

5.28.2 Conversion of Non Residential Structures to Residential Use. Where it is proposed to convert an existing principal use structure to residential use (excluding Transient Accommodations, Section i (1) and (2)), and where the structure was designed and built for non residential use **or where the structure was designed and built for residential uses and has been in Institutional Use (Section 4.33) for at least ten years prior to any application for relief under this Section 5.28.2**, the dimensional standards generally applicable in the district as set forth in the Tables of Dimensional Requirements in Section 5.30 and other applicable regulations in this Ordinance shall apply. However, where some or all of those requirements cannot be met, the following provisions shall apply after issuance of a special permit by the Planning Board.

5.28.21 Gross Floor Area. The Gross Floor Area permitted shall be that which is the result of the application of the FAR permitted in the district in which the structure is located, or the existing Gross Floor Area of the structure itself, whichever is greater. However, additional Gross Floor Area may be added to the non residential structure without limit provided all construction creating additional Gross Floor Area occurs within the physical limits of the existing structure.

5.28.22 Dwelling Units. The number of dwelling units permitted shall be that number which is the result of the application of the Lot Area Per Dwelling Unit requirement in the district in which the structure is located, or that number of units produced when the Gross Floor Area of the structure as permitted in Section 5.28.21 above is divided by 900 square feet, whichever is greater.

5.28.23 Yard Requirements. The required yards shall be those of the structure existing at the time of the conversion to residential use. However, any construction occurring outside the limits of the existing structure shall be subject to the yard requirements of the district in which the structure is located.

5.28.24 Maximum Height. The maximum height shall be that height permitted in the district in which the structure is located, or the building height, whichever is greater. However, any construction that occurs outside the existing limits of the structure, other than construction exempt from the height limit as set forth in Section 5.23, shall be subject to the maximum height limit of the district in which the structure is located.

5.28.25 Private open space Requirements. The Private open space requirement shall be that required in the district in which the structure is located, except as modified herein.

a. The dimensional and locational limitations for Private open space set forth in Section 5.22 shall not apply; any combination of at-grade private open space and decks and balconies at other levels shall be permitted as shall walks intended for non vehicular use. However, in every case where those requirements of Section 5.22 waived by this Paragraph (a) are not met, all portions of the surface of the lot shall be Green Area as defined in Article 2.000 that are (1) not covered by the building or (2) devoted to the minimum area necessary to provide at grade, conforming parking spaces and the minimum necessary circulation and driveways for no more than one parking space per dwelling unit. The amount of Private open space required may be reduced by the Planning Board should the Board find that full compliance cannot reasonably be expected given the existing development of the lot and the provision of parking necessary to serve the dwelling units.

5.28.26 Conforming Additions. Conforming additions to such non-residential structures shall be permitted without reference to the limitations set forth in Section 8.22 for such additions to non-conforming structures.

5.28.27 Criteria for Approval of a Special Permit. In acting upon this special permit, the Planning Board shall take into account the standards and criteria set forth in Sections 10.43, 10.47 and 10.47.1 of this Ordinance. In addition the Planning Board shall consider the following:

(1) The impact of residential neighbors of the new housing use as it may affect privacy. The location and size of windows, screening elements, decks, entries, and other aspects of the design shall be reviewed to maintain reasonable levels of privacy of abutter where significant variations from the normally required dimensional standards for the district are granted. In reviewing a proposed development plan, the Board shall consider, among other factors, the potential negative impacts of the new activity on abutters and the location, orientation, and use of structures and yards on adjacent properties.

(2) The impact of increased numbers of dwelling units above that normally permitted in the district, on on-street parking, particularly in neighborhoods where off street parking is limited. In reaching a determination, the Board may acquire an analysis of on-street parking utilization on streets in the vicinity of the proposed development to consider availability capacity relative to the demand generated by the proposed development. The scope and methodology of such an analysis shall be determined in consultation with City staff. Following its consideration of the results of the analysis, the Board may require changes to the project.