

**May 16, 2024 – FINAL**  
**Derek's Revision updated with**  
**Rod's Final Revision to ensure compliance with Civil Code & California Law**  
**(Prepared by JAL w/revisions)**

## **Rollingwood Unit No. 6 Homeowners Association**

### **Accessory Dwelling Unit Rules**

**Adopted \_\_\_\_\_, 20\_\_\_\_**

**Rollingwood Unit No. 6 Homeowners Association**  
**Accessory Dwelling Unit Rules**

**Introduction to Accessory Dwelling Unit Rules**

On January 1, 2020, Assembly Bill 670 became law. This law limits Rollingwood Unit No. 6 Homeowners Association ("Association") and other common interest developments throughout California from placing unreasonable restrictions on the construction and use of accessory dwelling units and junior accessory dwelling units (collectively, "ADU"). Rollingwood Unit No. 6 is a planned development, as that term is defined in Civil Code section 4175, comprised solely of residential lots ("Development") and, as such, adopts these rules to comply with the law.

These rules are established to provide guidance to the Association, its Board of Directors ("Board"), the Architectural Review Committee ("ARC"), and all Owners/Members regarding the approval process for ADUs and how to ensure compliance with the new law.

**(a) Text of Law.** Civil Code section 4751, provides as follows:

*(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code, is void and unenforceable.*

*(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code.*

**(b) Enforceability of CC&Rs and Governing Documents.** Except for modifications or additions set forth herein, the *Third Restated Declaration of Covenants, Conditions and Restrictions of Rollingwood Unit No. 6* ("CC&Rs" or "Declaration") remains in full force and effect. Nothing in these rules is intended to contradict or alter the provisions or restrictions of the CC&Rs. In accordance with Civil Code section 4205(d), in the event of any inconsistency between these rules and the CC&Rs, the CC&Rs shall control unless the inconsistent effect is mandated by law.

**(c) Relationship to Local Ordinances.** In response to changes in California law affecting the ability of local governments to regulate ADUs, Sacramento County has adopted ordinances regulating ADUs. In addition to complying with these rules and all applicable provisions of the CC&Rs, Owners desiring to construct ADUs on their Lots shall also comply with all government requirements; however, the ARC cannot determine that an ADU is in compliance with any government requirement, as set forth in Section 9.18 of the CC&Rs, nor can the ARC independently declare that an ADU is in compliance with any government requirement. To the extent that any government ordinance, building code, or regulation requires a more restrictive standard than that found in these rules or the CC&Rs, the

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government standards shall prevail. To the extent that the local ordinance is less restrictive than these rules or the CC&Rs, these rules and the CC&Rs shall prevail, so long as the restrictions contained in these rules or the CC&Rs is not an unreasonable restriction in violation of Civil Code section 4751.

The Association is under no obligation to enforce any ordinance, statute, or regulation, but may use relevant ordinances, statutes, and regulations to help determine whether an ADU interferes with the reasonable use and/or enjoyment of any other Owner and their property.

**(d) Terms and Definitions.** As used herein, capitalized terms shall have the same meanings as defined herein, or as set forth in the CC&Rs.

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#### 1. Definitions.

**(a) ADU Generally.** An accessory dwelling unit ("ADU") is defined in Government Code section 66313(a) as:

*"Accessory dwelling unit" means 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 or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: (1) An efficiency unit. (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.*

**(b) Junior ADU.** A junior ADU is defined in Government Code section 66313(d) as:

*[A] unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.*

**(c) Kitchen.** A kitchen is defined as a cooking facility with appliances, a food preparation counter, and storage cabinets of reasonable size for the ADU.

**(d) Bathroom.** A junior ADU may share sanitation facilities with the primary residence. A bathroom is defined as a separate room that contains a sink, a bathtub and/or shower, and a toilet.

#### 2. Design Standards of ADUs.

**(a) Bathroom.** An ADU must include a separate bathroom or sanitation facility. A junior ADU may share sanitation facilities with the primary residence.

**(b) Building Height.** The Association may enforce a height restriction for aesthetic harmony purposes on any addition to a Residence, so long as such enforcement does not unreasonably restrict the construction or use of an ADU on the Lot and does not violate allowable height regulations under Government Code section 66321. Reasonable variances may be granted in order to effectuate the purposes of Civil Code section 4751.

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(c) **Garage Doors.** Garage door(s) must retain its exterior appearance in compliance with the rules and CC&Rs; an alternate exterior entrance must be constructed on the side or rear of the structure to facilitate ingress/egress to the ADU. Garage door windows, if any currently exist, must have some type of white or neutral colored covering behind them to block the view of any interior wall structure and the dwelling space.

(d) **Kitchen.** Both ADUs and junior ADUs must include a kitchen area separate from the primary residence.

(e) **Landscaping.** The rules and design guidelines regarding landscaping shall apply to all Lots regardless of any ADU constructed thereon or within a Residence. Reasonable variances may be granted in order to maintain the character and aesthetic of the community.

(f) **Separate Structures.** The Association may restrict and regulate the construction of separate structures on a Lot so long as such enforcement does not unreasonably restrict the construction or use of an ADU on a Lot. Reasonable height and setback variances may be granted in order to effectuate the purposes of Civil Code section 4751, provided height limits and setbacks are in conformity with County of Sacramento ordinances or Chapter 13 of Division 1 of Title 7 of the Government Code, whichever is more restrictive.

(g) **Setback Requirements.** All ADUs, whether free-standing or within the existing structure(s) on a Lot, shall be constructed within appropriate setback lines as shall be established by the County of Sacramento or Chapter 13 of Division 1 of Title 7 of the Government Code, whichever imposes the largest setback requirement.

(h) **Square Footage.** Minimum and maximum square footage of ADUs, whether free-standing or attached, shall be in conformity with County of Sacramento ordinances or Chapter 13 of Division 1 of Title 7 of the Government Code, whichever is more restrictive.

**3. Review and Approval of ADUs.**

(a) **Pre-Application Meeting Suggestion:** : To ensure clarity and transparency in the process of proposing and reviewing ADUs within the Association and to speed up the application review process, owner may request a pre-application meeting prior to the formal submission of an ADU proposal to the ARC. The pre-application meeting shall occur on-site to allow for a comprehensive review of the initial concept and assess the proposed ADU location.

(b) **Submission Requirements:** Owners shall submit a detailed proposal to the Architectural Review Committee for approval. The proposal should include plans, drawings, material specifications, pictures of the home, gate access to the back yard and the back yard in which the ADU is to be built, and any other relevant information to ensure compliance with the CC&Rs.

(c) **Review of ADU Application.** When a proposed ADU is submitted to the Architectural Review Committee ("ARC") for design review, the ARC shall grant the requested approval if the ARC makes the following findings:

(1) The submitted plans and specifications conform to the CC&Rs and other applicable Association governing documents;

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(2) The proposed ADU will be constructed to match as near as possible or feasible to look identical in building materials, design, color, and overall appearance to the main residential structure and landscaping on the Lot, including but not limited to the color, siding, windows, and roofing material, and location of surrounding structures and topography within the Development; and

(3) The proposed ADU will otherwise be consistent with the architectural and aesthetic standards prevailing within Rollingwood Unit No. 6 and the overall plan and scheme of development therein.

The ARC shall consider whether the ADU—as a result of its appearance, location, or anticipated use—will interfere with the reasonable enjoyment of any other Owners of their Lot(s) or the Common Areas, but shall not deny approval of an ADU solely on this basis. If necessary, to comply with Civil Code section 4751, the ARC may grant variances from the rules, design guidelines, or use restrictions in the CC&Rs.

(d) **Approval Decision.** Upon review of a submitted ADU proposal, the ARC shall issue a decision to either approve or deny the proposal, along with any conditions or modifications deemed necessary for approval.

(e) **Appeals Process.** If a proposal is denied by the ARC, the member may appeal the decision to the Association's Board of Directors. The Board will review the appeal and make a final decision.

(f) **County Requirements.** No ADU shall be constructed or maintained within the Development unless the same complies with all County of Sacramento codes and standards, and has been issued all necessary permits and approvals from all required government entities, including a building permit if required.

(g) **Application Fee; Right to Professional Consultation.** At the time the application is submitted, an Owner shall pay the applicable fee, if any, for reviewing an application for an ADU, as set by the Association, which may be updated from time to time. The ARC or Board reserves the right to require, at the Owner's expense, the consultation and advice of relevant professionals including, but not limited to, architects and/or engineers, prior to approving a proposed ADU. The Owner shall be notified of this consultation fee before it is charged if it is a condition for the review and consideration of an application for an ADU. The application shall not be deemed "submitted" and "complete" until the fee is paid. If the fee for professional consultation is not paid, the application will be deemed denied.

#### 4. **Timely Completion.**

(a) Approved ADUs must be completed within the time frame allowed under Section 9.14 of the CC&Rs.

(b) **Start of Work.** Owners must diligently proceed with commencement and completion of the ADU upon receiving approval pursuant to Section 9.13 of the CC&Rs.

(c)

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**5. Inspection.** Owners must notify the ARC upon completion of the work pursuant to Section 9.15 of the CC&Rs. **Use Restrictions.**

**(a) Mailboxes and Street Addresses.** An ADU may include a separate mailbox or street address from the primary Residence on the Lot as required by any local, state, or federal authorities, including the United States Postal Service, subject to ARC approval of the design and location of the mailbox.

**(b) Fire Lanes.** Per Section 4.13(d) of the CC&Rs, no parking is permissible on either side of the Private Streets except in the parking bays, which are intended for guest parking only. These Private Streets are designated as fire lanes, and as such exceptions cannot be provided for Members or Residents seeking to install an ADU or JADU. Furthermore, the Board will not grant any Member or Resident use of any parking bays to provide supplemental parking for an ADU or JADU. Any Member or Resident found parking in violation of the Association's governing documents may be towed at the Member or Resident's expense pursuant to Section 4.13(f) of the CC&Rs.

**(c) Variances.** Pursuant to Section 4.24 of the CC&Rs, the Board and/or the ARC may recommend or grant variances from the Use Restrictions set forth in Article 4 of the CC&Rs in order to effectuate the purposes of Civil Code section 4751.

**CERTIFICATE OF ADOPTION**

I hereby certify that I am the Secretary of the Association and that the foregoing rules are a true and correct copy of the rules approved by the Board at its meeting held on \_\_\_\_\_, 20\_\_\_\_, at which a quorum of the Directors was present. I further certify that the foregoing rules are in full force and effect; that the same have not been rescinded, nor has it been amended or modified.

**Dated:** \_\_\_\_\_, 20\_\_\_\_

**By:** \_\_\_\_\_  
\_\_\_\_\_, Secretary