

#52
(O-2019-3) 9/11/18

ORDINANCE NUMBER O- 20985 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 18 2018

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 131.0522; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 141.0311; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 152.0104; AMENDING CHAPTER 15, ARTICLE 11, DIVISION 1 BY AMENDING SECTION 1511.0104; AMENDING CHAPTER 15, ARTICLE 11, DIVISION 3 BY AMENDING SECTION 1511.0301; AND AMENDING CHAPTER 15, ARTICLE 11, DIVISION 4 BY AMENDING SECTION 1511.0401 ALL RELATING TO LIVE/WORK QUARTERS.

WHEREAS, on March 20, 2018, the 11th Update to the Land Development Code (11th Update), Ordinance O-20917, was approved by the City Council; and

WHEREAS, the 11th Update included 47 code amendments, which included amendments to the Live/Work Quarters regulations; and

WHEREAS, Live/Work Quarters are studio spaces in buildings that were originally designed for industrial or commercial occupancy that have been converted to integrate living space into work spaces; and

WHEREAS, the 11th Update amended Live/Work Quarters regulations to allow the use in two additional zones, Commercial Neighborhood (CN) 1 zones and Commercial Regional (CR) 2 zones, with no other changes; and

WHEREAS, during the hearing on the 11th Update, the Council requested additional amendments to provide more housing alternatives within the work space, more housing opportunities, and increase the use of underutilized existing commercial and industrial buildings; and

WHEREAS, the proposed amendments expand the Live/Work Quarters use to two additional zones (CO-1 and CV-1); reduce the minimum floor area from 750 square feet to 500 square feet; increase the residential floor area ratio from 33 percent to 49 percent; no longer limit the use to artist or artisan; allow commercial uses, offices, and the presence of employees provided they are overseen by the resident; and clarify that no additional parking is required; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending section 131.0522, to read as follows:

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial Zones**

Use Categories/Subcategories	Zone Designator	Zones												
		[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	CN ⁽¹⁾ -					CR-		CO-			CV-
3rd >>	1-					1-	2-	1-	2-	3-	1-	1-		
4th >>	1		2	3	4	5	1	1	1	2	1	2	1	2
Open Space through Residential, Separately Regulated Residential Uses, Junior Units [No change in text.]		[No change in text.]												
Live/Work Quarters		L					L	L	L	-	L	L ¹⁸	-	
Residential Care Facilities: through Separately Regulated Signs Uses, Theatre Marquees [No change in text.]		[No Change in text.]												

Footnotes for Table 131-05B

¹ through ¹⁷ [No change in text.]

¹⁸ This use is not allowed within the Coastal Overlay Zone.

Section 2. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by amending section 141.0311, to read as follows:

§141.0311 Live/Work Quarters

Live/work quarters are studio spaces in buildings that were originally designed for industrial or commercial occupancy that have been converted to integrate living space into the work space. Live/work quarters are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The minimum floor area of a live/work quarters shall be 500 square feet.
- (b) A maximum of 49 percent of the floor area of each live/work quarters may be used or arranged for residential purposes such as sleeping, *kitchen*, bathroom, and closet area.
- (c) through (e) [No change in text.]
- (f) The non-residential use shall be managed by the resident.
- (g) Live/work quarters shall not be used for classroom instructional use, storage of flammable liquids or hazardous materials, welding or any open-flame work.
- (h) The required parking spaces for the non-residential use shall be in compliance with Section 142.0560. The parking spaces shall not require designation for residential or non-residential uses.

Section 3. That Chapter 15, Article 2, Division 1 of the San Diego Municipal Code is amended by amending section 152.0104, to read as follows:

§152.0104 Definitions

Artists' Studios through **Liquor Sales** [No change in text.]

Live/Work Quarters (Lofts) - An area converted to integrate living space into work space in buildings originally designed for industrial or commercial occupancy, in compliance with the requirements of Section 141.0311.

Maintenance Repair and Service Facilities through **Wholesale and Warehouse**
[No change in text.]

Section 4. That Chapter 15, Article 11, Division 1 of the San Diego Municipal Code is amended by amending section 1511.0104, to read as follows:

§1511.0104 Definitions

For purposes of the Marina Planned District Ordinance, the following terms are defined as:

Atrium through **Land Use Mix** [No change in text.]

Live/Work Quarters - means an area converted to integrate living space into work space in buildings originally designed for industrial or commercial occupancy in compliance with the requirements of Section 141.0311.

Low-Rise through **Utility Substation** [No change in text.]

Section 5. That Chapter 15, Article 11, Division 3 of the San Diego Municipal Code is amended by amending section 1511.0301, to read as follows:

§1511.0301 Use Classifications for the Marina Planned District

Use classifications for the Marina Planned District are illustrated geographically in Diagram 1511-03A of this Planned District Ordinance.

(a) through (c) [No change in text.]

(d) Residential Uses

The following permanent residential uses are permitted in the Marina
Planned District:

- (1) [No change in text.]
- (2) A conditional use permit is required if the use is the primary residence of the occupants and the major use of the structure:
 - (A) [No change in text.]
 - (B) Live/Work Quarters. Not over 49 percent of each live/work quarter shall be used for residential purposes such as a sleeping area, kitchen, bathroom and closet area.
- (e) [No change in text.]

Section 6. That Chapter 15, Article 11, Division 4 of the San Diego Municipal Code is amended by amending section 1511.0401, to read as follows:

§1511.0401 Off-Street Parking and Loading Regulations

- (a) [No change in text.]

**TABLE 1511-04A
RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS**

Use Category	Minimum		Notes
<i>Dwelling units</i>	1 space per <i>dwelling unit</i>		
<i>Living Units</i>	Market rate unit	0.3 spaces per unit	Parking shall be based on the occupancy/rent restriction applied to the specific unit.
	50% AMI	0.1 spaces per unit	
	At or below 40% AMI	None	
<i>Group Living</i>	0.1 spaces per room		
<i>Senior Housing*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision is to accommodate requests for reduction in parking requirements.
<i>Shop Keeper Unit</i>	1 space per unit		
<i>Residential Care Facilities*</i>	1 space per every ten (10) beds		
<i>Transitional Housing Facilities*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision is to accommodate requests for reduction in parking requirements.

*[No change in text.]

(1) through (4) [No change in text.]

(b) [No change in text.]

(c) North Embarcadero *Off-Street Parking Space* Requirements.

The parking requirements in Table 1511-04C shall apply to *development* located west of California Street between Harbor Drive and West F Street.

**TABLE 1511-04C
NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS**

Use Category	Minimum		Notes
<i>Dwelling units</i>	1 space per <i>bedroom</i>		To a maximum of two spaces per unit.
<i>Living Units & Single Room Occupancy Units</i>	Market rate unit	0.3 spaces per unit	Based on the occupancy or rent restriction applied to the specific unit.
	50% AMI	0.1 spaces per unit	
	At or below 40% AMI	None	
<i>Group Living</i>	0.1 space per room		
<i>Senior Housing*</i>	Shall be determined through Conditional Use Permit review		The intent of this provision is to accommodate requests for reduction in parking requirements.
<i>Shopkeeper Unit</i>	1 space per unit		
<i>Residential Care Facilities*</i>	1 space per every ten (10) beds		
<i>Transitional Housing Facilities*</i>	Shall be determined through Conditional Use Permit review		The intent of this provision is to accommodate requests for reduction in parking requirements.
Office	2 spaces per 1,000 square feet		
<i>Hotel</i>	0.5 spaces per room		
Warehouse & Storage	1 space per 10,000 square feet		
Retail	2.5 spaces per 1,000 square feet		
Restaurant	5.0 spaces per 1,000 square feet		

*[No change in text.]

(d) through (m) [No change in text.]

Section 7. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 8. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports),

this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency or on the thirtieth day from and after its final passage, whichever is later, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.


That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 days from the date

the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 9. That no permit shall be issued for development that is inconsistent with the provisions of this Ordinance unless a complete application for such a permit is submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:jdf
06/25/18
Or.Dept: Planning
Doc. No.: 1756804_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 11 2018.

ELIZABETH S. MALAND
City Clerk

By *Linda Bruin*
Deputy City Clerk

Approved: 9/18/18
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial Zones**

Use Categories/Subcategories	Zone Designator	Zones													
		CN ⁽¹⁾ -					CR-		CO-			CV-		CP-	
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	1-					1-	2-	1-	2-	3-	1-	1-		
	3rd >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1
Open Space through Residential, Separately Regulated Residential Uses, Junior Units [No change in text.]		[No change in text.]													
Live/Work Quarters		L					L	L	<u>L</u>	-	L	<u>L</u> ¹⁸	-		
Residential Care Facilities: through Separately Regulated Signs Uses, Theatre Marquees [No change in text.]		[No change in text.]													

Footnotes for Table 131-05B

¹ through ¹⁷ [No change in text.]

¹⁸ This use is not allowed within the Coastal Overlay Zone.

§141.0311 Live/Work Quarters

Live/work quarters are studio spaces in buildings that were originally designed for industrial or commercial occupancy that have been converted to integrate living space into the work space. Live/work quarters are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The minimum floor area of a live/work quarters shall be ~~750~~ 500 square feet.
- (b) A maximum of ~~33~~ 49 percent of the floor area of each live/work quarters may be used or arranged for residential purposes such as sleeping, *kitchen*, bathroom, and closet area.
- (c) through (e) [No change in text.]
- (f) ~~For proper security, all exterior doors that provide access to the live/work quarters shall remain locked at all times. The non-residential use shall be managed by the resident.~~
- (g) ~~The live/work quarters may be occupied and used only by an artist, artisan or a similarly situated individual, or a family in which at least one member is an artist, artisan, or similarly situated individual. Live/work quarters shall not be used for classroom instructional use, storage of flammable liquids or hazardous materials, welding or any open-flame work.~~

- (h) ~~Persons other than residents of the live/work quarters are not permitted to work in the live/work quarters. The required parking spaces for the non-residential use shall be in compliance with Section 142.0560. The parking spaces shall not require designation for residential or non-residential uses.~~
- (i) ~~Live/work quarters shall not be used for mercantile, classroom instructional use, storage of flammable liquids or hazardous materials, welding or any open flame work, or offices or establishments with employees.~~

§152.0104 Definitions

Artists' Studios through Liquor Sales [No change in text.]

Live/Work Quarters (Lofts) - ~~An area comprised of one or more rooms or floors in a converted to integrate living space into work space in buildings originally designed for industrial or commercial occupancy. ~~The new construction shall include cooking space, sanitary facilities, and living and working space for artists, artisans, and similarly situated individuals, as permitted by land Development Code Section in compliance with the requirements of Section 141.0311.~~~~

Maintenance Repair and Service Facilities through Wholesale and Warehouse
[No change in text.]

§1511.0104 Definitions

For purposes of the Marina Planned District Ordinance, the following terms are defined as:

Atrium through Land Use Mix [No change in text.]

Live/Work Quarters - means an area ~~comprised of one or more rooms or floors converted to integrate living space into work space in a buildings which includes:~~

~~(1) cooking space and sanitary facilities, and (2) working space reserved for persons residing therein. originally designed for industrial or commercial occupancy in compliance with the requirements of Section 141.0311.~~

Low-Rise through Utility Substation [No change in text.]

§1511.0301 Use Classifications for the Marina Planned District

Use classifications for the Marina Planned District are illustrated geographically in Diagram 1511-03A of this Planned District Ordinance.

(a) through (c) [No change in text.]

(d) Residential Uses

The following permanent residential uses are permitted in the Marina Planned District:

(1) [No change in text.]

(2) ~~The following uses may be considered by A~~ conditional use permit is required if the use is the primary residence of the occupants and the major use of the structure:

(A) [No change in text.]

(B) Live/Work Quarters. Not over ~~33~~ 49 percent of each live/work quarter shall be used for residential purposes such as a sleeping area, kitchen, bathroom and closet area.

(e) [No change in text.]

§1511.0401 Off-Street Parking and Loading Regulations

(a) [No change in text.]

**TABLE 1511-04A
RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS**

Use Category	Minimum		Notes
<i>Dwelling units</i>	1 space per <i>dwelling unit</i>		
<i>Living Units</i>	Market rate unit	0.3 spaces per unit	Parking shall be based on the occupancy/rent restriction applied to the specific unit.
	50% AMI	0.1 spaces per unit	
	At or below 40% AMI	None	
<i>Group Living</i>	0.1 spaces per room		
<i>Senior Housing*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision is to accommodate requests for reduction in parking requirements.
Live/Work or Shop Keeper Unit	1 space per unit		
<i>Residential Care Facilities*</i>	1 space per every ten (10) beds		
<i>Transitional Housing Facilities*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision is to accommodate requests for reduction in parking requirements.

*[No change in text.]

(1) through (4) [No change in text.]

(b) [No change in text.]

(c) North Embarcadero *Off-Street Parking Space* Requirements.

The parking requirements in Table 1511-04C shall apply to *development*

located west of California Street between Harbor Drive and West F Street.

TABLE 1511-04C
NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS

Use Category	Minimum		Notes
<i>Dwelling units</i>	1 space per <i>bedroom</i>		To a maximum of two spaces per unit.
<i>Living Units & Single Room Occupancy Units</i>	Market rate unit	0.3 spaces per unit	Based on the occupancy or rent restriction applied to the specific unit.
	50% AMI	0.1 spaces per unit	
	At or below 40% AMI	None	
<i>Group Living</i>	0.1 space per room		
<i>Senior Housing*</i>	Shall be determined through Conditional Use Permit review		The intent of this provision is to accommodate requests for reduction in parking requirements.
Live/Work or <i>Shopkeeper Unit</i>	1 space per unit		
<i>Residential Care Facilities*</i>	1 space per every ten (10) beds		
<i>Transitional Housing Facilities*</i>	Shall be determined through Conditional Use Permit review		The intent of this provision is to accommodate requests for reduction in parking requirements.
<i>Office</i>	2 spaces per 1,000 square feet		
<i>Hotel</i>	0.5 spaces per room		
<i>Warehouse & Storage</i>	1 space per 10,000 square feet		
<i>Retail</i>	2.5 spaces per 1,000 square feet		
<i>Restaurant</i>	5.0 spaces per 1,000 square feet		

*[No change in text.]

(d) through (m) [No change in text.]

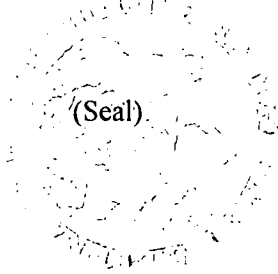
CLN:jdf
06/25/18
Or.Dept: Planning
Doc. No.: 1753684_5

Passed by the Council of The City of San Diego on SEP 11 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 18 2018

AUTHENTICATED BY:



KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

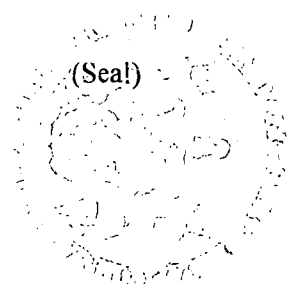
ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 31 2018, and on SEP 18 2018

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.



ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20985</u>