

Affordability Requirements for Elder Care Uses in the N-FBC

Zoning Committee Meeting

October 10, 2023

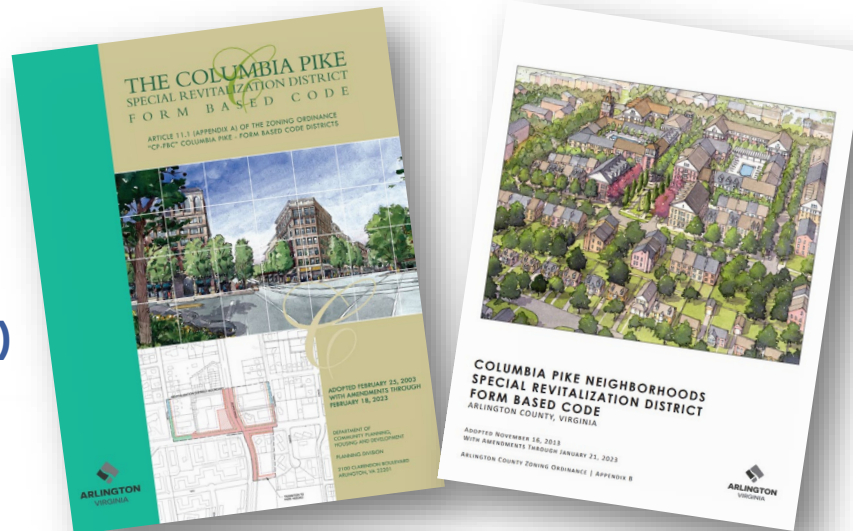


Background

- **November 2019:** County Board approved ACZO amendments which inadvertently excluded elder care uses from being introduced into Appendix A & B.
- **September 2023:** County Board approved an ACZO amendment to introduce elder care uses to Appendix A & B.
- **Appendix A (2003):** No affordability requirements.
- **Appendix B (2013):** On-site or Cash affordability requirements.
 - On-Site Units: Residential Development
 - Cash Contribution: Commercial Development

September 2023 Amendment

USE CATEGORY	SPECIFIC USE TYPES	PERMITTED (P) or USE PERMIT (U)	ACZO AND N-FBC (SECTION) USE STANDARDS
RESIDENTIAL			
Household Living (see §12.2.3.A)	One-family detached	P	
	Two-family detached	P	
	Townhouse	P	
	Multi-family	P	
	<u>Independent living facilities</u>	<u>U</u>	§12.3.12
Group Living (see §12.2.3.B)	<u>Assisted living facilities</u>	<u>U</u>	§12.3.12
	Boardinghouses and rooming houses	U	
	<u>Continuing care retirement communities</u>	<u>U</u>	§12.3.12
	Dormitories	U	§12.3.3
	Fraternities and sororities	U	§12.3.5
	Group Homes	U	§12.3.6
	Membership Clubs	U	§12.5.13
	<u>Nursing homes</u>	<u>U</u>	§12.3.12



Commercial FBC (2003)
ACZO Appendix A

Neighborhoods FBC (2013)
ACZO Appendix B

Overview

Purpose of Amendment:

- Under the 'Residential' use category of the N-FBC, development applications for elder care uses must provide on-site CAF units.
- Provision of on-site CAF units is complex and infeasible for elder care facilities. A cash contribution option would expand flexibility for elder care facility development.

Proposed Amendments to the ACZO and Appendix B:

- Create new 'Elder Care' use category to include independent living, assisted living, continuing care, and nursing home uses.
- Revise N-FBC affordability requirements to allow cash contributions to apply to the 'Elder Care' use category.
- Amend ACZO Article 12 to add 'Elder Care' use category.

Timeline:

- RTA: November 2023 County Board Meeting
- Amendments: December 2023 County Board Meeting



N-FBC Use Categories*

Residential:

Household Living; Group Living; Overnight Accommodations; Offices (medical)

Civic:

Colleges; Community Service; Day Care; Government Facilities; Passenger Terminals/Services; Religious Institutions; Schools; Entertainment Indoor

Ground Story Commerce:

Passenger Terminals & Services; Utilities; Food Establishments; Retail Personal Service; Light Industrial; Telecommunications Facilities

Upper Story Commerce:

Retail Personal Service; Light Industrial

Upper Story & Ground Story Commerce:

Religious Institutions; Overnight Accommodations; Offices; Commercial Parking; Recreation; Retail Sales; Retail Service; Retail Repair; Agriculture

Retail:

Food Establishments; Recreation; Retail Sales; Retail Personal Service

Elder Care [NEW CATEGORY]:

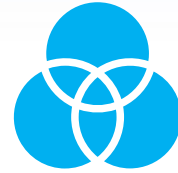
Elder Care (Independent Living Facilities; Assisted Living Facilities; Continuing Care Retirement Communities; Nursing Homes)

Staff Analysis



'Elder Care' should be a separate Use Category:

- Important to differentiate 'Elder Care' uses from strictly 'Residential' uses due to the significant amenity needs and complex financing.
- A separate use category and specific use standards allow for a tailored approach to establish requirements such as affordability.



Independent living should be included in the 'Elder Care' Use Category:

- Independent living is not just age-restricted apartments for seniors 62+; it includes residential living quarters coupled with dining, housekeeping, and other on-site amenities that support the residents.
- Independent living is often collocated with assisted living, which may have a variety of on-site amenities and services available to both groups.



Cash Contribution option for 'Elder Care' is appropriate and necessary:

- Providers have struggled to design elder care facilities that meet on-site CAF unit requirements under the Columbia Pike N-FBC.
- Cash contribution option for 'Elder Care' would remain the same rate as for other commercial development projects, such as Commerce and Retail, and does not detract from the significance of the contribution.

N-FBC Building Use Table Amendment

Existing N-FBC Use Table

USE CATEGORY	SPECIFIC USE TYPES	PERMITTED (P) or USE PERMIT (U)	ACZO AND N-FBC (SECTION) USE STANDARDS
RESIDENTIAL			
Household Living (see 12.2.3.A)	One-family detached	P	
	Two-family detached	P	
	Townhouse	P	
	Multi-family	P	
	Independent living facilities	U	§12.3.12
Group Living (see 12.2.3.B)	Assisted living facilities	U	§12.3.12
	Boardinghouses and rooming houses	U	
	Continuing care retirement communities	U	§12.3.12
	Dormitories	U	§12.3.3
	Fraternities and sororities	U	§12.3.5
	Group Homes	U	§12.3.6
	Membership Clubs	U	§12.5.13
	Nursing homes	U	§12.3.12

Proposed N-FBC Use Table

USE CATEGORY	SPECIFIC USE TYPES	PERMITTED (P) or USE PERMIT (U)	ACZO AND N-FBC (SECTION) USE STANDARDS
RESIDENTIAL			
Household Living (see 12.2.3.A)	One-family detached	P	
	Two-family detached	P	
	Townhouse	P	
	Multi-family	P	
	Independent living facilities	U	§12.3.12
Group Living (see 12.2.3.B)	Assisted living facilities	U	§12.3.12
	Boardinghouses and rooming houses	U	
	Continuing care retirement communities	U	§12.3.12
	Dormitories	U	§12.3.3
	Fraternities and sororities	U	§12.3.5
	Group Homes	U	§12.3.6
	Membership Clubs	U	§12.5.13
	Nursing homes	U	§12.3.12
ELDER CARE			
Elder Care (see 12.2.7)	Independent living facilities	U	§12.3.12
	Assisted living facilities	U	§12.3.12
	Continuing care retirement communities	U	§12.3.12
	Nursing homes	U	§12.3.12

N-FBC Affordability Requirements

On-Site CAF units

- Applies only to **Residential** development applications
- 20-30% of the net change in density must include CAFs *
- Can be provided in new construction or existing units (if any are remaining with infill projects)

* **Past N-FBC Residential Developments contained the following quantity of CAFs (as % of the overall unit count):**

- Carver Place: 8% (in new construction)
- Columbia Hills: 100% (in new construction)(APAH)
- Trove (Wellington): 26% (in existing units)
- Arlington View Terrace: 100% (in new construction)(AHC)
- Pike West (Greenbrier): 23% (in new construction)

Cash Contribution

- Applies only to **Commercial** development applications
- Existing N-FBC language emphasizes Commerce and Retail uses categories
- Contribution based on \$/SF of GFA within the first 1.0 F.A.R. and separate ratio for GFA > 1.0 F.A.R.
- For commercial development projects (including Commerce, ~~and~~ Retail, Civic and Elder Care use categories) equal to or greater than 1.0 Floor Area Ratio (F.A.R.), the proposal shall include a cash contribution to the Affordable Housing Investment Fund calculated...

ACZO Use Standards Amendment

- Remove definition of 'Elder Care Uses' in ACZO Article 18 Definitions.
- Amend ACZO Article 12 Use Standards to further distinguish the four specific elder care use types from other group living examples.

Elder care

1. Characteristics

- Elder care is characterized by residential occupancy of a structure by a group of older persons or persons who are provided services integral to their personal and therapeutic care.

2. Examples

- Assisted living facilities; independent living facilities; nursing homes; and continuing care retirement communities.

3. Accessory Uses

- Accessory uses include food services, health and beauty services, recreational and social opportunities, and medical services that support the residents.

4. Uses not included

- Adult day care (see Day Care); hospitals (see Hospital); exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service Institutions); personal service establishments (see Retail); office or clinic, medical or dental (see Office); and treatment centers, transient lodging or shelters (see Social Service Institutions).

ACZO Use Table Amendment

Add 'Elder Care' use category to the following use tables:

- Article 4. Public (P) Districts
- Article 5. Residential (R) Districts
- Article 6. Multiple-family (RA) Districts
- Article 7. Commercial/Mixed Use (C) Districts

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE																					
Specific Use Types	RA4.8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS	C-1-O	C-O-1.0	C-O-1.5	C-O-2.5	C-O	C-O-A	C-O ROSSLYN	C-O	C-2	C-TH	C-3	C-R	Use Standards	
	KEY: C = requires use permit and site plan approval; P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted																				
Residential Use Categories (See §12.2.3)																					
Household Living (See §12.2.3.A)	Independent living facilities	S	S	S	S	-	-	S	-	S	S	S	S	S	S	S	-	-	-	S	§12.3.12
	Assisted living facilities	S	S	S	S			S		S	S	S	S	S	S	S				S	§12.3.12
	Continuing care retirement communities	S	S	S	S			S		S	S	S	S	S	S	S				S	§12.3.12
	Nursing homes	S	S	S	S			S		S	S	S	S	S	S	S				S	§12.3.12
Group Living (See §12.2.3.B)	Dormitories	U	U	U	U	U	U		U	U	U	U	U	U	U		U		U	U	§12.3.3
	Fraternity and sorority houses	U	U	U	U	U	U		U	U	U	U	U	U	U		U		U	U	§12.3.5
	Group homes	U	U	U	U	U	U		U	U	U	U	U	U	U		U		U	U	§12.3.6
	Nursing homes	S	S	S	S			S		S	S	S	S	S	S	S				S	§12.3.12
...																					
<u>Elder Care</u> (See §12.2.7)	<u>Independent living facilities</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>			<u>S</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>				<u>S</u>	<u>§12.3.12</u>
	<u>Assisted living facilities</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>			<u>S</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>				<u>S</u>	<u>§12.3.12</u>
	<u>Continuing care retirement communities</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>			<u>S</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>				<u>S</u>	<u>§12.3.12</u>
	<u>Nursing homes</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>			<u>S</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>				<u>S</u>	<u>§12.3.12</u>

Next Steps

- **October 10:** Zoning Committee (ZOCO) Meeting
- **October 16:** Committee on Aging (CoA) Meeting
- **October 18:** Form Based Code Advisory Working Group (FBC AWG) Meeting
- **December 4:** Planning Commission (PC) Meeting
- **November 2/December 7:** Housing Commission (HC) Meeting
- **November 11 & 14:** County Board Hearing for RTA
- **December 16 & 19:** County Board Hearing for Amendment