹ 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 RD-1 zoning district. 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:

- (1) Spacing between such community residences of 660 feet;
- (2) Proof of licensure or certification; and
- (3) 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 another previously approved Family Community Residence within the 660-foot separation distance required by the City's Zoning Code, located at 413 NE 12th Avenue. According to the City, that property is 611' from the proposed residence.

As such, in order 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 meets all other criteria applicable to Family Community Residences and therefore the additional review standards set forth in Section 155.2406.E.2, E.3 and 155.2406.F are inapplicable.

JUSTIFICATION

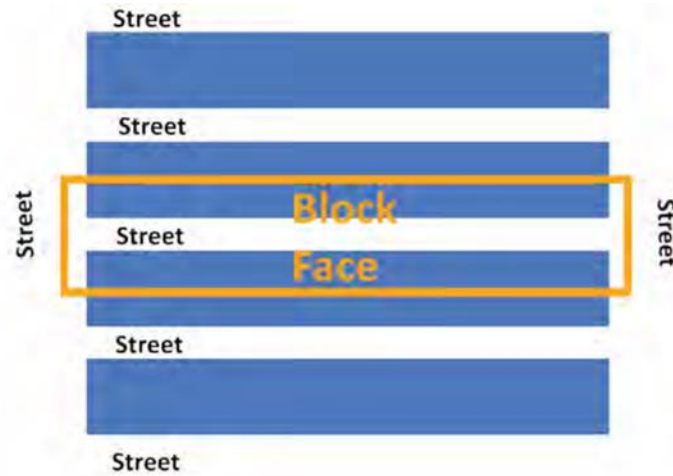
Pursuant to Section 155.2406.E.1, entitled, "Special Exception Review Standards for Community Residences," when the proposed community residence arrangement is required to obtain a special exception because it would be located within 660 linear feet of an existing community residence or recovery community, 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**.*

A. SPACING - The 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. (Lauber, pg. 6) 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). As such, Lauber has concluded that “[c]lustering community residences—especially recovery residences — on a block and neighborhood reduces their efficacy by obstructing their ability to foster **normalization and community integration.**” (Lauber pg. 3). He has concluded further that:

- Lauber, pg. 10 - To be successful, a community residence needs to be located in a conventional residential neighborhood so that normalization can take place. The underlying rationale for a community residence is that by placing people with disabilities in as “normal” a living environment as possible, they will be able to develop to their full capacities as individuals and citizens. The atmosphere and aim of a community residence is very much the opposite of an institution.
- Lauber, pg. 11 - Interaction between the people who live in a community residence is essential to achieving normalization. The relationship of a community residence’s inhabitants is much closer than the sort of casual acquaintances that occur between the residents of a boarding or lodging house where interaction between residents is merely incidental.
- Lauber, pg. 11 - Interaction with neighbors without severe disabilities is an essential component to community residences and one of the reasons planners and the courts long ago recognized the need for them to be located in residential neighborhoods. Their neighbors serve as role models which helps foster the normalization and community integration at the core of community residences.
- Lauber, pg. 15 - For normalization to occur, it is essential that community residence residents have such so-called “able-bodied” neighbors as role models. But if another community residence is opened very close to an existing group home — such as next door or within a few doors of it — the residents of the new home may replace the “able-bodied” role models with other people with disabilities and quite possibly hamper the normalization efforts of the existing community residence.
- Lauber, pg. 17 - Normalization and community integration require that persons with disabilities be absorbed into the neighborhood’s social structure. Generally speaking, the existing social structure of a neighborhood can accommodate **no more than one or two community residences on a single block face.**



Pompano Beach's zoning approach is based on the conclusion of the City's study that the City can be very confident that a new community residence located at least 660 feet, as the crow flies, from an existing community residence will not affect normalization and community integration there. A line had to be drawn somewhere. The study explains that the many superblocks in Pompano Beach make measuring the spacing distance along the public or private pedestrian right of way impractical. (Lauber, pg. 16) Consequently, the study recommended measuring the spacing distance as a radius around the closest existing community residence (as crow flies) as a more practical approach — keeping in mind that this is the approach for making the initial determination of whether a special exception is needed.

It does not at all preclude considering the distance traveled along the pedestrian right of way between an existing community residence and a proposed community residence.

In addition, the City's study also 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.

The closer examination brought about by this case-by-case review reveals there are no superblocks between these two sites. The Applicant in the field using a measuring wheel reported that the actual distance using the pedestrian right of way was 660.5 feet door to door — achieving the purpose of the City’s spacing distance.

For there to be any impact on the occupants of the other community residence, the occupants of both community residences would have to engage in more than mere passing contact with each other’s residents.

If the residents of the proposed community residence don't engage in regular contact with the occupants of Patrick’s Place, the existing community residence, then the proposed community obviously will not affect normalization and community integration of the occupants at Patrick’s Place, and vice versa.

That is exactly the case we have here. It’s unlikely that the occupants of either community residence will even know the other community residence exists. The two locations are not within sight of

each other. To reach the site of the proposed community residence, occupants of Patrick's Place would have to go three lots south of their home on NE 112th Avenue down to NE 4th Street. On NE 4th Street, they would need to turn left and cross NE 112th Avenue. They would have to travel east past five houses and cross NE 13th Avenue and NE 4th Street and then go past an empty lot to get to the site of the proposed community residence one lot east of NE 13th Avenue. Even with the unlikely chance they would take that walk or drive, it would not be obvious to the naked eye that the proposed community residence is a community residence because, like all community residences, there isn't a bright neon sign — or any sign — in front announcing its presence. The same applies to residents of the proposed community residence going west and north toward Patrick's Place.



The juxtaposition of the two sites leaves residents of both community residences plenty of opportunities to use neighbors without disabilities as role models. The sites are separated by seven houses on two different streets (it's not a straight line between the two sites) and are surrounded respectively on three or four sides by other residences.

Consequently, with the chance of regular contact between the occupants 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.

In this instance, and as the inset aerial photographs using Google Earth demonstrate, the two residences in question are: (i) not on the same block face, and; (ii) are separated by streets and over nine (9) other lots. 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.

Moreover, Lauber recognized that the “appropriate” way to measure the distance between Community Residences is by right of way, and not “as the crow flies,” to the extent that the goal is to segregate this specific disabled population from one another specifically to encourage interaction with normal, non-disabled neighbors (Lauber at pg. 23 – “Clustering community residences adjacent to one another or within a few doors of each other increases the chances that their residents will interact with other service–dependent people living in a nearby community residence rather than conventional households with non–service dependent people who, under the theory and practice that provide the foundation for the community residence concept, are to serve as role models.”).

According to Lauber, “[t]he idea is to measure the **actual distance people would have to walk to go from one community residence to another**, as opposed to measuring as the crow flies.” However, 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). That does not change the primary analysis which is to measure actual distance by right of way.

When measured using the City’s geographic information system (GIS), the distance between the homes is represented to be 507 feet +/- . However, utilizing a measuring wheel used by surveyors in the field, the actual distance door-to-door using pedestrian rights of way (sidewalks and crosswalks), the distance **is exactly 660.5 feet** which is the spacing distance required by the Zoning Code.



As such, this standard has been met.

B. RESIDENTIAL CHARACTER OF NEIGHBORHOOD - The 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 noted the in the City’s study, “[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).

The proposed community residence and Patrick’s Place are not even on the same block or block face — hence granting the special exception will not create a cluster of community residences which can occur when multiple community residences are on the same block or block face. Patrick’s Place and the proposed community residence are separated by three streets, seven houses, and a vacant lot. The Florida Association of Recovery Residences (FARR) has certified both homes (the proposed community residence has received preliminary certification and will be evaluated for permanent annual certification after three months of operation).

The City’s own study found that 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 — and both homes have certification (the Florida equivalent of licensing).

It is impossible to imagine how these two 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 Patrick’s Place 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 both 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). Here, there is only one (1) other Community Residence within the 660’ spacing distance and therefore the cumulative effect is de minimis.

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.

On behalf of the Applicant,

JEFFREY C. LYNNE

JEFFREY C. LYNNE (dated 12/27/23)