

Agenda Report

TO: CITY COUNCIL

DATE: NOVEMBER 1, 1999

FROM: CITY MANAGER

SUBJECT: ZONING CODE AMENDMENT REGARDING NOT-FOR-PROFIT SENIOR CITIZEN HOUSING IN THE PS (PUBLIC, SEMI-PUBLIC) ZONING DISTRICT

CITY MANAGER'S RECOMMENDATION: It is recommended that after a public hearing the City Council:

1. Adopt the Initial Study, De Minimis findings for fish and game and the Negative Declaration for this proposed zoning code amendment;
2. Adopt of a finding of consistency with the General Plan as contained in this report; and
3. Direct the City Attorney to prepare an ordinance amending the Zoning Code to conditionally permit housing for senior citizens that is owned and operated by a not-for-profit organization within the PS district

EXECUTIVE SUMMARY:

Approval of this proposed zoning code amendment would permit not-for-profit senior housing in the PS zoning district. Such housing will require a conditional use permit where staff will review the project to determine if all requirements are being met and to review the overall site design. Projects will be subject to design review by the Planning Director. Parking will be set during the conditional use permit process. Density will be allowed at 48 units per acre with an allowable 50 percent density bonus. There will be minimum standards for front, rear and side yards.

BACKGROUND:

This zoning code amendment was written due to the anticipated need for senior citizen housing within the Public, Semi-Public (PS) zoning district and to allow for a proposed senior housing project at the corner of Tremont and Fair Oaks Avenue. Interest in senior citizen housing has been increasing as demonstrated by applicants coming to the Zoning Counter and requesting information for senior housing. A need for senior housing has been demonstrated as recently as last year where the nonprofit housing sponsor *A Community of Friends* surveyed ten Pasadena properties, comprising 1,198 dwelling units, which exclusively provide federally-assisted housing for elderly persons. At the time this survey was conducted, there were no reported vacancies. Applicants on the waiting lists for these ten projects could expect a waiting period ranging from six months to six years. The number of persons on each waiting list ranged from 12 to 500. As of July of 1998, there were more than 1,500 senior citizens in Pasadena on waiting lists for available housing. It is apparent that the need for this type of housing is very high.

It is recognized that the zoning code is currently undergoing revision. However questions have arisen about housing and it is staff's view that housing construction is very cyclical and that there is a need to respond to housing issues immediately. Therefore staff decided it would be better to bring this proposal forward rather than wait for the new zoning code to be completed.

The PS zoning district is the City's institutional zoning district and encompasses a wide range of uses including: religious assembly (house of worship), colleges and universities, public and private schools, hospitals and medical offices. Nationwide there is a trend to construct senior housing in association with medical uses. Additionally, it has become a common practice to convert underutilized institutional buildings to senior housing. The majority of the land zoned PS is property used for public and private schools, and colleges and universities. The Pasadena Unified School District, Cal Tech, Pasadena City College and the Huntington Hospital are four of the larger landowners within the PS zoning district. The intent of this amendment is to allow only not-for-profit senior housing within the PS district so that it could be in close proximity to a hospital, medical offices, or a religious assembly use. These sites are fairly limited across the City. There are 53 areas that are zoned PS. Of these 53 areas, only 19 of them contain a hospital, medical office or religious assembly use. The majority of the remaining sites have public or private schools and colleges and would not likely be sites for this type of housing.

Several types of housing, including multifamily housing, dormitories, fraternities and sororities and single-family housing are currently conditionally permitted within this zone as long as this housing is serving the needs of an institutional use such as a college or university. With this code amendment there will be a full continuum of care for seniors within the PS district as convalescent facilities and residential care facilities are currently conditionally permitted within the PS district.

The Planning Commission reviewed this amendment on July 28, 1999 and continued the public hearing in order to have staff return with responses to questions and issues raised by the Planning Commission. On September 22, 1999, staff presented responses to the issues and questions that the Planning Commission raised on July 28th. A motion was made to approve staff's recommendation, this motion failed 2 to 4. A second motion was made to consider a zoning map study of North Fair Oaks to consider rezoning the area for a higher density. This motion failed, 3 to 3. A third motion was made that modified staff original recommendation by requiring that senior housing in the PS district has to be within 500 feet of a hospital, religious assembly use, or medical offices. This motion also failed 3 to 3. A letter from the Planning Commission is contained as attachment B. Additionally the Senior Commission reviewed the proposal and at its October 12th meeting voted to recommend approval of staff's recommendation. Their letter is included as attachment C. The Northwest Commission reviewed the code amendment on July 21st and also voted 6 to 4 to approve staff's recommendation.

ANALYSIS:

The proposed amendment will allow senior housing that is operated by a not-for-profit organization to be conditionally permitted within the PS zoning district. Staff is recommending this because this type of housing is appropriate adjacent to other institutional uses such as a church, hospital or medical offices. With senior housing adjacent to other uses such as a hospital, the residents can take advantage of the proximity of the medical center for routine medical care as well as emergencies. Additionally, it would be appropriate to locate this type of housing adjacent to a religious assembly use. As a non-profit use, churches are able to acquire the financing to construct such housing as well as provide a variety of social services that assist senior citizens. Several years ago when the Salvation Army wanted to construct not-for-profit senior housing, the City had to establish a special Planned Development (PD) zoning designation for its site. The PD process is lengthy and it would have been more appropriate for

both the church and the City if the Zoning Code conditionally permitted senior housing within the PS zoning district.

The PS zoning district does not have development standards that typically occur in the City's other zoning districts. The development standards are set through the conditional use permit process. Currently, multifamily housing within the PS district does not have standards for housing density. This flexibility was created within this district because of the wide range of uses that occur. However, staff is proposing some minimum development standards for not-for-profit senior housing.

Definition of Senior Citizen

In developing this code amendment, it is necessary to define senior citizen. The recommendation of 55 is the result of staff consulting State law that defines senior citizen for the purpose of allowing senior housing to be rented exclusively to seniors and not be considered discriminatory. This definition is used by the state for density bonus purposes. It would be staff's recommendation that 55 years of age continue to be the age limit since these projects would allow for density bonus under State law. However, it would also be staff's recommendation that the definition of senior citizen include a provision that allows the City to use a higher age if required by Federal law. In discussion with the City Attorney's office, they suggested that the City allow for flexibility in the definition of senior citizen in order not to run afoul of State or Federal law regarding the definition of senior citizen. In a brief check of other city zoning codes, staff found that the definition was typically 55 years of age because of the State law definition in regards to density bonus projects. However, for the granting of federal funds for senior housing, the federal government uses age a limit of 62 years old. In the event of a conflict, federal law would prevail.

Not-For-Profits

Staff is recommending that housing for seniors be limited only to housing that is owned and operated by a not-for-profit use. It is not the intent of this code amendment to allow profit-making businesses to construct senior housing within the PS district[PC1]. This requirement will be incorporated into the definition of the use classification in the ordinance. This type of housing will consist of projects that have individual units and will[DGW2] not include residential care facilities, transition housing or convalescent facilities. Residential care facilities, transitional housing and convalescent facilities each have their own separate definitions and these uses are currently conditionally permitted within the PS district.

Development Standards

While development standards for projects within the PS district are typically reviewed through the use permit or master development plan process, staff is recommending several minimum development standards for this particular use. All other development standards would be set as the conditional use permit review.

1. *Density.* In reviewing the possible density levels for not-for-profit senior housing, staff has reviewed the existing density levels within the zoning code. The highest density allowed is 87 units per acre within the Central District. The next levels of density are 48 units per acre, 32 units and 16 units per acre. Currently, there is no density level for housing projects within the PS district. In viewing the housing projects that exist within the PS district (this is primarily around Cal-Tech), staff noted that these projects appear to be at 48 units per acre. Therefore, staff would recommend a density of not more than 48 units per acre. A higher density is necessary because of the costs of land and construction costs.

Under State law, such housing projects are allowed a 25% density bonus. Staff recommends that a density bonus of up to 50 percent be permitted in order to encourage the construction of senior housing. Allowing more units within a senior housing project will not necessarily result in

larger projects because senior housing project tend to be smaller than typical multifamily housing units. Senior housing units typically have one bedroom and are less than 550 square feet.

2. *Parking.* The zoning code allows for senior citizen housing to be reduced to .5 space per unit. However, staff is recommending that for this particular type of housing that the parking will be set as part of the conditional use permit process. It is anticipated that some of the housing projects considered under this amendment will be located on hospital or religious assembly sites and could take advantage of existing parking facilities. In some cases there will be no other available parking so staff will want to set the parking at a higher ratio. This would provide flexibility to set the parking according to how many spaces are currently available.

The Planning Commission raised some concerns about parking. There was concern that the parking was too low particularly for seniors that were 55 years of age. Concerns were raised that employee parking needed to be provided. It should be noted that the existing reduced parking requirements under section 17.68.050 only require that the senior citizens are 55 years of age.

Staff wishes to clarify that this amendment is only to allow senior housing in which there are independent living units, a type of multifamily housing. Thus typically there would not be employees coming to the site but only a site manager who will have his or her own office. If a proposed facility does have more than just individual units, it would be classified as more than one use and would require an additional conditional use permit. Staff would then review the parking for the combined uses.

It should be noted that when projects have been approved that have reduced parking, the City has required that the owner screen the applicants so that only those tenants who either have no cars or only one car may occupy the units, depending on the number of parking spaces available. The City Attorney's office has agreed with staff that the City can as a condition of approval require the owner or operator to give preferential treatment to potential occupants that do not drive an automobile. This has worked successfully in the TELACU senior housing project located at the southwest corner of Raymond and Walnut. It is staff's opinion that such a requirement substantially reduces the potential for parking problems.

3. *Yard Requirements.* Staff is recommending that a minimum 20-foot front yard be required. This is consistent with existing multifamily projects in other parts of the city and will ensure that such projects harmonize with the surrounding area. Parking will be permitted to be within the front yard because other uses within the PS district are allowed to have parking in the front yard. Additionally, staff recommends that a rear yard of 10 feet be required when such a project abuts a residential use. This is to ensure compatibility and to further protect any adjacent residential district or use.

4. *Height Requirement.* The height limit would be established on a case-by-case basis as is done for projects within the PS district. Each PS district is different in that some can accommodate higher buildings such as the Huntington Hospital or St. Luke's Hospital sites while other site that are adjacent to a religious assembly use or residential use would be better suited for a smaller building. Staff will conduct a site analysis of the project as part of the conditional use permit to review the proposed height of the project's buildings.

5. *Design Review.* Projects that are between 25,000 and 50,000 square feet in size are subject to design review by the Planning Director. Staff is recommending that all housing projects constructed under this amendment be subject to design review by the Planning Director. Staff uses the Citywide Design Principles and Criteria to review such projects. In order to ensure these types of projects proceed through the review process quickly, staff is recommending that

that these projects shall not be subject to call for review by the Design Commission. Projects will still be appealable to the Design Commission and can still be called for review by the City Council. Provisions already exist within the zoning code for a variety of projects in which there are no call for review authority. This includes for example: substantial alterations of historically significant structures in specific subdistricts of the downtown, decisions regarding wireless telecommunication antenna facilities, etc.

GENERAL PLAN CONSISTENCY:

The proposed zoning code amendment to conditionally permit not-for-profit senior housing within the PS zoning district is consistent with the Housing Element of the Comprehensive General Plan. This amendment furthers the City's goals towards meeting the special housing needs for senior citizens and as well as furthering the goal of increasing the number of affordable units within the City.

Under the goal category of housing supply the overall goal is "The provision of an adequate supply and range (relating to price) of housing types (DGW4)(single family, multi-family, etc) that meet the needs of the present and future population of Pasadena." Under this goal is a policy of increasing the supply of rental housing, particularly rental units, to meet the needs of Pasadena residents, is a priority concern of the City. This proposed amendment will conditionally permit not-for-profit senior citizen housing in the PS zoning district thus providing the opportunity for such housing to be constructed where such opportunity does not currently exist.

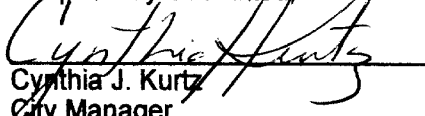
Under the goal category "Housing Supply" is Objective A-3 "Continue to provide for the special housing needs of senior citizens and disabled persons." Program 4 of this objective states, "Encourage housing which may be adapted for senior citizens and disabled persons which may specifically address medical and independent living needs." Clearly this zoning code amendment is consistent with this goal and objective because it will be providing an opportunity to provide affordable senior citizen housing adjacent to other public, semi-public uses.

One of the affordable housing goals is the provision, "The provision and retention of affordable housing opportunities for present low and moderate income residents." Under the Housing Affordability Policies, is the policy of "Increasing the supply of affordable housing, for home ownership and rental alike, is a priority concern of the City." This proposed code amendment would be providing affordable housing consistent with this goal and policy.

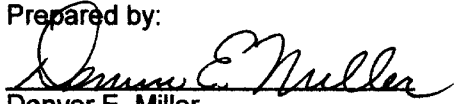
ENVIRONMENTAL REVIEW:

An initial study was conducted on the proposed zoning code amendment. This initial study is contained as Attachment A. This initial study concluded that there would be no significant environmental impacts as a result of the proposed code amendment. There will be no impact on fish and wildlife and staff is recommending the adoption of a de minimis finding.

Respectfully Submitted,


Cynthia J. Kurtz
City Manager

Prepared by:



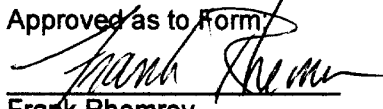
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