



CAL FIRE - Office of the State Fire Marshal Information Bulletin 21-005

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Accessory Dwelling Units and Automatic Residential Fire Sprinkler System Requirements

The legislature has passed several bills that changed the requirements for Accessory Dwelling Units (ADU). This Informational Bulletin is to provide guidance for the construction of ADUs and Junior Accessory Dwelling Units (JADU). This informational bulletin replaces the Office of the State Fire Marshal's [Informational Bulletin 17-001: Automatic Residential Fire Sprinkler System Requirements for Accessory Dwelling Units](#), with the additional requirements for JADUs, ADUs in multi-family buildings and includes a legislative history.

Definitions

Accessory Dwelling Unit (ADU)

Accessory dwelling units are defined in section 65852.2 of the Government Code.

- The accessory detached dwelling unit does not exceed 1,200 square feet in size of living space.
- The total living space area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling
- The unit is on the same lot as the primary residence.
- It can be detached or attached to the primary residence.

Junior Accessory Dwelling Units (JADU)

Junior accessory dwelling units are defined in section 65852.22 of the Government Code.

- A unit not more than 500 square feet.
- Has a separate entrance
- Has cooking appliances.
- May share sanitation facilities with the existing structure.
- Part of the main structure, existing or proposed.
- Shall not be consider a separate unit for fire and life regulations.

A junior accessory dwelling is part of the main structure and is not considered a separate unit for fire and life safety.

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Allowable ADU and JADU Use

Single-Family Dwellings (Group R-3)

- May add one accessory dwelling unit; and/or
- One junior accessory dwelling unit

Multifamily Dwelling Units (Group R-2)

- May add one junior accessory dwelling unit; and
- One accessory dwelling unit; and
- An additional accessory dwelling unit, for a total of two accessory dwelling units if the accessory dwelling units are 25% or less of the existing dwelling units in size.

Multifamily Dwelling Units (Duplexes)

Duplexes can be built under the California Residential Code or the California Building Code. Multifamily structures with two dwelling units (duplexes) that add additional attached accessory dwelling units require a change of occupancy.

- The California Building Code section 1.1.3 states that the building code applies to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy. The current codes would apply to a change of occupancy.
- The California Residential Code section 1.1.3 identifies the scope of the residential code as applicable to detached one- and two-family dwellings and townhouses not more than 3 stories above grade. An existing two-family dwelling designed and constructed to the CRC that is altered to create three or more dwelling units must meet the requirements of the California Building Code, including reclassification to a Group R-2 (or other) occupancy.
- The California Building Code section 310.4 classifies buildings that do not contain more than two dwelling units as Residential Group R-3. The California Building Code section 310.3 classifies structures with more than two dwelling units as Residential Group R-2.

Property Line Setbacks

- New junior accessory dwelling units and accessory dwelling units shall have setback of a minimum of four feet.
- No setback is required for existing buildings that are converted into accessory dwelling units when they are located within the same dimensions.

Automatic Residential Fire Sprinkler System Requirements

The California Residential Code section R313.2 requires automatic residential fire sprinkler systems in newly constructed 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.

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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 detached accessory 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 newly constructed dwellings including those built with an accessory dwelling unit.
- Newly constructed attached accessory dwelling units must have an automatic residential sprinkler system when the existing dwelling has an automatic residential sprinkler system.
- Existing dwellings designed and constructed prior to the requirement for an automatic residential sprinkler system adding an attached accessory dwelling unit are not required to provide an automatic residential sprinkler system.

Additional considerations:

- Existing dwellings 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 a prescribed amount, the local authority may then require an automatic residential sprinkler system to the entire dwelling 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 of complying with the fire protection requirements.

Legislative History

Senate Bill 1069, Wieckowski (Chapter 720, Statutes of 2016) Land use: zoning, amended 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.

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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: [Legislative Information SB 1069](#).

Senate Bill 68, Ting (Chapter 655, Statutes of 2019) Land use: accessory dwelling units, amended section 65852 of the Government Code to create junior accessory dwelling units. The information on SB 68 can be found at: [Legislative Information SB 68](#).

Senate Bill 13, Wieckowski (Chapter 653, Statutes of 2019) Accessory dwelling units, amended section 65852.2 of the Government Code and section 17980.12 of the Health and Safety Code to allow the addition of accessory dwelling units for single family dwelling and up to two accessory dwelling units in multifamily dwellings. The information on SB 13 can be found at: [Legislative Information SB 13](#).