



ACCESSORY DWELLING UNIT (ADU)- INTERNAL CONVERSION

An accessory dwelling unit (ADU) can be created by converting part of an existing single family residence, or a legal permitted residential accessory structure on a residential lot such as a garage, a pool house, a studio workshop (or other similar structures located on a permanent foundation and capable of being converted to habitable space with minimal exterior alteration). An ADU conversion must comply with the California Building and Fire Code and other applicable regulations, including Gilroy City Code (GCC) Section 30.54.30 as summarized below:

- **Proof of Permits:** The property owner must demonstrate that the existing structure to be converted was constructed with valid building permits.
- **Allowed Zoning Districts:** ADU conversions are only allowed in zoning districts that permit a single-family residence as a principal use (i.e., RR, R1, R2, R3, R4, RH and ND) and which contain only one (1) existing single family residence as long as there is no other ADU or secondary residence on the parcel (*GCC Section 30.54.40(b)(e)*). In the R2, an ADU is only allowed if the parcel contains only one (1) existing single-family detached home and the ADU takes the place of any future second dwelling (*GCC Section 30.54.30(b)*). ADU conversions are not allowed on properties in other zoning districts that contain one existing legal nonconforming primary residential dwelling.
- **Maximum Unit Size:** An ADU conversion is limited to one (1) bedroom with an overall floor area, excluding garage, not to exceed 600 square feet. However, the overall floor area must not result in conversion of more than 50 percent of the existing living area of the single-family home.
- **Parking Requirements:** No additional parking is required for an ADU created by conversion of an existing residential structure. However, if the parking required for the primary dwelling is removed, it must be replaced to maintain compliance with City standards. Generally, one (1) covered and one (1) uncovered parking space is required for the primary residence. Under state law the required parking can also be replaced as uncovered, tandem or with parking lifts, as long as the replacement parking is located outside of required setbacks and meets the minimum 10' by 20' residential parking dimension standards. *GCC 30.31.21, 30.54.30(d)(3), Cal. Gov't Code §65852.2.(D)(xi)*
- **Design Requirements:** Permanent provisions for living, sleeping, eating, cooking, and sanitation must be included within an ADU. The architectural features and design of the ADU must be compatible with the existing single-family residence. Entrances to the ADU must be screened from street view. Any window, door or deck of an ADU must utilize design techniques to lessen views onto adjacent properties to preserve the privacy of residents. The ADU must contain water, sewer, and gas and/or electric utility connections. Additional ADU design standards may apply per GCC section's 30.2.20, 30.54.30(j), and 30.54.40.
- **Setbacks:** No additional setback is required for conversion of existing legal structure, except as may be required to be modified for fire safety.
- **Owner Occupancy:** The ADU must not be intended for sale separate from the primary residence, but may be rented for periods not less than thirty (30) days. Prior to the issuance of the building permit for the accessory dwelling unit, the owner-occupant must record a deed restriction stating that the accessory dwelling unit must not be rented for periods less than thirty (30) days and stating that either the primary residence or the accessory dwelling unit must be owner-occupied per GCC 30.54.30(a).
- **Fees:** No development impact fees are assessed for an ADU meeting the zoning code standards.



Figure 1: Existing Garage Converted to ADU
Source: Google Images