

LEGISLATIVE DIGEST

[Planning – Uses Permitted in R Districts – Double Density For Senior Housing.]

Ordinance amending the Planning Code by adding Section 102.6.1 to create a new definition related to housing for seniors; amending Planning Code Section 209.1(m) related to the Uses Permitted in R Districts - Dwelling Zoning Control Table to update the requirements for obtaining double density for providing senior housing and, adding Section 209.1(o) to require, in certain circumstances, a conditional use authorization; making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Existing Law

Currently the Planning Code allows as a principally permitted use a project in certain residential districts to receive double the usual density if the project includes dwellings specifically designed for and occupied by senior citizens or persons with physical disabilities. The units must be occupied as such for the actual lifetime of the project and are subject to Federal and State laws. The Code does not currently re-state applicable parts of Federal or State law; explicitly require that the restrictions be recorded, nor refer to the inclusionary housing ordinance.

Amendments to Current Law

The proposed ordinance revises the current requirements to clarify the definition of a dwelling specifically designed for and occupied by senior citizens. The ordinance makes clear that each proposed dwelling unit must be initially put to use by a senior citizen and that thereafter, occupancy is governed by the provisions of State law. The ordinance requires that the occupancy and other restrictions be recorded against the property. The ordinance requires that, if the project is subject to the Inclusionary Housing Ordinance, that all inclusionary units be built on-site. The ordinance also specifies, consistent with State law, that the units must be designed to meet the physical and social needs of senior citizens.

If a project that meets the definition and requirements for a dwelling specifically designed for and occupied by senior citizens is located within a ¼ mile of an NCD-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including neighborhood commercial districts, and is located in an area with adequate access to services such as transit, shopping and medical facilities, the project will be treated as principally permitted. If the project does not meet this geographic requirement, the project will be treated as a conditional use.

The proposed ordinance does not maintain the double-density provision for persons with physical disabilities.