



**TA#2018-0008**

# **“Continuum of Care Facility”**

City Council  
November 16, 2019

# Issue

- The City is seeing more applicants come forward with proposals for elder care facilities
- Recent developments of elder care facilities have had trouble defining the use, and standards have been applied inconsistently
- Such facilities are a mix of commercial (assisted living and memory care) and residential (independent living) uses
- Different zones have different standards such as setbacks, density (FAR), and open space depending on the use (commercial or residential)

# Background

- Home for the Elderly is currently the use typically applied to such developments
  - Advantages:
    - Approved via a Special Use Permit
    - Allowed in the majority of zones
    - Has its own parking ratio
  - Disadvantages:
    - Age restricted – does not allow for people in need of care below 55 years of age
    - Does not define whether commercial or residential
    - Does not otherwise provide guidance on standards for setback, density, etc.

# Text Amendments

- Replace “Home for the Elderly” with “Continuum of Care Facility”
  - Special Use Permit still required
  - Allow in majority of zones
  - Keep parking ratio
- Definition refers to State definition of assisted living
- Care of aged, infirm *or* disabled adults

# Text Amendments

- Defines the density, setback, yard and open space regulations per zone for Continuum of Care Facilities
  - 25% open space required (except for KR/King Street Urban Retail Zone and NR/Neighborhood Retail (Arlandria) zones) based on residential nature of use
  - Specific amendments for each zone

# Text Amendments

- Creates a maximum of 50% for independent living units (e.g.; age restricted dwelling units)
  - 70% with additional Special Use Permit
  - Seeks to exclude multifamily housing with age restriction from this use
  - Based on industry feedback on critical mass needed for assisted and memory care facilities
  - Can flex between care types within this percentage (units can convert without needing approval)

# Related Uses and Information

- Does not impact or include Nursing home, hospice, hospital, or elder care home
- Affordable housing contributions to be determined through Affordable Housing Work Group
- Sanitary tap fees to be determined under forthcoming Sanitary Sewer Master Plan
- Can be included in additional/future CDDs depending on planning goals

# Outreach

- Multiple outreach sessions between September 2018 and present:

| Organization                          | Date           |
|---------------------------------------|----------------|
| Commission on Aging                   | September 2018 |
| Commission on Aging Housing Committee | September 2018 |
| NAIOP                                 | September 2018 |
| NAIOP                                 | October 2018   |
| NAIOP                                 | July 2019      |
| Commission on Aging Housing Committee | September 2019 |



# Recommendation

Staff and Planning Commission recommend initiation and **approval** of the text amendment.



# Home for the Elderly

A building or group of buildings specifically designed for domiciliary use and/or care of persons 55 years of age or over, which home may include but is not limited to the following: infirmary, central dining room and kitchen, medical staff and facilities, safety features and accessory buildings and uses.

# Continuum of Care Facility

A facility specifically designed for domiciliary use and/or care of 4 or more aged, infirm, or disabled adults, which may provide for transitional housing progressing from independent living, with or without kitchen facilities, and culminating in assisted living with or without provisions for memory care services, where all related uses are located on the same lot. Such facility shall include services integral to the maintenance or care of residents and be regulated as an assisted living facility under Code of Virginia, title 63.2, as amended. The facility shall be administered in such a manner as to restrict occupancy of independent living units only to persons 55 years of age or older. When an independent living unit is occupied by a family, only one of such person must satisfy the 55 years of age or older requirement. This term excludes nursing or convalescent homes or hospice, and medical facilities.