

Oak Lake Association
Guidelines Regarding Accessory Dwelling Units
and Junior Accessory Dwelling Units
Adopted ___ 9/13, 2021

Pursuant to Civil Code Section 4751, the Association may impose reasonable restrictions on the construction and/or use of accessory dwelling units and junior accessory dwelling units on a lot. Accordingly, the Association adopts the following rules and regulations.

1. Definitions.

1.1 Accessory Dwelling Unit (“**ADU**”) shall mean an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

1.2 Junior Accessory Dwelling Unit (“**JADU**”) shall mean a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

2. Prior Approval Required. ADUs and JADUs are permitted only to the extent required to be permitted by law. No ADU or JADU may be constructed without the prior written approval of the Association’s Architectural Committee (“**Committee**”) in accordance with the Association’s Declaration of Covenants, Conditions and Restrictions (“**CC&Rs**”), as the same may be amended, along with the written approval of any local agency. Even if an owner has received a permit to construct an ADU/JADU, such owner must obtain Committee approval prior to construction.

3. Number. Either one ADU or one JADU per lot is permitted, but in no event shall both or more than one be permitted.

4. Sale/Rentals/Assignments.

4.1 An ADU or JADU may not be sold or otherwise conveyed separately from the primary dwelling house.

4.2 An ADU or JADU may not be rented separately from the primary dwelling house, unless California law expressly mandates that the Association permit such separate rental.

4.3 No owner may assign the right to construct or manage an ADU or JADU on such owner’s lot to a third party.

5. Occupancy. Occupancy of an ADU or JADU shall not exceed the maximum occupancy allowed by law.

6. Use. Pursuant to Article VII, Section 1 of the CC&Rs, all lots must be used for residential purposes. Therefore an ADU or JADU cannot be used for business purposes.

7. Conformance with Applicable Building Codes. Except as provided below with regard to more restrictive provisions of the CC&Rs, ADUs and JADUs must conform with all applicable building codes. In the event the CC&Rs provide more restrictive provisions, the CC&Rs shall prevail. Owners are responsible for ensuring that their ADU/JADU complies with all building codes. By way of example, and not limitation, the following shall apply:

7.1 Setbacks. The setbacks for any ADU/JADU must comply with existing building codes.

7.2 Height. The height for any ADU must comply with existing building codes and/or the CC&Rs, whichever is more restrictive. ADU's may not exceed one story.

7.3 Drainage. The drainage of water from a lot cannot be materially altered by the construction of an ADU or JADU.

8. Location. Any detached ADU shall be located in the rear yard of a lot and shall be sited on such lot to minimize the visual prominence of the structure and its contrast to the main house, with its front door facing the same street as the primary dwelling or facing the interior of the lot with a proposed or existing primary residence.

9. Design.

9.1 The architectural elements of an ADU or JADU shall be in conformance with the community and complement the main house through use of materials and design of equal or better quality generally matching the exterior architectural style, appearance and character of the main house with similar materials, colors, window, facade and roof design, including no design and/or implementation of rooftop patios and decks.

9.2 The Committee shall have the right to establish the location of windows and exterior doors which may be required to construct an ADU or JADU.

9.3 The garage door and driveway cannot be removed to construct an ADU or JADU.

10. Privacy. Windows facing abutting other lots and within ten (10) feet of the property line shall be constructed in a manner that reduces direct views into the neighboring property through such methods as clerestory windows or semi-translucent glass.

11. Lighting. No exterior lighting shall be placed upon or adjacent to any ADU or JADU so as to cause unreasonable glare or illumination upon any other lot.

12. Parking. To the extent that an owner's garage is properly converted to an ADU or JADU, vehicles for such lot shall be parked in the assigned driveway for such lot to its originally-designed capacity. Except with regard to the foregoing exception to the Association's governing documents, no further accommodations to parking restrictions in the Association's governing documents shall be granted to residents who elect to construct an ADU or JADU on their lot.