



Commercial-to-Residential Conversions

A CONVERSATION WITH INDUSTRY PROFESSIONALS

Let's Talk About Adaptive Reuse

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- Commercial-to-residential conversions is a national trend.
- The pandemic has driven commercial property vacancy rates up.
- Even with workers returning to the workplace, the trend will probably not reverse itself.
- This opportunity has ignited a conversation.
- Gain a better understanding of the challenges encountered with this type of project
- Share potential solutions from a building code, zoning regulations, and policy point of view

Current Conversion Projects in the District

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1111 20th Street NW



1125 15th Street NW



1425 New York Avenue NW

Let's Talk About Adaptive Reuse

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- The trend was recognized by American Planning Association in February 2022 edition of Zoning Practice.
- There is a need for more affordable housing and this opportunity has ignited a conversation.



ZONING PRACTICE

SPOTLIGHTING INNOVATION IN LOCAL LAND-USE AND DEVELOPMENT REGULATION.

February 2022



Zoning for Office-to-Housing Conversions

During the 2020 COVID-19 lockdowns, the news media started running two sets of planning-related, future prediction stories. The first set of stories fell into the category of "everybody is leaving our cities, and they will never be the same." And the second set were focused on "when everybody works at home full time, we won't need office space, so that space will convert to residential use on a large scale."

The notion that our cities are dying, has a long history in American culture, and we can expect to hear it again for any number of reasons, including during any election cycle, during a recession, or during the next pandemic. The idea that we should convert surplus nonresidential space into residential use has also had some high-profile moments. And this story may have better "legs" in our current circumstances than betting on the death of our cities.

The February issue of *Zoning Practice* summarizes the benefits of adaptive reuse and widespread barriers to converting offices to residences. Log in with your APA ID — 028296 — to read about how different zoning standards and techniques can positively or negatively affect opportunities for office-to-housing conversion.

DCRA Supports Conversion Projects

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- DCRA supports and assists by:
 - Supporting text amendment to zoning regulations
 - Relaxing zoning regulations for existing commercial structures
 - Afterwards, properties erected between November 17, 1978 to January 1, 2022 with an existing Certificate of Occupancy will now not have to obtain relief from the Board of Zoning Adjustment
 - Encouraging Preliminary Design Review Meetings (PDRMs) for both zoning and building code matters to confirm conformance to development standards prior to permit application to minimize risk
 - Offering an Accelerated Plan Review Program to expedite the plan review process including with sister agencies
 - Supporting appropriate code modifications that support this type of project when needed

District of Columbia Initiatives

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District of Columbia Office of Planning

- Office of Planning Report “Assessment of Commercial to Residential Conversions in the District of Columbia” (Q2, 2020)
- Key findings:
 1. Opportunities for all three approaches to conversion (office, hotel, and site redevelopment) are limited;
 2. The high volume of unabsorbed new housing supply in the District is likely to significantly reduce construction of new housing stock, including conversions, until the market significantly absorbs excess supply.

Assessment of Commercial to Residential Conversions in the District of Columbia

DC Office of Planning Analysis, Q2 2020

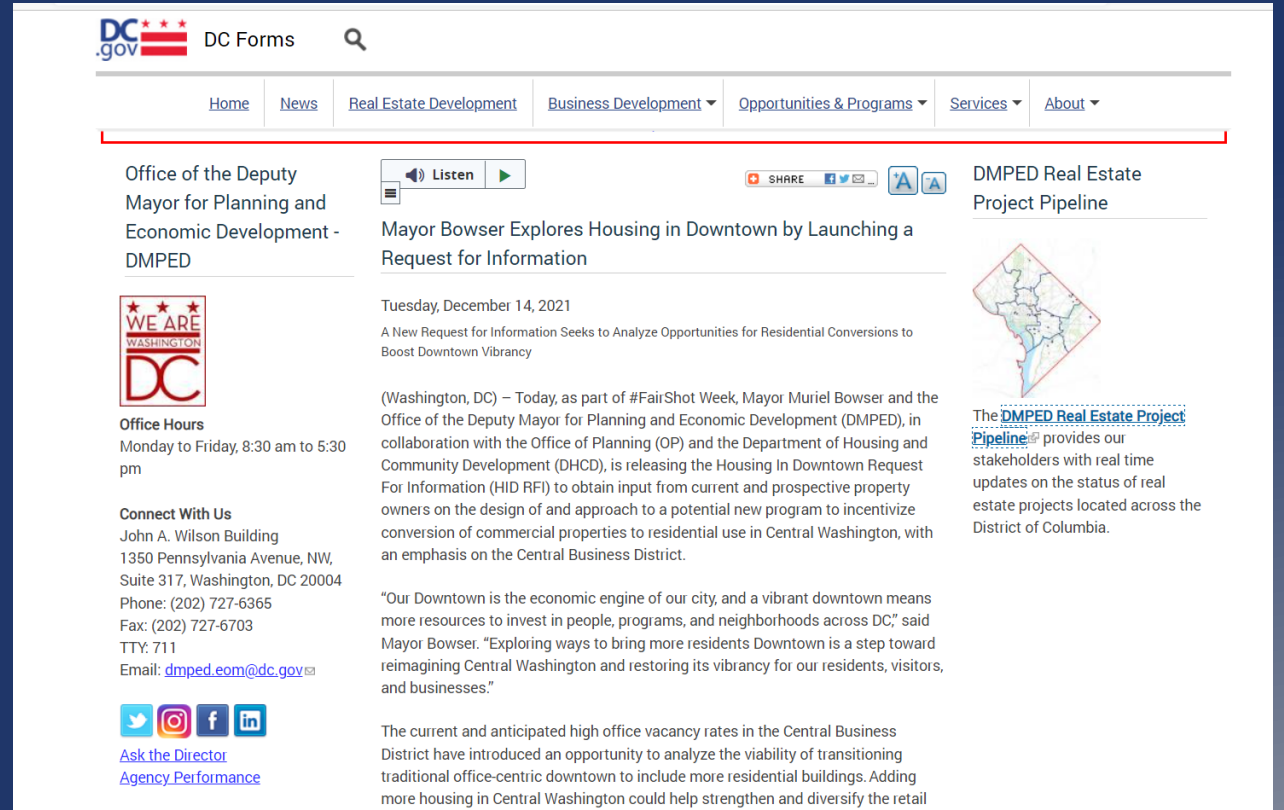
Draft Prepared November 2020

District of Columbia Initiatives

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Office of the Deputy Mayor for Planning and Economic Development

- Mayoral Initiative to Explore Housing in Downtown (HID)
 - Includes a Request for Information (HDI RFI) to obtain input from current and prospective property owners to develop a new program to incentivize conversion of commercial properties to residential use in Central Washington, with emphasis on the Central Business District



The screenshot shows the DC Forms website with a navigation menu including Home, News, Real Estate Development, Business Development, Opportunities & Programs, Services, and About. The main content area features a news article from December 14, 2021, titled "Mayor Bowser Explores Housing in Downtown by Launching a Request for Information". The article includes a "WE ARE WASHINGTON DC" logo, office hours (Monday to Friday, 8:30 am to 5:30 pm), contact information for the John A. Wilson Building, and social media icons for Twitter, Instagram, Facebook, and LinkedIn. The article text discusses the release of a Housing In Downtown Request For Information (HID RFI) to analyze opportunities for residential conversions in Central Washington, with an emphasis on the Central Business District. A quote from Mayor Muriel Bowser is included, along with a map of the District of Columbia highlighting the Central Business District. The article also mentions the DMPED Real Estate Project Pipeline and provides a link to it.

District of Columbia Current Zoning Regulations

The screenshot displays the website interface for the District of Columbia Zoning Regulations. At the top, a navigation bar includes links for HOME, REGULATIONS (underlined), PENDING TEXT, EREADER, SEARCH, ARCHIVES, MAPS, QUICK LINKS, and QUICK REFERENCES. Below this, a red header bar contains the text "11 DCMR (ZONING REGULATIONS OF 2016)".

On the left side, a sidebar menu lists the following items:

- Table of Contents
- TITLE 11 - ZONING** (highlighted)
- SUBTITLE A AUTHORITY AND APPLICABILITY
- SUBTITLE B DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES
- SUBTITLE C GENERAL RULES
- SUBTITLE D RESIDENTIAL HOUSE (R) ZONES
- SUBTITLE E RESIDENTIAL FLATS (RF) ZONES
- SUBTITLE F RESIDENTIAL APARTMENT (RA) ZONES
- SUBTITLE G MIXED USE (MU) ZONES
- SUBTITLE H NEIGHBORHOOD MIXED USE (NC) ZONES
- SUBTITLE I DOWNTOWN ZONES
- SUBTITLE J PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES
- SUBTITLE K SPECIAL PURPOSE ZONES
- SUBTITLE U USE PERMISSIONS
- SUBTITLE W SPECIFIC ZONE BOUNDARIES
- SUBTITLE X GENERAL PROCEDURES
- SUBTITLE Y BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE
- SUBTITLE Z ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE
- Text Amendments

The main content area on the right shows the "TITLE 11 - ZONING" page. It features a "Contents:" section with the following list of subtitles:

- SUBTITLE A AUTHORITY AND APPLICABILITY
- SUBTITLE B DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES
- SUBTITLE C GENERAL RULES
- SUBTITLE D RESIDENTIAL HOUSE (R) ZONES
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Below the list, there is a section for "Text Amendments" and the beginning of "SUBTITLE A AUTHORITY AND APPLICABILITY".

At the bottom of the page, there is a footer with the text "Washington, DC" and "© 2021 enCodePlus, L All Rights Reserved".

District of Columbia Current Zoning Regulations

- Pursuant to 11 DCMR G-201.1 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.
- The Zoning Administrator has interpreted this section to allow a break on excess lot occupancy as well.
- Several commercial-to-residential conversions have occurred in the District.

Zoning Commission Case 22-01

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- Proposed Text Amendment would codify current Zoning Administrator interpretation of G-201.1 to allow existing legally non-residential buildings to convert to residential use even if the building does not comply with some or all of the residential development standards
- Change the existing vesting date from November 17, 1978 to January 1, 2022
- Set down and pre-hearing report for Matter of Right conversions on January 13, 2022
- The Office of Planning is preparing a notice of public hearing to solicit public comment on proposed revisions to 11 DCMR Subtitle G, Mixed Use (MU) Zones - §§ 200 & 201; Subtitle H, Neighborhood Mixed Use (NC) Zones - §§ 200 & 201; and Subtitle I, Downtown (D) Zones - § 200

Proposed Amendment to Subtitle G, MIXED USE (MU) ZONES

Section 200, GENERAL PROVISIONS, of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR MU ZONES, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended by revising §§ 200.1 and 200.2 and adding new § 200.3, to read as follows:

200 GENERAL PROVISIONS

200.1 The provisions of this chapter apply to all MU zones except as may be modified or otherwise provided for in a specific zone, except as provided in Subtitle G § 200.3.

200.2 When modified or otherwise provided for in the development standards for a specific zone, the modification or zone-specific standard shall apply, except as provided in Subtitle G § 200.3.

200.3 A building or structure in existence with a valid Certificate of Occupancy prior to January 1, 2022, may convert existing gross floor area to the "Residential" use category of Subtitle B § 200.2 as a matter-of-right even if the building or structure or portion thereof to be converted does not comply with the following development standards of this subtitle for residential use:

(a) Courts;

(b) Floor Area Ratio (FAR);

(c) Green Area Ratio (GAR);

(d) Height;

(e) Lot Occupancy;

(f) Waterfront Setback or

(g) Yards.

Zoning Commission Case 22-01 | Draft Text

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Section 201, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR MU ZONES, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended by deleting in its entirety § 201.1, to read as follows:

~~201—DENSITY—FLOOR AREA RATIO (FAR)~~

~~201.1—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. [DELETED]~~

Zoning Commission Case 22-01 | Draft Text

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Proposed Amendment to Subtitle I, DOWNTOWN ZONES

Section 200, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is proposed to be amended by revising § 200.7, to read as follows:

200.7 Within the D-3 through D-8 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, January 1, 2022, may convert existing gross floor area to the "Residential" use category of Subtitle B § 200.2 as a matter-of-right even if the building or structure or portion thereof to be converted does not comply with some or all of the development standards provided either in this chapter or in a specific zone in this subtitle, provided that subject to the requirements for ground floor designated uses of Subtitle I § 601 are provided, if applicable.~~

Let's Talk About Adaptive Reuse: Building and Construction Code

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- Code Review Categories
- Codes to Consider
- Building Height/Area
- Existing Building Code

Code Review Categories

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- Building Height/Area Impacts
- Fire Separation
- Fire Suppression and Fire Alarms
- Accessibility
- Live Loads
- Mechanical, Electrical and Plumbing (MEP) Considerations
- Interior Impact:
 - Finishes
 - Sound
 - Space

Codes to Consider

- 2015 International Existing Building Code (IEBC)
www.codes.iccsafe.org
 - 2017 12J DCMR (local amendments) www.dcregs.dc.gov
- 2015 International Building Code (IBC)
 - 2017 12A DCMR
- 2015 International Code Council model codes (Mechanical, Plumbing, Fuel-Gas, Energy Conservation, Swimming Pool and Spa)
 - 2017 12B thru 12L DCMR
- 2014 NFPA 70, National Electrical Code
 - 2017 12C DCMR
- 2017 DC Green Construction Code
 - 2017 12K DCMR

Building Height/Area

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- Height
 - Type I A/B – no change
 - Type II/III A – height reduction 1 story
 - II A Caveat – ↑ 9 stories with IBC 510.6
 - III A Caveat - ↑ 6 stories with IBC 510.5
 - Type II/III B – height increase by 1 story
 - Type V A/B – no change
- Area
 - 16% to 36% reduction in floor area allowed based upon type I to V
 - Total building area based upon the % of max allowance for each use (mixed use building) IBC 506.2.4



Existing Building Code

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- Prescriptive compliance method – IEBC Chapter 4
- Work area compliance method – IEBC Chapters 5 thru 13
 - Chapter 10, Change of Occupancy, in addition to Chapter 7, 8, 9 (Level 1, 2, 3)
- Performance compliance method – IEBC Chapter 14



International Existing Building Code (IEBC): Chapter 10

IEBC 1012 – Change of Occupancy Classification

- 1012.1.1 - Compliance with IEBC Chapter 9 – Level 3
- Fire Protection
 - Sprinklers – International Building Code (IBC) Chapter 9 in the area of occupancy change
 - Alarms – IBC Chapter 9 in the area of occupancy change
- Means of Egress – IBC Chapter 10, with some exceptions
 - Emergency Escape and Rescue Opening – reduced to 4 square feet, minimum 20 x 22" opening
- Heights and Area – IBC Chapter 5, already covered
 - 1012.5.1.1 Fire wall alternatives – use of fire barriers and rated horizontal assemblies in lieu of fire walls to subdivide buildings, IBC 707/711

International Existing Building Code (IEBC): Chapter 10

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IEBC 1012 – Change of Occupancy Classification (continued)

- Stairways – enclosure as required by IBC
- Accessibility – partial change of occupancy
 - Comply with Level 1, 2, or 3 (Ch. 7/8/9) as appropriate
- Accessibility – complete change of occupancy
 - At least one accessible entrance
 - At least one accessible route from entrance to primary function areas
 - Signage requirements of the IBC
 - Accessible parking, where parking is provided
 - At least one accessible passenger loading zone, where loading zones are provided
 - At least one accessible route from accessible parking or passenger loading zone

Other Considerations

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- Live Loads – no adverse impact
- MEP
 - Water demand
 - Drainage increase
 - Electrical, 60A minimum/dwelling
 - Mechanical - ↑ ventilation from 5cfm (B) to 15cfm (R)
- Energy Conservation – International Energy Conservation Code (IECC) requirements for new construction in work area



Other Considerations

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- Sound, IBC 1207
 - Sound Transmission Class (STC) rating between units, 50
 - A-2 separation, 2017 DCMR, STC of 55 plus required field performance of 50
- Interior Space, IBC 1208
 - Efficiency unit, 220 square feet + 100 per additional occupant over 2
 - Dwelling unit, 120 square feet minimum in main room, 70 square feet in all other habitable rooms



★ ★ ★ GOVERNMENT OF THE
WE ARE DISTRICT OF COLUMBIA
WASHINGTON
DC MURIEL BOWSER, MAYOR