

CB-71-2022 – Planning Board Analysis (Attachment 4)

A bill to permit, by special exception, increased density in the Local Transit Oriented-Edge (LTO-E) Zone for multifamily senior housing dwellings.

The Planning Board has the following comments for consideration by the District Council:

Policy Analysis:

CB-71-2022 amends the principal use table for the Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones to allow apartment housing for elderly or physically handicapped families in the Local Transit Oriented-Edge (LTO-E) Zone as a special exception. The bill also amends the additional requirements for specific special exception use regulations to allow the density for elderly or physically handicapped families to be no greater than twice the density normally allowed in the LTO-E Zone.

Many of the provisions within CB-71-2022 are unnecessary because CB-68-2022, the omnibus technical corrections bill for the new Zoning Ordinance proposes to eliminate the special exception requirement and permit apartment housing for elderly or physically handicapped families by right in most Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones. The enactment of CB-68-2022, eliminates the need for the portions of CB-71-2022 that address the use. CB-71-2022, if enacted, would also create a conflict because the bill proposes to permit the use subject to special exception approval, which is contrary to the language in CB-68-2022.

The Planning Board notes the term "physically disabled families" is not used in the new Zoning Ordinance; the correct term is "physically handicapped families."

The Planning Board believes the maximum density language regarding apartment housing for elderly or physically handicapped families included in CB-71-2022 should be deleted. The increased density for the use should not be permitted in only one zone. The Planning Board also does not believe it is appropriate to incorporate density regulations in CB-68-2022 (the bill focuses on technical issues). Instead, the District Council should have a broader policy discussion on which zones should be permitted to increase density for apartment housing for elderly or physically handicapped families.

The Planning Board recommends deferring discussion on the maximum residential density for this use until substantive Zoning Ordinance updates are in discussion in early 2023.

Impacted Property:

This bill will affect all future development applications for apartment housing for elderly or physically disabled dwellings in the LTO-E Zone.

Following discussion, the Planning Board voted to oppose CB-71-2022. The legislation is unnecessary in part and premature in part.