



# **Zoning Ordinance Amendment: Older Adult Accommodations and Services**

Proposed Zoning Ordinance Amendment  
Item Type: Overview & Direction

Donna Pesto  
Deputy Zoning Administrator

April 3, 2018

# Purpose of Today's Discussion

- Identify why the Zoning Ordinance should be amended
- Describe the outreach to date and identify the variety of business/operational models
- Propose an amendment phasing plan to address all models
- Discuss specific details about Phase 1 regarding Continuing Care Retirement Communities

# Background and Origin

- Topic added to the Zoning Ordinance Amendment Work Program in 2016 as “Older Adult Housing”
- Carried over to the 2017 Work Program as a Priority 1, First Tier Amendment
- Origin of Amendment:
  - 50+ Community Action Plan recommendations
  - Experience with business models and market preferences for providing services/accommodations to the older adult population

# 50+ Plan Recommendations

- Expand supply of affordable housing and “accommodations + care unit” options for older adults
- Encourage older adult housing in walkable communities near transit and neighborhood-based older adult housing
- Expand zoning districts that permit housing and “accommodations + care units” for older adults
- Expand the use of universal design features in housing

# Uses Currently in Zoning Ordinance

- Independent Living Facility (ILF)

- Residential use that is regulated by dwelling units per acre
- All units must meet the Building Code requirements for a full dwelling unit, including full kitchen, sleeping, living, and bathroom facilities in each unit.

- Medical Care Facility (MCF)

- Non-residential use that is regulated by floor area ratio (FAR)
- Includes assisted living (ALF), nursing home, hospital and others
- ALF is defined to exclude full kitchen facilities in the rooms, and allows only a microwave, refrigerator and/or sink.

# Challenges with Current Provisions

The use categories work well when developments include only ILF or MCF, but they don't adapt well when multiple uses are proposed in the same building or on the same property due to:

- **Comp Plan guidelines** don't always readily accommodate a mix of residential and non-residential uses
- **Density/intensity calculations** - dwelling units/acre versus FAR
- **Affordability challenges** due to up-front expenses and fees for services in certain types of developments

# Outreach to Date - Internal and External

Staff has met multiple times with providers of independent and/or assisted living facilities in the county to assess their needs, categorize types of business models, and identify any specific issues with our regulations.

Staff workgroup consisting of representatives of Housing and Community Development, Health Department, County Attorney, Area Agency on Aging, and DPZ has met multiple times to discuss needs and ideas for the amendment.

# Market Business Models

## (from highest to lowest level of service)

- Stand-alone MCF that could include an assisted living facility, nursing home, and/or memory care facility
- Full range of ILF and MCF uses in the same development:
  - Regulated by State Code as a Continuing Care Retirement Community (CCRC)
  - Requires a large up front cost and a monthly fee pursuant to a contract/service agreement (not a rental or fee simple ownership)
  - Services include meals, transportation, recreation, assistance with activities of daily living, and can include medical services.
  - Ability to readily move into different areas based on care needs



# Market Business Models (cont.)

- ILF with or without MCF on site
  - No up-front cost of entry
  - Requires monthly rental fee that includes some meals, transportation, recreation, housekeeping and other services (upwards of \$4,000-\$6,000/month)
  - No guarantee of movement among care facilities
  
- For sale or rental age restricted housing for older adults with no specific services

# Amendment Concepts – Phase 1

Create a new Continuing Care Retirement Community District to be called the Planned Development Continuing Care (PCC) District:

- Applies to CCRC uses that are regulated under Title 38.2, Insurance, requires certificate from State Corporation Commission which:
  - Have up-front cost of entry
  - Charge monthly/periodic service fee
  - Guarantee movement among types of accommodations/care levels
- Addresses 50+ Plan goals for “accommodation + care units”

# Amendment Concepts – Phase 2

Create a new Continuing Care Facility Use that:

- Provides for a combination of ILF and MCF uses in same development that:
  - Are not regulated by the State CCRC provisions
  - Do not require an up-front entry cost
  - Do charge a monthly service fee
  - Do not Provide a guarantee of movement among care facilities
- Addresses 50+ Plan goals for more housing opportunities and more for “accommodation + care units”

# Amendment Concepts – Phase 2 (cont.)

- Add adult day health care centers and senior centers as specific uses in the Zoning Ordinance
- Modify existing ILF and MCF uses to:
  - Comport with the new CCRC and Continuing Care Facility uses
  - Further clarify and update terms and definitions, as necessary
  - Review continued appropriateness of affordability, parking, density multiplier and bonuses, and other provisions

# Amendment Concepts – Phase 3

- Create New Age-Restricted Housing Use that:
  - Only provides age restricted housing options
  - No up-front cost of entry
  - No monthly service fees (other than HOA-type fees)
  - Could allow bonus incentives to establish smaller houses on smaller lots and to provide for affordable housing
- Addresses the 50+ Plan goal of expanding housing choices for older adults

# Timing of Phases

Phase 1 – Create new PCC District for CCRCs

Optional DPC: July or September 2018

Authorization and Public Hearings: October-December 2018

Phase 2 – Continuing Care Facility/ILF and MCFs changes/adult day health and senior centers

DPC: September-October 2018

Authorization and Public Hearings: January-March 2019

Phase 3 – TBD for all other changes, but likely DPC in spring 2019

# **Board Input on Phasing Proposal**

# Specific Input Regarding CCRCs

## 1. Affordability Challenges

- Large up-front cost and large monthly fee
- ADU incomes: \$38,600-\$61,750/year or \$3,217- \$5,145/month before taxes (or any health care expenses)
- **Proposal** – Allow applicant to contribute any combination of units, land, money, subsidy, employee housing, or any other proposal that furthers the County's affordability goals
- **Question** – Should there be specific minimum contributions (such as dollar amount, land area, percent of units) or leave open-ended?



# Specific Input Regarding CCRCs

## 2. Relationship to the Comp. Plan:

- **Proposal** - Allow the CCRC district in residential, institutional and commercial (office, retail, and services) planned areas
- **Question** - To determine appropriate intensity (FAR) ZO could:
  - Develop conversion formula(s) from underlying Comp. Plan recommendation to a maximum FAR
  - OR
  - Require a concurrent plan amendment for each CCRC proposal?

# Specific Input Regarding CCRCs

## 3. Secondary versus only Accessory Uses:

- **Proposal** – Create PCC District as mixed-use that could allow secondary uses of residential, retail, office, restaurants and services
- **Question** – Should PCC District be only for the CCRC use and all uses on site must be only accessory to the principal use and used only by persons within the CCRC?

# Specific Input Regarding CCRCs

## 4. Existing PTC, PRC, PRM or PDC Zoned Properties:

- **Proposal** – Create new CCRC Use that mirrors the standards of the PCC District for use in these districts so that properties already zoned PTC, PRC, PRM or PDC don't rezone away from those districts.
- **Question** – Board support for this approach?

# Specific Input Regarding CCRCs

5. Any specific preferences for additional outreach on this proposed amendment?

# Next Steps on CCRC Proposal

- **April-June** – Finalize/circulate draft strawman of the CCRC proposal to industry & community representatives; conduct community meetings
- **July or September** – Return to DPC with complete draft of amendment (if desired)
- **September-December** – Finalize proposal, authorize, and conduct public hearings by end of 2018
- Continue working on other phases of this amendment



## Resources

Proposed Zoning Ordinance Amendment Website:

<https://www.fairfaxcounty.gov/planning-zoning/zoning-ordinance/amendments>

50+ Plan Website:

<https://www.fairfaxcounty.gov/familyservices/older-adults/fairfax-50-plus-community-action-plan>