



February 15, 2018

**TO:** LOCSD Board of Directors  
**FROM:** Jose Acosta, Utility Systems Manager  
**SUBJECT:** **Agenda Item 7A – 3/1/2018 Board Meeting** JA  
Fire Sprinkler Service Installation at 1220 3<sup>rd</sup> Street, Los Osos

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### DESCRIPTION

Through the County's permitting process, the residents at 1220 3<sup>rd</sup> Street are required to install a fire sprinkler system. Per Title 2 of the District Code, the installation of a fire sprinkler system requires a separate service line and meter installation.

### STAFF RECOMMENDATION

Staff is requesting that the Board make a recommendation regarding the two options available to the resident. Either continue with installation, requiring installing a separate service line and meter for fire sprinkler system, per the District Code; or, allow the customer to proceed with installation, without installing a separate service line and meter, with the understanding that amendments to the District Code will be presented for adoption at your April Board meeting.

***Option 1 Motion: I move that the Board allow the customer to proceed with the fire sprinkler system installation and install a separate service line and water meter per Title 2 of the District Code.***

or

***Option 2 Motion: I move that the Board allow the customer to proceed with the installation, without installing a separate service line and water meter, with the understanding that staff make the necessary amendments to the District Code for adoption at the Board's April meeting.***

### DISCUSSION

The residents at the above address approached the District regarding installation of an additional meter for an existing dwelling on the property, and procedures for installation of a fire sprinkler system. Currently there is a duplex on the property, both units are currently provided water service through one meter, the customer wishes to meter each unit individually. It was explained that the installation of a second meter would require a separate service line installation, as well as a separate service line for their fire sprinkler system, along with a separate meter.

Title 2 of the District Code, Section 2.02.10 Public and Private Fire Service states, "A detector-check type meter shall be required on all private fire service connections. The customer's installation must be such as to effectively separate the fire system from that of the regular water service system."

District staff made a recommendation that the customer have one 1½" service line installed and manifold it to service both new meters rather than two separate service lines being installed.

Staff explained the moratorium on trenching across county roads, for a five year period, and because of the moratorium, boring services would be required. District Staff contacted a local boring company and requested quotes for their service, on behalf of the customer.

The customer, along with their fire sprinkler installation contractor, contacted District Staff regarding the District code requiring a separate service line and meter for fire sprinkler systems. District Staff had a conversation with the customer and the contractor as well, explaining the code and also a willingness to make contact with other agencies, for information on their policies.

After contacting County Staff and discussing their processes regarding the installation of fire sprinkler systems, County Staff was able to provide State legislation, Senate Bill 1069, which was implemented in January 2017, and Cal Fire Information Bulletin 17-001, in regards to fire sprinkler installations. Senate Bill 1069 states, "For an accessory dwelling unit described in subdivision (f), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge."

Senate Bill 1069, currently affects City and County agencies, but will soon be a requirement for Special Districts as well. After review of these documents, District Staff would like to be proactive and present your Board with a change in District policy regarding this item. The change would be presented at the April Board meeting. These changes would place us in line with surrounding agencies and State Senate Bill 1069. The changes would be drafted, presented, discussed, and implemented once the Board has provided guidance.

Attachments:

1. District Code, Title 2, Section 2.02.10
2. SB 1069 Land Use: Zoning
3. CA State Fire Marshal Information Bulletin 17-001 Automatic Residential Fire Sprinkler System Requirements for Accessory Dwelling Units

the District the costs of engineering and inspection services occasioned by such installation. Such customer-installed facilities between the District pipeline and the customer's side of the meter normally shall become the property of the District and shall be thereafter be maintained by the district; provided, that where meters have been provided by a water agency customer of the District in connection with related features of its water system and it is deemed impracticable for the district to maintain the meter, then the customer shall retain ownership of such meter and shall maintain it in proper working condition. The District shall have the right to require the customer to test such meters for accuracy at reasonable intervals and shall have access to such meters for inspection, testing, and meter reading purposes.

#### 2.02.10 Public and Private Fire Services

A. Public Fire Service. The District may enter into contracts for fire hydrants and the supplying of water for fire protection use to any other District, public agency, or municipality located within the District under such terms and conditions as may be mutually acceptable to the District and the agency.

B. Private Fire Service. The District may grant applications for private fire service for sprinkler service or private fire hydrants. A detector-check type meter shall be required on all private fire service connections. The customer's installation must be such as to effectively separate the fire system from that of the regular water service system. The required meter installation may be installed by the customer in accordance with plans previously approved by the District or may be constructed by the District at the customer's expense.

#### 2.02.11 Distribution Facilities

All District facilities shall be installed in accordance with "District Specifications and Drawings". The initial minimum water main size shall be eight (8) inches in diameter. Future main sizes shall be established in the District Specifications and Drawings.

#### 2.02.12 Water Supply and Interruption of Service

The District will exercise reasonable diligence and care to deliver to customers a continuous and sufficient supply of water at the meter. The District, however, shall not be liable for interruption of service or shortage or insufficiency of supply or for any loss or damage occasioned thereby. For the purpose of making repairs or installing improvements to the system, the District shall have the right to temporarily suspend the delivery of water. The customer shall be notified in advance of such action, except in cases of emergency. Repairs or improvements will be performed as rapidly as may be practicable and so far as possible at times which will cause the least inconvenience to the customers concerned. The District shall not be liable for any loss or damage occasioned by such suspension of service.

#### 2.02.13 Water Receiving Equipment - - Responsibility

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not otherwise permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions. This subdivision shall not apply to a unit that is described in subdivision (e).

(e) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(f) Notwithstanding subdivisions (a) to (e), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(g) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (f), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (f), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(h) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of accessory dwelling units.

(i) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(j) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.



## California State Fire Marshal Information Bulletin 17-001

Issued: January 24, 2017

### Automatic Residential Fire Sprinkler System Requirements for Accessory Dwelling Units

Senate Bill 1069, Wieckowski (Chapter 720, Statutes of 2016) Land use: zoning, amends section 65852 of the Government Code to provide reform and incentives to facilitate and expedite the construction of affordable housing. The law was created to allow the construction of additional dwelling units associated with existing housing. An accessory dwelling unit may be attached or unattached to the existing house. The changes in the statute affect the automatic residential fire sprinkler system requirements for accessory dwelling units by exempting the requirement in some situations, noted below.

The Government Code is part of California statute and the bill has an effective date of January 1, 2017. The statute takes precedence over local regulations or ordinances. The information on SB 1069 can be found at:  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB1069](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1069)

#### Automatic Residential Fire Sprinkler System Requirements

The California Residential Code section R313.2 requires automatic residential fire sprinkler systems in one and two family dwellings:

**R313.2 One- and two-family dwellings automatic fire systems.** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

**Exception:** An automatic residential fire sprinkler system shall not be required for *additions* or *alterations* to existing buildings that are not already provided with an automatic residential sprinkler system.

## Information Bulletin 17-001 (Continued)

Senate Bill 1069 adds the following exception for automatic residential fire sprinkler systems if all the following conditions exist:

- The unit meets the definition of an Accessory Dwelling Unit in the Government Code (section 65852.2).
- The existing primary residence is not required to have an automatic residential sprinkler system.
- The accessory detached dwelling unit does not exceed 1,200 square feet in size.
- The unit is on the same lot as the primary residence.

The statute prohibits local authorities from requiring automatic residential sprinkler systems for accessory dwelling units unless they are required for the primary dwelling unit.

The following information is provided for clarification:

- Automatic residential sprinkler systems are required in all new homes including those built with an accessory dwelling unit.
- New accessory dwelling units must have an automatic residential sprinkler system when the existing house has an automatic residential sprinkler system.
- Existing houses without an automatic residential sprinkler system adding an accessory dwelling unit are not required to provide an automatic residential sprinkler system.

Addition considerations:

- Existing houses that increase the square footage while adding an attached accessory dwelling unit may exceed an automatic residential sprinkler system threshold ordinance based on a local ordinance. If the local authority has an ordinance that applies to all houses and requires fire sprinklers when the square footage exceeds the prescribed amount, the local authority may then require an automatic residential sprinkler system to the entire house including the accessory dwelling unit.
- New detached accessory dwelling units are required to comply with the standards for fire protection such as water supply and fire department access. Automatic residential sprinkler systems provide construction options for the owner by providing different ways to complying with the fire protection requirements.