



## Planning Services Division

3675 Mt. Diablo Boulevard, Suite 210

Lafayette, CA 94549-1968

Tel. (925) 284-1976

<http://www.ci.lafayette.ca.us>

### SENIOR HOUSING OVERLAY DISTRICT

#### Sections:

#### Article 1. - General Provisions

- 6-1151 Purpose.
- 6-1152 Restriction on alternative use.
- 6-1153 Definitions.
- 6-1154 Location of the senior housing overlay district.
- 6-1155 Application procedures.
- 6-1156 Senior housing development guarantee.

#### Article 2. - Senior Residential Care Facilities

- 6-1157 Applicability.
- 6-1158 Development standards.
- 6-1159 Density.
- 6-1160 Common area.
- 6-1161 Parking.
- 6-1162 Findings.

#### Article 3. - Senior Citizen Housing Development and Senior Housing Projects

- 6-1163 Applicability.
- 6-1164 Development standards.
- 6-1165 Density.
- 6-1166 Parking.
- 6-1167 Findings.
- 6-1168 Modifiable sections.

### Article 1. - General Provisions

#### 6-1151 - Purpose.

The senior housing overlay, ("SHO"), district is established to provide for the development of a variety of senior housing types pursuant to standards that reflect the unique character of senior residential occupancy, and to implement the goal of the housing element of the Lafayette General Plan to achieve an adequate supply of safe, decent housing for all residents of Lafayette.

In establishing the senior housing overlay district, the city council expressly finds that:

- (1) The impacts of senior citizen housing developments are lower than other multi-family residential developments; and
- (2) Senior citizen housing developments benefit greatly from a close proximity to downtown services and amenities.

Any land within the senior housing overlay district shall retain its existing, underlying zoning and may be developed and used either pursuant to regulations pertaining to such underlying zoning, or, when authorized by a senior housing permit, pursuant to the regulations set forth in this chapter.

(Ord. No. 598, § 2, 10-25-2010)

**6-1152 - Restriction on alternative use.**

Any lot developed or used for senior housing pursuant to a senior housing permit shall not thereafter be used for any purpose other than the provision of senior housing unless and until the zoning administrator has determined, in writing, that the alternative use satisfies all applicable land use regulations pertaining to the underlying zoning of the property.

(Ord. No. 598, § 2, 10-25-2010)

**6-1153 - Definitions.**

For the purposes of this chapter, the following definitions shall apply:

- (a) "Alzheimer's/memory care/dementia facility" is a specialized housing development serving the needs of persons with memory and/or dementia problems. Depending on the severity of the health concerns of residents, such housing may be provided in an assisted living format; or in a residential care facility format, which is more like a hospital setting. For the purposes of this chapter Alzheimer's/memory care/dementia facilities shall be considered a "senior residential care facility."
- (b) "Assisted living" is housing that provides a special combination of traditional housing with personalized supportive services and care. Such housing includes some form of kitchen facilities within the unit, even if most or all meals are taken in a communal dining facility. For the purposes of this chapter, "assisted living" facilities shall be considered a type of "senior citizen housing development" or "senior housing project." If the assistance provided at such a facility is nursing care, or if residents live in bedrooms rather than complete residential units, then it shall be considered a "senior residential care facility."
- (c) "Continuing care retirement community" is a residential facility that provides a continuum of care from independent living to assisted living to skilled nursing care, all in one location. For the purposes of this chapter, the portion of any "continuing care retirement community" that includes independent and/or assisted living units shall be considered a type of "senior citizen housing development" or "senior housing project" and must comply with the regulations applicable thereto. The portion of any "continuing care retirement community" that includes skilled nursing care or similar service shall be considered a "senior residential care facility" and must comply with the regulations applicable thereto.
- (d) "Dwelling unit" or "housing" is any residential accommodation other than a mobile home.
- (e) "Employee" is anyone hired to work at a senior housing facility within the SHO district, whether hired by

the facility or residents, including but not limited to staff, doctors, nurses, permitted health care residents, maintenance workers, etc.

- (f) "Independent living" is housing that is designed to enable seniors to live an independent lifestyle that includes recreational, educational and social activities. Such housing includes kitchen facilities within the unit, even if most or all meals are taken in a communal dining facility. For the purposes of this chapter, "independent living" facilities are considered a type of "senior citizen housing development" or "senior housing project."
- (g) "Peak staffing" means the maximum number of employees on site at any point in time.
- (h) "Permitted health care resident" is a person hired to provide live-in care to a qualifying resident, or a family member of the qualifying resident providing such care. For the purposes of this chapter, the care provided by a permitted health care resident must be substantial in nature and must provide either assistance with necessary daily activities or medical treatment, or both.
- (i) "Qualifying resident" or "senior citizen" is a person who is 62 years of age or older, or the head of household who is 55 years of age or older in a senior citizen housing development, and who is a permanent resident of a "senior citizen housing development" or "senior housing project."
- (j) "Senior citizen housing development" is a residential facility, containing 35 dwelling units or more, constructed, substantially rehabilitated, substantially renovated for the purpose of housing senior citizens. heads of households of senior citizen housing developments must be 55 years old or older.
- (k) "Senior housing" or "senior housing project" is a residential facility, containing less than 35 dwelling units, that is constructed substantially rehabilitated, or substantially renovated for the purpose of housing senior citizens. Residents of senior housing projects must be 62 years old or older.
- (l) "Senior residential care facility" is a residential facility designed for the purpose of housing senior citizens, 60 years old or older, who are in need of 24-hour care. For the purposes of this chapter "nursing care," "skilled nursing facility," "board and care facility" and like uses, shall be considered residential care facilities. These facilities are operated in a nursing home, group home or hospital-like fashion and do not have kitchen facilities in resident's individual rooms. Residents live either in private or semi-private rooms. Services may or may not include medical care.
- (m) "Senior housing permit" is the senior housing use permit required by Section 6-1155 for the development of "senior citizen housing developments," "senior housing projects," and "senior residential care facilities" in the SHO district pursuant to this chapter.
- (n) "Zoning administrator" is the planning director or his/her designee.  
(Ord. No. 598, § 2, 10-25-2010)

**6-1154 - Location of the senior housing overlay district.**

The SHO district classification is hereby established on land within the following zoning districts:

- (a) C General commercial district.

- (b) C-1 General commercial district 1.
  - (c) MRA Multiple-family residential district A.
  - (d) MRB Multiple-family residential district B.
  - (e) MRO Multiple-family residential/professional office district.
  - (f) MRT Multiple-family residential townhouse district.
  - (g) RB Retail business district.
  - (h) SRB Special retail business district.
- (Ord. No. 598, § 2, 10-25-2010)

**6-1155 - Application procedures.**

A senior housing permit shall be required for the development of a senior citizen housing development, senior housing project and senior residential care facility under the provisions of this chapter. The project proponent shall submit an application to the planning division on a form prescribed by the city, accompanied by the application fee prescribed by resolution of the city council.

A senior housing permit shall not be required for a residential care facility with six or fewer residents, in addition to permitted health care residents, in all zoning districts that permit single-family residences.  
(Ord. No. 598, § 2, 10-25-2010)

**6-1156 - Senior housing development guarantee.**

Prior to occupancy of any project developed pursuant to this chapter, the project proponent shall provide documentation limiting the use of the project to the use prescribed in the senior housing permit and vesting the right to enforce such limitation in the city until and unless the zoning administrator determines, in writing, that the alternative use satisfies all applicable land use regulations pertaining to the underlying zoning of the property. Such documentation shall be in a form satisfactory to the city attorney and shall be recorded against the property.  
(Ord. No. 598, § 2, 10-25-2010)

**Article 2. - Senior Residential Care Facilities**

**6-1157 - Applicability.**

This article applies to senior residential care facilities with seven or more qualifying residents, not including permitted health care residents.  
(Ord. No. 598, § 2, 10-25-2010)

**6-1158 - Development standards.**

Except as expressly provided in this article, the land use standards for senior residential care facilities, such as yard areas and floor area, shall be those required by the underlying zoning district.  
(Ord. No. 598, § 2, 10-25-2010)

**6-1159 - Density.**

Notwithstanding any other provisions of this article, residential care facilities shall have a total floor area that averages at least 350 square feet of floor area per resident, excluding parking.

(Ord. No. 598, § 2, 10-25-2010)

**6-1160 - Common area.**

Notwithstanding any other provisions of this section, residential care facilities shall provide a minimum of 100 square feet of usable common area per qualifying resident. Indoor common areas and amenities designed to facilitate program activities may be counted towards this requirement up to a maximum of 75 percent of the total required.

- (a) Any common area to be counted toward the requirements of this section shall have a minimum dimension of not less than six feet in any direction and shall be easily accessible to all residents.
- (b) Outdoor common areas shall be designed to provide amenities and recreational areas compatible with the needs of the residents, such as pathways and sitting areas, flower and vegetable gardens, or similar active or passive recreation areas.
- (c) Where additional stories prohibit easy access to common areas on the ground floor, the project shall provide open roof decks, balconies, or lanais in an amount, dimension, area, and location as deemed appropriate by the zoning administrator.
- (d) The proposed improvement of all required common areas shall be designated on the plans submitted with the senior housing permit application and, shall be considered a required part of the senior housing permit, if issued.

(Ord. No. 598, § 2, 10-25-2010)

**6-1161 - Parking.**

- (a) Buildings or portions of buildings constructed as senior residential care facilities shall be required to provide one parking space for each resident in addition to one parking space for each employee during peak staffing.
- (b) Existing single-family residences to be converted into residential care facilities shall maintain the existing number of parking spaces; additional parking to meet the requirement of subsection (a) above may be covered or uncovered.

(Ord. No. 598, § 2, 10-25-2010)

**6-1162 - Findings.**

In order to approve a senior housing permit for a senior residential care facility, the planning commission shall find as follows:

- (a) The proposed use is licensed by the state or county and conducted in a manner and with facilities that

comply with Title 24 of the California Code of Regulations or any successor legislation. If the state or county license is suspended or revoked, the senior housing permit shall automatically also be suspended or revoked;

- (b) The facility is specifically designed to include safety bars and rails in bedrooms and bathrooms, ramps, and other structural provisions for senior citizens as required by state law or federal regulations. In addition, such facilities shall include a common dining area as well as adequate common living areas and amenities to facilitate program activities; and
- (c) The facility is specifically designed to have a residential appearance and is compatible with the character of the neighborhood, as determined by review of the applicable hearing authority. In residential zoning districts, signs, ramps and any other "non-residential" features shall be constructed so that they are not visible from the public right-of-way.

(Ord. No. 598, § 2, 10-25-2010)

### **Article 3. - Senior Citizen Housing Development and Senior Housing Projects**

#### **6-1163 - Applicability.**

This article applies to senior citizen housing developments and senior housing projects, regardless of whether the project is assisted living or independent living.

The references to "federal or state law" set forth in this section shall include but not be limited to, the Fair Housing Act (42 U.S.C. Sec. 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.), and the regulations promulgated at Title 24 of the California Code of Regulations that relate to access for persons with disabilities.

(Ord. No. 598, § 2, 10-25-2010)

#### **6-1164 - Development standards.**

Except as expressly provided in this article, the land use standards for a senior citizen housing development or a senior housing projects, such as yard areas and floor area, shall be those required by the underlying zoning district.

All senior citizen housing developments and senior housing projects shall be developed so as to comply with the requirements set forth below:

- (a) Entryways, walkways, and hallways in the common areas of the development, and doorways and paths of access to and within the residential units, shall be as wide as required by laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.
- (b) Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty walking.
- (c) Walkways and hallways in the common areas shall have lighting conditions which are of sufficient

brightness to assist persons who have difficulty seeing.

- (d) Access to all common areas and residential units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.
- (e) The development shall be designed to encourage social contact by providing at least one common room and outdoor common open space.
- (f) Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.
- (g) The development shall comply with all other applicable requirements for access and design imposed by law, including, but not limited to, the Fair Housing Act (42 U.S.C. Sec. 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.), and the regulations promulgated at Title 24 of the California Code of Regulations that relate to access for persons with disabilities.
- (h) Notwithstanding any other provision of this code, the minimum floor area for each residential unit in shall be as follows:
  - (1) Studio - 450 square feet.
  - (2) One bedroom - 540 square feet.
  - (3) Two bedroom - 700 square feet.
- (i) All projects shall implement, at minimum, the following universal design principles:  
(Universal design is a method of design that allows aging in place by creating an environment that can be used by everyone, regardless of age or physical condition.)
  - (1) No-step entries.
  - (2) One-story living such that an eating area, bathroom, and sleeping area are available on the same floor.
  - (3) Front doors with a minimum width of 36 inches to accommodate the use of wheelchairs and 32-inch free-swing doors (34-inch door) on all interior doors.
  - (4) Hallway minimum width of 42 inches to accommodate the use of wheelchairs.
  - (5) Room thresholds that are flush.
  - (6) Adequate lighting throughout the dwelling unit.
  - (7) Lever door handles and rocker light switches.
  - (8) Additional closet rod brackets to allow potential access from a wheelchair.
  - (9) Adequate space for maneuverability and access to facilities to those using wheelchairs.

(Ord. No. 598, § 2, 10-25-2010)

**6-1165 - Density.**

Notwithstanding any other provision of this chapter, the density of a senior citizen housing development or senior housing project shall be governed by the density established by the senior housing permit, but in no case shall the density exceed 45 units per acre (not including applicable density bonuses).

(Ord. No. 598, § 2, 10-25-2010)

**6-1166 - Parking.**

Notwithstanding any other provision of this chapter, a senior citizen housing development or senior housing project shall be required to provide a minimum number of parking spaces as follows:

Independent Living.

- (1) One space for each studio or one-bedroom unit.
- (2) 1.2 spaces for each two-bedroom unit.
- (3) One guest parking space for every five dwelling units.
- (4) One parking space for each employee on-site at peak staffing.

Assisted Living.

- (1) 0.40 parking spaces per unit.
- (2) One space for each employee on-site at peak staffing.
- (3) One loading pace, sufficient to accommodate expected loading needs.

Independent Living for Extremely low, Very Low, Low Income Households.

- (1) 0.50 spaces for each studio or one-bedroom units.
- (2) One guest parking space for every five dwelling units.
- (3) One space for each employee on-site at peak staffing.

(Ord. No. 598, § 2, 10-25-2010)

**6-1167 - Findings.**

In order to approve a senior housing permit for a senior citizen housing development or a senior housing project, the planning commission shall find as follows:

- (a) The impact of the use will be substantially equivalent to or less than the impacts produced by land uses otherwise allowed within the underlying classification of the zoning district, with consideration being given to the quantity and type of living units, their estimated demand on public facilities and their estimated services generated by the use;
- (b) The project complies with the city's adopted design guidelines;



- (c) The project design, density, lot coverage, bulk and mass are compatible with the surrounding neighborhood, as determined by review of the applicable hearing authority;
- (d) The number of units approved can be adequately accommodated by existing or planned infrastructure;
- (e) The projected peak hour trip generation rates will be equal to or less than that of a conforming, non-age restricted, project on the same site;
- (f) The location, design, and site planning provide residents with a convenient and functional living environment, and will be as attractive as the nature of the use and its location and setting allow. This includes, but is not limited to the provision of artwork, gardens, indoor and/or outdoor sculpture, and other recreation uses of an active or passive nature;
- (g) The project is specifically designed for senior citizens and includes facilities generally associated with the needs and interests of senior citizens. Such facilities include common meeting and recreation areas, secure parking, safety bars and rails in units, emergency signal system, security lighting, ramps and other structural elements required for elderly persons by state and federal laws or regulations; and
- (h) The project is located so as to provide qualifying residents access to community amenities such as transportation, shopping, and other daily services.

(Ord. No. 598, § 2, 10-25-2010)

**6-1168 - Modifiable sections.**

In the event a senior housing permit does not comply with Sections 6-1158, 6-1160, 6-1161, 6-1164 and 6-1166 relating to development standards for senior residential care facilities, senior citizen housing developments and senior housing projects, an application for a variance to a measurable standard may be filed and reviewed concurrently with the application for a senior housing permit. The applicable hearing authority shall consider the variance application in accordance with the applicable provisions of Chapter 6-1 of this title.

(Ord. No. 598, § 2, 10-25-2010)