

BOARD MATTER ON RESIDENTIAL STUDIO UNITS
Chairman Bulova and Supervisor Gross
November 19, 2013

Madam Chairman, the draft Residential Studio Unit Zoning Ordinance currently is the subject of many community meetings and outreach by the Planning Commission's ad hoc RSU subcommittee. The draft ordinance language would provide for small, efficiency style, rental apartments, predominately for low-income persons, and the use would be allowed by Special Exception in most zoning districts.

This summer, when the Board considered language for the advertisement of the public hearings for the RSU amendment, there was very pointed discussion about whether to include lower density zoning districts. Ultimately, we decided to include all districts, so we could hear from the community.

And the community has spoken. While there is support for the RSU concept overall, there is deep-seated opposition to allowing them as a use in lower density residential districts, or single family neighborhoods. I have heard from many residents who are very concerned, even angry, that the RSU ordinance, as currently drafted, might exacerbate overcrowding in some areas, and dramatically change the character of their neighborhoods.

The Planning Commission's formal consideration of the RSU amendment was postponed until the spring, but I believe it is appropriate to offer some additional guidance to the Planning Commission on this issue. The County Attorney has advised that, legally, the proposed amendment can be modified to eliminate RSUs as an option in the lower density residential districts, and still adhere to the "uniformity requirement" codified in Va. Code Ann. 15.2-2282 (2012) and the Equal Protection Clause of the United States Constitution, as long as the minimum number of RSUs permitted in a development is increased from three to at least 30 units, and onsite property management and/or supportive services are provided. Removing from consideration F. Option 1, (which would allow conversion of a single family residence into RSUs), listed on Page 10 of the August 27, 2013 Staff Report, would address the many concerns raised by constituents. F. Option 2, also on page 10, is the better choice.

At its November 20 meeting, the Planning Commission's Residential Studio Committee announced that its ongoing review of the proposal should focus the location of residential studio units in the upper R-Districts, as well as commercial, industrial, and mixed use planned development districts. The committee's recommendation would eliminate the lower R-Districts from consideration. Madam Chairman, I move that the Planning Commission be notified that the Board of Supervisors concurs with this amended approach.