County of Lassen
Department of Planning and Building Services
• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

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January 7, 2021

TO: Planning and Building Services Department staff
Interested public, contractors and engineers

FROM: Maurice L. Anderson, Director

SUBJECT: Interim policy regarding application of the fire sprinkler exemption provided at section 65852.2 of the Government Code

Summary:
This memorandum will detail the interim policy as to when and under what circumstances the exemption from the fire sprinkler requirement found at Government Code section 65852.2 (attached) is applicable to the construction of a second residence. This interim policy is effective until the Board of Supervisors amends the ordinance required by section 65852.2 (currently codified at subsection (3) of Lassen County Code section 18.108.270).

In summary, a second residence is considered to be an "accessory dwelling unit" (ADU), and may use the fire sprinkler exemption found at the above section of the Government Code, if the second residence is approved through issuance of a Use Permit (per Chapter 18.112 of Lassen County Code) or through issuance of a Certificate of Conditional Use (per Lassen County Code section 18.114.030). However, if the existing residence was required to have fire sprinklers when constructed, the above fire sprinkler exemption does not apply.

Independent of Government Code section 65852.2, it should be noted that section R313.2 (attached) of the California Residential Code (CRC; Part 2.5 of Title 24 of the California Code of Regulations) does not require the installation of fire sprinklers for the construction of an **attached residence (or addition)** if the existing residence does not have fire sprinklers. In all other instances, the CRC requires that fire sprinklers be installed. The only exemption from the sprinkler requirement for **detached second residences** is for those residences that meet the ADU requirement found in Government Code section 65852.2, described above and discussed in more detail below.

Discussion:
As stated above, Government Code section 65852.2 provides an exemption from the fire sprinkler requirement for construction of an accessory dwelling unit (ADU) (as defined by said section). Specifically, construction of an ADU does not require installation of sprinklers if the existing residence was not required to have sprinklers. This exemption is applicable to all ADUs,

regardless of whether the ADU is attached to the existing residence or is a standalone building. However, as stated, the CRC has a broader exemption for attached second residences (and additions) if the existing residence does not have sprinklers. The CRC exemption applies to any residence or addition, even if it is not defined as an ADU per Government Code section 65852.2.

It should also be noted that, during the certification process for the 2019-2024 Housing Element update, the California Department of Housing and Community Development (HCD) stated that the current second housing unit ordinance (Lassen County Code section 18.108.270; attached) is not in full compliance with Government Code section 65852.2. Accordingly, HCD required inclusion of Program Goal HE-2.B (attached) in the 2019-2024 Lassen County Housing Element. In summary, said Program states that the County "*…shall review standards and revise as necessary to allow ADUs with a ministerial, non-discretionary process in compliance with state law*." Accordingly, an amendment of Lassen County Code section 18.208.270 is currently being prepared for consideration by the Board of Supervisors (File No. 318.01.61). The intent is to prepare and recommend adoption of an ordinance in full compliance with Government Code section 65852.2 (and acknowledged as being in compliance by the California Housing and Community Development Department).

Adoption of an interim policy (this policy) is needed to define if and to what extent a second dwelling unit allowed in Lassen County can be considered an "ADU" pursuant to Government Code section 65852.2 and use the fire sprinkler exemption detailed herein. Once an ordinance is adopted, this interim policy will be null and void.

Application of subsection "(3)" of Lassen County Code section 18.108.270 is utilized to describe when a second residence can be considered an ADU. Said subsection reads as follows:

> *There are no areas in Lassen County in which "accessory dwelling units," as defined in Government Code Section 65852.2,* ***shall be allowed by right****, given the specific scarcity of public water, sewer, and fire services in Lassen County. All applications for second dwelling units shall be processed pursuant to Title 18 of the Lassen County Code and the general plan. This subsection complies with the requirements set forth for the ordinance described at Government Code Section 65852.2(a) et seq.* (Emphasis Added)

In order for a detached second residence to be considered an "ADU" pursuant to Government Code Section 65852.2, it must be considered through a discretionary process that allows attachment of conditions of approval. This is because the current wording of the above section of Lassen County Code states that there are no areas of Lassen County where an ADU is allowed by right. As such, for a second residence to be processed and approved as an "ADU" per Government Code section 65852.2, said second residence must either:

1. Be authorized **through approval of a Use Permit** (per Lassen County Code Chapter 18.112) and issuance of an Authorization to Operate (per Lassen County Code section 18.112.080).

2. Be authorized through issuance (per Lassen County Code section 18.114.030) **of a Certificate of Conditional Use (CCU),** upon satisfaction of all conditions of approval.

While the initial approval (or disapproval) of a CCU does not require a public hearing, approval of a CCU does allow conditions of approval to be applied. Thus, issuance of a CCU meets the requirements of subsection (3) of Lassen County Code section 18.108.270 necessary to be approved as an ADU pursuant to Government Code section 65852.2.

Again, the 2019 CRC does not require sprinklers for an attached second residence or an addition to a residence that does not have fire sprinklers installed (see CRC section R313.2). Further, said CRC exemption applies to any residence, regardless of whether it is considered an ADU.

MLA:gfn
Enclosures: California Government Code Section 65852.2
California Residential Code Section R313.2
Lassen County Code Section 18.108.270
2019-2024 Lassen County Housing Element, Page 132 (Program Goal HE-2.B)

cc: Posted on the County website
Available at the public assistance counter upon request

x/pla/admin/files/300/01/61/ADU interim policy

State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet 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 specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application

shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a

permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) 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 walking distance 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 proposed or existing primary residence or an 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.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

(5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (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) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation 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, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation 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 square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

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

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit

written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

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

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

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

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "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.

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

(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(*l*) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall become operative on January 1, 2025.

(Amended (as added by Stats. 2019, Ch. 659, Sec. 2.5) by Stats. 2020, Ch. 198, Sec. 4.5. (AB 3182) Effective January 1, 2021. Section operative January 1, 2025, by its own provisions.)

R312.2.1 Window sills. In dwelling units, where the top of the sill of an operable window opening is located less than 24 inches (610 mm) above the finished floor and greater than 72 inches (1829 mm) above the finished grade or other surface below on the exterior of the building, the operable window shall comply with one of the following:

1. Operable window openings will not allow a 4-inch-diameter (102 mm) sphere to pass through where the openings are in their largest opened position.
2. Operable windows are provided with window fall prevention devices that comply with ASTM F2090.
3. Operable windows are provided with window opening control devices that comply with Section R312.2.2.

R312.2.2 Window opening control devices. Window opening control devices shall comply with ASTM F2090. The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the net clear opening area of the window unit to less than the area required by Section R310.2.1.

SECTION R313
AUTOMATIC FIRE SPRINKLER SYSTEMS

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.

Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section *R313.3* or NFPA 13D.

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

1. 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.

2. *Accessory Dwelling Unit, provided that all of the following are met:*

2.1. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.

2.2. The existing primary residence does not have automatic fire sprinklers.

2.3. The accessory detached dwelling unit does not exceed 1,200 square feet in size.

2.4. The unit is on the same lot as the primary residence.

R313.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section *R313* or NFPA 13D.

***R313.3* Dwelling unit fire sprinkler systems.**

***R313.3.1* General.** The design and installation of residential fire sprinkler systems shall be in accordance with NFPA 13D or Section *R313.3*, which shall be considered equivalent to NFPA 13D. Partial residential sprinkler systems shall be permitted to be installed only in buildings not required to be equipped with a residential sprinkler system. Section *R313.3* shall apply to stand-alone and multipurpose wet-pipe sprinkler systems that do not include the use of antifreeze. A multipurpose fire sprinkler system shall supply domestic water to both fire sprinklers and plumbing fixtures. A stand-alone sprinkler system shall be separate and independent from the water distribution system.

R313.3.1.1 Backflow protection. *A backflow preventer shall not be required to separate a sprinkler system from the water distribution system, provided that:*

1. *The system complies with NFPA 13D or Section R313;*
2. *Piping materials are suitable for potable water in accordance with the California Plumbing Code; and*
3. *The system does not contain antifreeze or have a fire department connection.*

***R313.3.1.2* Required sprinkler locations.** Sprinklers shall be installed to protect all areas of a dwelling unit.

Exceptions:

1. Attics, crawl spaces and normally unoccupied concealed spaces that do not contain fuel-fired appliances do not require sprinklers. In attics, crawl spaces and normally unoccupied concealed spaces that contain fuel-fired equipment, a sprinkler shall be installed above the equipment; however, sprinklers shall not be required in the remainder of the space.
2. Clothes closets, linen closets and pantries not exceeding 24 square feet (2.2 m^2) in area, with the smallest dimension not greater than 3 feet (915 mm) and having wall and ceiling surfaces of gypsum board.
3. Bathrooms not more than 55 square feet (5.1 m^2) in area.
4. Detached garages; carports with no habitable space above; open attached porches; unheated entry areas, such as mud rooms, that are adjacent to an exterior door; and similar areas.

***R313.3.2* Sprinklers.** Sprinklers shall be new listed residential sprinklers and shall be installed in accordance with the sprinkler manufacturer's installation instructions.

18.108.270 Second housing unit.

Notwithstanding any provision to the contrary in this title, in any zone on a parcel of land where there is in existence a legally-established "single-family dwelling," as defined in this title, a "second dwelling unit," may be allowed by the planning commission, upon first securing a use permit pursuant to Chapter 18.112 of this title. Such use shall be subject to, but not limited to, the following minimum criteria.

(1) In R-1 zones development standards shall be as follows:

(a) Maximum living area shall not exceed one thousand four hundred square feet or eighty percent of the floor area of the primary dwelling, whichever is greater. Garages and other fully enclosed areas attached to the existing and proposed dwellings shall be considered part of the floor area for purposes of establishing the eighty percent maximum.

(b) Architectural design of the second dwelling unit shall be visually compatible with, and complimentary to, the existing single-family dwelling located on the property and others in the vicinity.

(c) One additional off-street parking space shall be required.

(d) Second dwelling unit must be connected to community water and sewer utilities for services, or must be individually approved by the county health department.

(e) Maximum allowable lot coverage: forty-five percent.

(f) Design review shall be required.

(2) In A-2 zones, or in other zones where a single-family dwelling has been legally established, development standards shall be as follows:

(a) Maximum living area shall not exceed one thousand four hundred square feet, or eighty percent of the floor area of the primary dwelling, whichever is greater. Garages and other fully enclosed areas attached to the existing and proposed dwellings shall be considered part of the floor area for purposes of establishing the eighty percent maximum.

(b) Architectural design of the second dwelling unit shall be visually compatible with, and complimentary to, the existing single-family dwelling located on the property and others in the vicinity.

(c) One additional off-street parking space shall be required.

(d) Second dwelling unit must be individually approved by the county health department.

(e) Design review shall be required.

(3) There are no areas in Lassen County in which "accessory dwelling units," as defined in Government Code Section 65852.2, shall be allowed by right, given the specific scarcity of public water, sewer, and fire services in Lassen County. All applications for second dwelling units shall be processed pursuant to Title 18 of the Lassen County Code and the general plan. This subsection complies with the requirements set forth for the ordinance described at Government Code Section 65852.2(a) et seq. (Ord. 2018-007 § 2; Ord. 467-AE § 7, 2009; Ord. 467-F § 2, 1988; Ord. 467 § 66, 1984).

Responsibility: Planning and Building Services Department, Planning Division and Grants and Loans Division

Objective: Identify annual housing priorities and prepare annual report

Funding Source: No additional funding required, General Fund

Time Frame: Annually by April 1

Programs – Goal HE-2: Affordable Housing

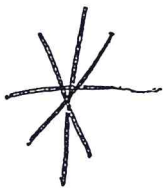
HE-2.A Density Bonus Ordinance: Develop and adopt a density bonus ordinance in accordance with state law. The ordinance will specify that the County will grant a density bonus to developers that include a minimum specified percentage of extremely low-, very low-, low-, and moderate-income dwelling units within residential developments, in accordance with Section 65915 of the Government Code. Units designated for low-income households shall be required to remain affordable consistent with the requirements of the funding source and state law.

Responsibility: Planning and Building Services Department, Planning Division

Objective: Adopt a density bonus ordinance

Funding Source: General Fund, CDBG Planning and Technical Assistance funds, SB 2 funds

Time Frame: Adoption by March 2020



HE-2.B Accessory Dwelling Unit Ordinance: Continue to allow accessory dwelling units per Section 18.108.270(3) of County Code. County staff will continue to provide information about the process for applying to create an accessory dwelling unit at the public counter. To ensure consistency with state law (Assembly Bill 2299/Senate Bill 1069 and Assembly Bill 494/Senate Bill 229) the County shall review standards and revise as necessary to allow ADUs with a ministerial, non-discretionary process in compliance with state law.

Responsibility: Planning and Building Services, Planning Division

Objective: Amend County Code to comply with state ADU law.