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Decision No. 89764 * DEC 19 1978**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of LO FRANCO INVESTMENTS, INC., for a variance to General Order No. 103 with regard to minimum water pressures for fire protection purposes.

Application No. 58277
(Filed August 3, 1978)

O P I N I O N

Applicant, Lo Franco Investments, Inc., plans to construct, in sequence, eight residential fourplexes and two sixplexes, in San Jose, California, in an area bounded by Lick, Alma, Floyd, and Palm Streets.

The fire flow required for the sixplexes is 2,500 gpm as established for Land Use 7 by Section VIII, General Order No. 103. The fire flow required for the fourplexes is 2,000 gpm as established for Land Use 6, G.O. 103.

The available flow on Lick Avenue was tested November 3, 1978, by P. G. Haag, P.E., Fire Protection Engineer of the Bureau of Fire Prevention, City of San Jose, and found to be 1,360 gpm at 32 psi residual pressure or 1,780 gpm at 20 psi residual. In his letter of November 3, 1978, Mr. Haag recognizes that the 1,780 gpm falls short of the 2,000 gpm requirement of both the Commission and the City of San Jose. However, Mr. Haag goes on to state, without qualification, that the 1,780 gpm is adequate for proper fire protection for the four buildings to be authorized for construction at this time and urges that the variance to General Order No. 103 be authorized. His letter of November 3, 1978, is accepted as Exhibit 1, amplifying Exhibit A to the application, which was incomplete. As stated in the application, no other water supply is available without costly construction.

In order to provide the 2,500 gpm fire flow required for the sixplexes and the 2,000 gpm required for the fourplexes, San Jose Water Works requires the installation of 1,520 feet of

new 8-inch main on Alma Street, from Almaden Street to Lick Avenue, at a cost estimated by San Jose Water Works to be \$62,930.

Applicant, Lo Franco Investments, Inc., alleges it is unable to pay for the construction of this 8-inch main at this time and proposes to construct initially four of the fourplexes on that portion of his property served by the water main on Lick Avenue and requests that this Commission authorize a deviation from General Order No. 103 to serve this initial construction with the available flow of 1,780 gpm in lieu of the 2,000 gpm land use requirement for fire flow. Applicant alleges it is willing to have the deviation conditional to an agreement that 1,520 feet of 8-inch main will be installed prior to installation of any buildings upon its property except the first four fourplexes and is willing to bond that obligation.

The serving utility, San Jose Water Works, has not entered any objection to the application but has initially refused water service until the 8-inch main is installed. A representative of the utility upheld this objection when contacted by a member of the Commission staff. He advised the staff that the utility's records showed a flow of 1,317 gpm on Lick Avenue (a computer determination based on data and factors provided). The actual flow as measured by Mr. Haag was not contested. The utility's primary objection was that the applicant might later also be unable to install the 8-inch line, reducing the effectiveness of the service in the area and possibly leading to piecemeal requests for deviation.

Discussion

It appears that had only the four fourplexes been planned for construction in the area served by the main in Lick Avenue, there would have been no particular problem presented, and the utility would most probably have acquiesced in a deviation request. On the basis of an existing flow of 1,780 gpm we will grant the

A. 58277 FG

deviation requested. However, due to the planned continuing construction which requires an increased fire flow, we will condition approval on restricting further building on the premises until required fire flow is provided for the four fourplexes as well as for any additional construction. It is noted that the total flow required by General Order No. 103 is the land use fire flow requirement plus the requirements of the average daily demand.

O R D E R

IT IS ORDERED that:

1. The deviation requested is granted for the interim period pending additional construction on the property for which eight fourplexes and two sixplexes are presently planned.

2. No water service will be authorized for any development on the property in question other than the four fourplexes until the fire flow to the four fourplexes has been brought up to the land use requirements.

3. No additional fire flow deviations will be authorized for this property.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this
19th day of DECEMBER, 1978.

Roluit Bahman
President

William J. ...

Vernon ...

Hubert W. ...

Clive J. ...
Commissioners