

Live-Work Planning and Building Code Issues

By Thomas Dolan

Regulating Live-Work



Figure 1-1 A building renovated for live-work. Union Street Studios, Oakland, 2001. Thomas Dolan Architecture.

As architects, planners and building officials, we are accustomed to categories that are congruent across the spectrum of “normal” planning and building regulations. Thus, a **residence** belongs in a **residential zoning district**, and its **occupancy** is **residential**. Enter **Live-Work**, where *people want to live where they work, often in the same space if not the same building*. This immediately flies in the face of the above regime, *mixing occupancies and uses*. What’s a regulator to do?

In 2012, Wiley published my book, [Live-Work Planning and Design: Zero Commute Housing](#), a comprehensive treatment of live-work that parses it into recognizable types that comprise a common vocabulary, so that an architect in Oakland can easily converse

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with a planner in Long Beach. My hope is that [*the lexicon of live-work*](#) can enter more common usage, thereby enabling one city to learn from another's experience and avoid needlessly starting from scratch.



Figure 1-2 A large live-work renovation under construction. California Cotton Mills Studios, Oakland, 2006. Thomas Dolan Architecture.

Put simply, *building (and fire) officials* see their work **as science**: it is measurable, replicable and a function of the laws of nature. Occupancies shall not meet—they are to be separated by fire-rated assemblies. Live-work doesn't conform to this model—or didn't until 2009, when Chapter 419, Live-Work Units, was adopted and included in the 2010 California Building Code. However, as we shall see, Chapter 419 only touches on one of many types of live-work.

On the other hand, *planning and zoning staff* are really **social engineers** who operate at the pleasure of a politically appointed planning commission. Their job is to regulate the public realm and private land use, subject to development standards, CEQA and copious public input. In *Euclidean Zoning*, cities are divided into (mostly) single-use zones: residential, commercial, industrial. However, many California cities' planning departments have recognized [*live-work as a valid form of mixed use*](#). Each jurisdiction, however, has taken a different approach to regulating (and even defining) live-work.



Figure 1-3 A new live-work project in a neighborhood context. Ocean View Lofts, Berkeley, 1993. Thomas Dolan Architecture.

Top Building Code Issues

The most important [live-work building code issues](#) in California (which, in 1980, passed [SB 812](#), legislation enabling local governments to enact relaxed building codes for “Joint Living and Working Quarters”) include:

1. Mixed Occupancy in a single common atmosphere
2. Applicability of CBC Section 419
3. Minimum Residential Facilities
4. Nature and hazard level of work activities
5. Applicability of Title 24 accessibility regulations
6. Code relaxations for:
 - a. Renovation of older buildings (Per SB 812)
 - b. Ladder-accessed sleeping lofts and mezzanines
 - c. Emergency escape & rescue
 - d. Seismic retrofit & change of occupancy
 - e. Exceptions to sprinkler requirements in small projects



Figure 1-4 Ladder-accessed sleeping loft. Boise Cascade Studios, Oakland.

Top Land Use & Zoning Issues

Frequent live-work regulatory challenges facing planning departments include:

<http://live-work.com/live-work/the-ten-truths-of-live-work-planning-policy/>

1. Where to locate live-work, i.e. matching place with type
2. Evolution of uses in live-work projects: planning for flexibility
3. Imported NIMBYs and neighboring use conflicts
4. Live-work's inherent risk of isolation vs. need for regular face-to face interactions
5. Telecommuting, Coworking and the Incubator Cycle
6. Industrial Protection Zones
7. The Soho Effect, aka residential reversion
8. Accommodating Artists, and defining who is an artist (and who's not?)
9. Live-Work and Community, both within projects and within an urban context



Figure 1-5 New Live-work in an existing industrial district, a prescription for imported NIMBY's, San Francisco.

Parsing Live-Work into Types, Determined by:

Form and Proximity: Proximity between **living** and **working** portions, and the **physical form** this takes

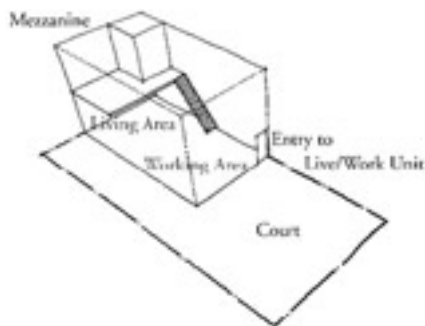
Use: Dominance and intensity of work use versus living activity: *work/live*, *live/work*, and *home occupation*; (more text to come)

Live-Work Proximity Types

There are three basic proximity types: *live-with* , *live-near* , and *live-nearby* . These terms refer to the form of the unit, specifically how the work space and the residence are physically arranged in relation to each other.

<i>Live-with</i>	Work and residence all occur in one “common atmosphere”
<i>Live-near</i>	Work and residence are separated by a wall or floor/ceiling
<i>Live-nearby</i>	Work occurs outside the residence but on the same property

Live-With Proximity Type (synonym: Loft)



A *live-with* unit is entirely contained within the confines of one room or “common atmosphere.” It is the type of space that most people imagine when they picture a typical "artist's loft." A *live-with* unit encompasses, within that single space: a kitchen/dining area, bathroom and sleeping space, and contiguous work space. This arrangement offers the greatest flexibility and the fewest interior partitions, allowing the user to adapt it to many different configurations. The

amount of space devoted to the "live" area and the "work" area depends on the occupant's needs at the moment, and as a result will likely vary over time.

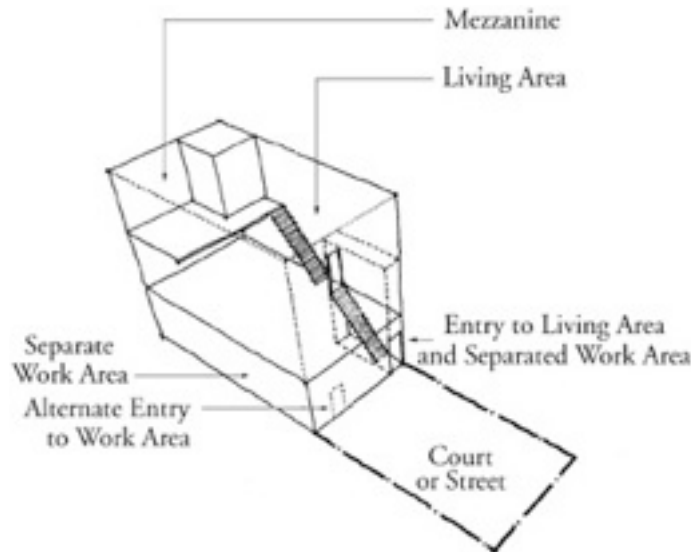


Figure 1-6. A live-Work Unit. South Prescott Village, Oakland, 1988. Thomas Dolan Architecture.

The **form** of a *live-with* unit is typically either a single level high-ceilinged space with few if any partitions, or a two-level space with a full height work space, a sleeping area and bathroom on a mezzanine level open to the work space below, and a kitchen/dining area below the mezzanine. Spatial delineation in such a unit is primarily determined by varied ceiling heights and outlook.

Live-Near Proximity Type

A *Live-near* unit provides some separation between living and working spaces, while



still meeting the needs of those who feel that the proximity afforded by live/work is important. The **form** of a *live-near* unit can vary; it usually consists of a work space on a main floor and a living space above—essentially a townhouse, shophouse or “flexhouse.” In this case the separation is a floor/ceiling, which may or may not be fire-rated depending on the hazard level posed by the work activity; if so, it is a *mixed occupancy*.

A work space in a different room than the living space is also a form of *live-near*; in that case the separation is a wall, which might be glazed, might be fire-rated, or might be neither—in part due to the adoption and applicability of Chapter 419. Nevertheless, in some localities, building officials have required that all live-work units be *live-near*, with the separation a fire-rated assembly.



Figure 1-7. A live-work unit with a glazed wall separating living and working portions. South Prescott Village, , Oakland, 1988. Thomas Dolan Architecture.

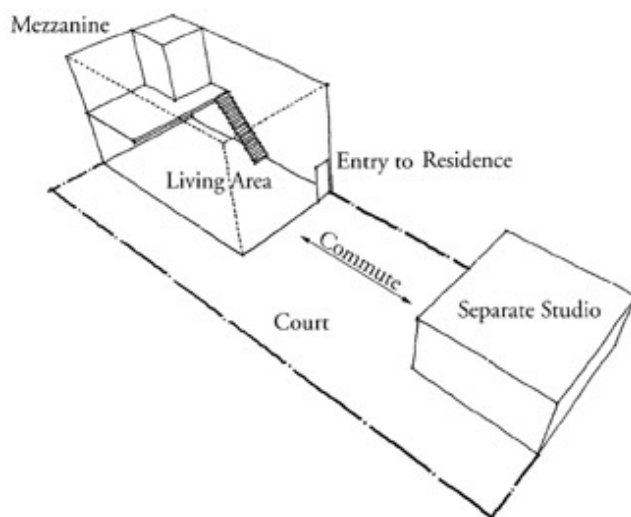
The separation present in a live-work unit can serve to minimize exposure to hazardous materials or high-impact work activity, can allow work to go on without

disturbance by family or a roommate, or can simply fill the need for that bit of distance created by a wall or floor. In a live-near unit, one's commute is a stairway or a door. Such a separation can make all the difference in one's work-life balance.

Live-near units are flexible in an entirely different way than live-near units. Their flexibility comes from being able to treat the live portion of a unit as separate from the work portion, and to be able to rent out or share the two spaces more easily.

Live-Nearby Proximity Type

In this configuration, a short walk separates the living portion and the work space—



across a courtyard, to a converted garage or other accessory structure, or up or down an exterior staircase, all on the same property. While live-nearby may initially appear to be simply mixed use, a zoning classification as live/work may permit its existence in locations where a residential or a commercial space alone might not be permitted. A *live-nearby* unit has many of the advantages of a live-near unit, only moreso—except in inclement weather. One's commute requires a walk outside, or down a corridor or common set of stairs, or even down the street; the work space therefore feels even more like a separate place and is therefore somewhat more suited to client visits, employees, and walk-in trade as appropriate.



Figure 1-8. A detached workspace, James Avenue Live-Work Compound, Oakland, 2001. Thomas Dolan Architecture & Jennifer Cooper Designer.

The work space in a *live-nearby* unit is often located in an outbuilding such as a disused granny flat over a garage, or a converted garage or barn. In some multi-unit buildings there is the rare case of a “telework center” or common work space that is separate from the residences; this would also be a form of *live-nearby*. [Coworking](#) space combined with a live-work project is also a form of *live-nearby*.

Housing over retail is essentially *live-nearby*, and is most definitely a form of live-work if the occupant of the retail lives in the same building or on the same property

Live-Work Use Types

There are three basic *use types* all of which are types of live-work (note the hyphenation rather than the forward/slash): *home occupation*, *live/work*, and *work/live*. These terms refer to the degree of dominance of the work activity in the unit; they are not terms related to form per se, although *home occupation*, for example, always occurs in a residence.

<i>Home Occupation</i>	Primarily a residence, work is accessory to its function as a home
<i>Live/Work</i>	Work and residence both occur; their relative dominance will likely change over time
<i>Work/Live</i>	Primarily a place of work, residence is accessory to its work function, and at times may disappear altogether

Home Occupation Use Type (synonym: home office)



Figure 1-9. Home Occupation (work space to the left). Pinetree Studios, Oakland, 1990. Thomas Dolan Architecture.

Home Occupation is a term used by many jurisdictions to grant residents the right to pursue small-scale work activities at home. This type of arrangement is what most people think of when they hear the term “working at home,” or “home office.” By definition, home occupation takes place in a residence, and it may or may not include a physically delineated work space such as an office, studio, or workshop.

***Live/Work* Use Type (synonym: loft)**



Figure 1-10. A live/work use type. Willow Court, Oakland, 2007. Thomas Dolan Architecture.

Live/Work is a term used to describe a unit in which the needs of the residential component and the quiet enjoyment expectations of the neighbors in the building or adjacent buildings take precedence over the work needs of the unit in question, meaning that those who pursue work activities must take into consideration the noise, odors, and other impacts they may generate. The predominant use of a *live/work* unit is residence; work activity is secondary or, if separated (as in a *live-near* proximity type), of comparable importance. It is also true that their relative dominance will quite possibly change over time.

Work/Live Use Type (two synonyms: artists' loft, raw loft)



Figure 1-11. A very industrial work space in a former jet engine test facility. Alameda Point, 1994. Thomas Dolan Architecture.

Work/Live is a term used to describe a unit in which the needs of the work component take precedence over the quiet enjoyment expectations of residents. There may be noise, odors, or other impacts, as well as employees, walk-in trade, or sales. The predominant use of a work/live unit is commercial or industrial work activity; residence is a secondary, if not accessory use, and may at times disappear altogether.

Use Evolution in Work/Live

Perhaps more than any other type defined in this article, space permitted as work/live, built as work/live and sold or leased as work/live (sometimes with the wink of an eye) often ends up reverting to less work-intensive types. The most common occurrence is residential reversion, in which an occupant of a work/live unit discontinues (or never begins) working in the space, and simply treats it as an open plan, spacious, trendy residential loft.

Why is residential reversion such an important issue; and why should this matter?

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It matters because residential reversion of work/live in industrial districts causes more land use problems than exist in any other aspect of the live-work world. Work/live is typically zoned by city planners as an attempt to rescue failing industrial districts, to make use of seemingly underutilized, abandoned stretches of urban real estate. The intent of most work/live legislation as it applies to existing urban districts is to allow the occupation of vacant warehouses by those who will both live and work there, who will coexist with their industrial neighbors, and who will put up with a relative lack of city services. When work/live spaces are occupied by working artists or small businesses who are renting their space, typically few problems arise. Such residents integrate well into existing industrial districts because the work activity they are carrying on is compatible with those around them.

At the other end of the spectrum are those who purchase so-called work/live lofts constructed in industrial districts, who have no intention of working in them or whose work is of a part-time white collar nature in a decidedly blue collar context. As soon as the first delivery truck cranks up its diesel at 4:30 AM, factory blows off its steam vents at 2 AM, or business operator washes meat packing offal down the gutter in front of his loft, that buyer is going to get a lawyer (if he isn't one himself) and go after that business—one that might have been operating without harassment for decades in that location, one perhaps zoned for heavy industry. This phenomenon is called Imported NIMBYism, and it can cause huge problems (NIMBY=not in my back yard). Industrial districts are set aside for high impact manufacturing; they are necessary to the function of cities; and those businesses that locate there have nowhere else to go, short of relocating to another city or an exurban tilt-up district.



Figure 1-12. Lifestyle Lofts in formerly industrial South of Market (SOMA), San Francisco, 1990's.

To summarize, residential reversion is common in work/live, is usually harmful when it occurs in existing industrial districts, and finding means to head it off are perhaps the most daunting challenges in live-work planning regulation.

Neighborhoods and districts go through cycles, perhaps none on a more well-worn track than the so-called SoHo cycle. It goes something like this: artists discover a location, and start moving into underutilized warehouses, renting from owners who are happy to look the other way while they are occupied illegally. The artists need places to show their work, so a few “experimental” galleries spring up. The press gets wind of it, and the district begins to get more attention. Cafés, galleries and bars spring up. Up to this point, most of the lofts are true work/live.

Meanwhile, the city begins to pay attention to the fact that many lofts are being lived in illegally, a fact easily established via a nighttime windshield survey of lights on and curtains drawn. Building departments begin to lean on the landlords, who then point out to the tenant artists that their leases don’t permit residence. Many artists lose their spaces, rents go up, and they are replaced by yuppies and trend-chasers. By this time most of the lofts have reverted to live/work, or simply residences. The galleries become more established, more services fill in at the ground floor level, and an urban neighborhood is born. Depending on who you ask, this is either a good thing (for planners and property owners) or a travesty (for displaced tenants).

STOP ARTIST EVICTIONS IN THIS BUILDING

(HISTORICALLY KNOWN AS THE SERTA BUILDING)

ALL OF THE LIVE/WORK ARTISTS IN THIS BUILDING are being sued to evict them from their studio/living spaces. These actions have been going on for almost two years, and to date, several have been forced to give up their spaces by a vindictive group of owner/ investors known as **Preservation Properties**. This is the same entity that would have you believe they are "friends and supporters of the arts."

Preservation Properties (purchased building in 1997) publicly stated that they assured us "*that they plan to maintain the integrity of the building in its current use as working and living space for San Francisco artisans and craftspeople.*" When leases expired, these same investors decided to raise rents to unacceptable levels and reap the profits of the Dot Com boom. The artists responded by threatening to take the matter to the San Francisco Rent Board, at which time, instead of any meaningful negotiations, the owners filed lawsuits to evict, under the guise of health/safety issues. In reality, controlling rent and utility increases under live/work is the jurisdiction of the Rent Board, a situation **Preservation Properties** wants no part of. Currently, the artists are awaiting rulings from the board to enforce their jurisdiction.

The Board of Permit Appeals has struck down the owners "permits to demolish spaces" (another guise to evict troublesome tenants) and the Department of Building Inspectors and the Zoning Department have suggested this building would fittingly reflect the true nature of live/work artists studios in San Francisco, an ordinance passed in 1988.

The artists here in the Serta Building need your support! If you would like to help maintain true live/work, affordable space in San Francisco, please write or fax your displeasure over these incidents to:

Mr. Leslie Silverman
Mr. Charles Silverman
Preservation Properties
55 Division Street
San Francisco, CA 94103

Phone: 252-0105
Fax: 864-4642

Thanks for your help in the PRESERVATION of affordable live/work space.

Serta Building Tenants Rights Association

Figure 1-13. Artists facing eviction (which was carried out), San Francisco.

What about the artists? They move on, to repeat the cycle in another location, again and again. The businesses that were originally there are long gone. As noted above, a

signal component of the SoHo cycle is the evolution of work/live spaces to live/work or even home occupation. Buildings evolve over time, as do neighborhoods. There are winners and losers here, and as stated above, such cycles repeat themselves in successive locations.

Thomas Dolan is an architect, urban designer and live-work code and development consultant who built the first new construction live-work in US, starting in 1987. In that project, South Prescott Village in Oakland, California, Thomas Dolan Architecture invented a new building type, the live-work courtyard community. Tom's book, [Live-Work Planning and Design: Zero Commute Housing](#), is the first comprehensive treatment of live-work. More information about live-work and his firm can be found on [the live-work blog](#) on this site, and at <http://www.live-work.com>.

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