

Z.C. Case 22-01

Matter-of-Right Residential Conversions

Text Amendment



June 16, 2022

Background

- Existing regulation in the MU, NC, and D zones:
 - *For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted.*
- Zoning Administrator has interpreted this to also apply to other residential development standards, such as lot occupancy and yards.

Changes Since Set Down

- Refined the proposed text to:
 - Specify individual development standards that may be exceeded;
 - Streamline Downtown zones to match the development standards of the MU and NC zones; and
 - Apply to the D-1-R and D-2 zones.

Proposal

- Allow an existing non-residential building to convert to residential use even if it does not comply with the following development standards:
 - Courts
 - FAR
 - GAR
 - Height
 - Lot Occupancy
 - Yards
 - Waterfront Setback
- Change the existing vesting date from November 17, 1978 to January 1, 2022.

Analysis

- Eliminates zoning relief for portions of a building already built.
- Provides opportunity for additional housing to be constructed faster and more economically.
- Regular IZ (where applicable) when buildings convert to residential use.

Analysis

- Complements text amendment cases:
 - 21-02 – applied Regular IZ to all MU and NC zones.
 - 21-05 – applied Regular IZ to conversions in all zones where IZ applies.
- Downtown zones:
 - OP studying applicability of IZ in all downtown zones.
 - Public roundtable on IZ in the downtown will be held in fall for case no. 21-23.

Analysis – Comprehensive Plan

When evaluated through a racial equity lens the proposal should:

- Remove potential barriers to the provision of housing.
- No displacement of residents or tenants.
- Promote the adaptive reuse of existing buildings while reducing carbon emissions.
- Expands housing opportunities, including IZ where applicable.

Community Comments

- Concern about the lack of IZ requirements in the Downtown zones.
 - Being considered by OP under case no. 21-23.
- Proposed alternative IZ set-aside requirements.
- Require a higher IZ requirement for existing buildings than for new buildings.
 - Exceeds scope of advertised text and disincentivizes housing production.
 - Creates additional complexity for administering the IZ program.

Thank you!



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