

# *City of San José, California*

## **COUNCIL POLICY**

<b>TITLE</b> DESIGN CRITERIA FOR CONVERSION OF RESIDENTIAL STRUCTURES TO NON-RESIDENTIAL USES	<b>PAGE</b>  1 of 2	<b>POLICY NUMBER</b>  6-11
<b>EFFECTIVE DATE</b> April 1, 1980	<b>REVISED DATE</b>	
<b>APPROVED BY COUNCIL ACTION</b>		April 1, 1980-Item 11c

### **BACKGROUND**

Over the years there have been a number of legal and illegal conversions of residential structures to non-residential uses. There are several neighborhoods in the City where conversion has taken place extensively on a block by block basis. The result has often been disruptive from an urban design sense: parking lots have replaced front lawns; houses have been remodeled unprofessionally, resulting in structures with incoherent design elements; signage has often been out of proportion to the use and structure advertised. It has become apparent that a set of design standards is needed to better control the transition of residential structures to commercial uses.

### **PURPOSE AND SCOPE:**

The design policies will be applied to the City's review of residential structures which are under application for a development permit (such as a Conditional Use Permit). The design criteria will provide a tool for the City to promote orderly development of individual properties and neighborhoods.

### **POLICY**

#### **Preservation of Housing Stock**

It is the City's intention to preserve the City's existing housing stock and to discourage the use conversion of residential structures.

#### **Use Compatibility**

1. Non-residential uses permitted in residential neighborhoods must conform to the zoning code and must conform to the General Plan. Such uses will have to conform to the same use and design standards as are applied to commercial uses in commercial neighborhoods, and also should have the following characteristics:
  - a. The new use should be compatible with the residential structure. Generally, light office uses and small neighborhood services are compatible with converted houses.
  - b. The new use should be compatible with the adjoining neighborhood and should not pose nuisance problems with nearby residential and/or office uses. Business hours should be limited to normal day time business hours.

#### **Circulation Parking**

1. Vehicular circulation shall take place on site; backing into the street is not allowed.
2. When possible, parking should be placed in the rear of the structure. When parking must be placed in the front of the structure, parking areas must be kept out of the front 15 feet of the property and should not exceed 50% of the front setback area.

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**Occupancy**

1. New occupancies in converted houses should be limited to one business enterprise (with one business entrance) for structures under 2,000 square feet of gross leasable area. This will help eliminate overcrowding, proliferation of signs, elimination of landscaping, excessive on-site parking and overflow onto the street.

**Landscaping**

1. Landscaping shall be installed in areas not designated for parking and circulation.
2. Parking areas must have edge landscaping and be screened from public view.

**Architecture**

1. The conversion's remodeling should be architecturally compatible with the neighborhood and shall upgrade or at least be consistent with the basic architecture of the structure.
2. Signs should be consistent with the form and materials of the building. Illuminated signs are not permitted when adjacent to existing residential uses. Signs shall be limited to one per business, shall not exceed 4 square feet in size and must be attached to the structure. Window signs are not allowed.
3. Mechanical equipment shall be screened from public view and sited so as not to cause noise impacts on adjacent properties.
4. Garbage enclosures shall be provided in rear yard areas.

**NOTE:**

This criteria is a general guide and should not be construed as a complete checklist of requirements for each individual site. It should be noted that compliance with this criteria does not guarantee project approval.