

**BUILDING DIVISION DIRECTIVE
B-005**

**Secondary Dwellings
-Fire Separation**

**Reference: 2016 CRC, R302.3
Date: July 20, 2017**

A "Secondary Dwelling" is defined in Title 20 of the San José Municipal Code, Ordinance No. 29821, Section 20.200.325. It means an attached or detached residential dwelling which is ancillary to a one-family dwelling and provides complete independent living facilities for one or more persons that include permanent provision for living, sleeping, eating, cooking, and sanitation on the same parcel as the one-family dwelling unit is situated. A Secondary Dwelling shall be considered an Accessory Dwelling Unit for the purpose of application of State law pertaining to Accessory Dwelling Units.

Section R302.3 of the 2016 California Residential Code (CRC) requires that dwelling units in two-family dwellings shall be separated from each other by wall and floor assemblies having not less than a 1-hour fire-resistance rating where tested in accordance with ASTM E119 or UL 263.

This directive intends to provide clarification to address the required rated separations specific to the case of a small dwelling unit within an existing single family residence.

Secondary Dwellings under this directive shall meet all of the following criteria:

- Comply with the provisions of "Secondary Dwellings" in Title 20 of the San Jose Municipal Code, Ordinance No. 29821, Section 20.30.150;
- To be constructed within the existing walls of the single family residence and encompasses no more than 600 SF in floor area;
- Has its own entrance and an interior entry to the main living area;
- A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas

For the purpose of fire and life-safety protection, ventilation and conditioning the space, Secondary Dwellings meeting the above criteria shall be considered as a part of the main residence rather than a separated or a new dwelling unit in two-family dwellings; thus there is no rated fire separation required between the dwelling units.



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