

*At one time the West San Jose area was approved for “in-law quarters” to be built on their property. Is this policy still a viable policy?*

Yes.

Currently, a secondary unit permit (SUP) is allowed in all R-1 Single-Family Residence Districts\* and Planned Development Districts using R-1 standards.

**Current standards**

Applicable Zoning District	All R-1 Single-Family Residence Districts & Planned Development Districts using R-1 standards
Minimum Lot Size	<b>Attached Unit</b> – 6,000 sq. ft. lot – an attached unit is structurally connected to the main house.  <b>Detached Unit</b> – 8,000 sq. ft. lot – the unit stands independent of the main house (minimum 6 feet from the main house).
Required facilities	Must include a full kitchen (sink, food storage, permanent cooking facilities such as an oven or cooktop) and a full bathroom.
Maximum Number of Bedrooms	One
Maximum Bedroom Size	400 sq. ft.
Closet Size	Total size of closet or enclosed storage area can’t exceed 400 sq. ft.
Maximum Number Bathrooms	One
Maximum Closet/Storage Size	60 sq. ft.
Required Parking	One open or covered parking space outside of front and side setbacks ( <i>this in addition to those spaces required for the main house, which is 2</i> ).
Site Criteria	Attached Unit – same setback requirements as main house Detached Unit – same setback requirements as main house <ul style="list-style-type: none"> <li>- Must be behind the main house</li> <li>- Minimum of six feet from existing structures</li> <li>- Maximum height = 18 feet. Average height = 14 feet</li> <li>- Maximum 40% rear yard coverage for total of secondary unit, accessory buildings and structures.</li> </ul>
Design Criteria	<ul style="list-style-type: none"> <li>- Exterior materials must match main house</li> <li>- Roof pitch and form must match main house</li> <li>- Front door elevation must be different from the front door to main house</li> <li>- Windows shall not have views into adjacent residences or backyards of residential properties.</li> </ul>
Ownership	Property owner must certify that they occupy existing house at time of application and at completion of construction.

**Source:** Zoning Code Section 20.30.150 Secondary Units

[https://www2.municode.com/library/ca/san\\_jose/codes/code\\_of\\_ordinances?searchRequest=%7B%22searchText%22:%22secondary%20detached%20units%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentTypes%22:%5B%22CODES%22%5D,%22productIds%22:%5B%5D%7D&nodeId=TIT20ZO\\_CH20.30REZODI\\_PT2USAL\\_20.30.150SEUN](https://www2.municode.com/library/ca/san_jose/codes/code_of_ordinances?searchRequest=%7B%22searchText%22:%22secondary%20detached%20units%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentTypes%22:%5B%22CODES%22%5D,%22productIds%22:%5B%5D%7D&nodeId=TIT20ZO_CH20.30REZODI_PT2USAL_20.30.150SEUN)