



Kent Woodlands Property Owners Association

Guidance Regarding Accessory Dwelling Units (ADUs) and Junior ADUs (JADUs)

1. Purpose

The purpose of this document is to provide guidance for the construction and use of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) within the KWPOA community. This guidance is based on California state laws governing ADUs and JADUs, ensuring that these uses and improvements contribute positively to the community's character while offering additional housing options.

2. Definitions

Accessory Dwelling Unit (ADU): An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, on the same parcel as the principal dwelling. (Govt. Code § 66313(a)). If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling. (Govt. Code § 65314(d)(4).) If it is detached, it cannot exceed 1,200 square feet. (Govt. Code § 6314(d)(4).)

Junior Accessory Dwelling Unit (JADU): A residential dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence. This unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. (Govt. Code § 66313(d)).

3. Compliance with Law

All ADUs and JADUs must be designed, permitted, constructed, and maintained in strict compliance with state and local laws and regulations. These include, but may not be limited to, California Government Code Sections 65852.2, et. seq. (ADU) and Sections 65852.22, et. seq. (JADU) and Marin County local building codes, ordinances, and regulations. The lot owner is solely responsible for compliance with all applicable laws and regulations.

4. Review and Approval by KWPOA

Unless an ADU or JADU is constructed entirely within an existing structure and involves no alteration of the exterior, lot owners should contact KWPOA staff as early as possible to determine what approvals may be required and the application and approval process. The Association retains the right to impose reasonable conditions on its approval of an alteration that includes an ADU or JADU, and to grant variances on a case-by-case basis, as provided for in the Governing Documents.

Note that the KWPOA Governing Document (CC&Rs & Architectural Rules) may be more restrictive than the applicable ADU or JADU laws and local ordinances. However, they shall not be applied, and more restrictive conditions will not be imposed, if the lot owner provides credible evidence that compliance would “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.” (Civ. Code § 4751(b)).

As with any other architectural alteration, the application must comply with the Architectural Guidelines and contain sufficient detail as may be required. The design and the quality, as well as exterior finishes and materials, must be consistent and compatible with the Lot and surrounding properties, as determined by the Architectural Committee.

The Association may impose additional conditions, if consistent with applicable laws, such as setback and coverage limitations, floor area limitations, parking requirements, and limitations on the ability to use the additional dwelling unit as a short-term rental, that is, for a rental term of less than 30 days.

5. Enforcement

Failure to comply with any conditions of approval for an alteration that includes an ADU or JADU may result in enforcement actions by the HOA, including but not limited to the imposition of fines and mandatory compliance measures.

6. Amendments

This guidance may change from time to time in order to remain consistent with changes in state laws and regulations governing ADUs and JADUs.