

**TEMECULA CROWNE HILL COMMUNITY ASSOCIATION
ADU/JADU POLICY**

I. ARTICLE I – GENERAL

a. Purpose

To maintain the architectural character and aesthetics of Temecula Crowne Hill Community Association, all modifications of structures, materials, and colors, must be compatible with the dwelling and overall architectural style of the immediate area. The ADU/JADU Policy provides information to the Architectural and Landscaping Committee (hereinafter referenced as the “Architectural Committee”) and Owners to review and prepare plans and specifications for any proposed improvement. The Temecula Crowne Hill community Architectural Committee is responsible for reviewing and deciding on architectural applications. In lieu of Architectural Committee review, the Board of Directors may retain architects and/or engineers to assist in the review process at the expense of the Owners. (CC&Rs Article 8, Section 8.7). The Association has the authority to adopt this ADU/JADU Policy under Article 8, Section 8.3.1, of the Declaration of Covenants, Conditions and Restrictions (“CC&RS”).

In addition to this Policy, Owners are expected to review Article 8, Sections 8.1 through 8.12 of the Association’s CC&Rs and the Architectural Guidelines prior to submitting plans and drawings for all architectural procedures and design prohibitions.

b. SCOPE

The ADU/JADU Policy covers all additions and alterations that affect the architectural character and aesthetics of the exterior elements of Lots and other improvements thereon. These include, but are not limited to, all exterior structure alterations that comprise the following:

- i. An Accessory Dwelling Unit (“ADU”) – a self-contained living unit on the same lot as the primary residence and includes permanent provisions for living, sleeping, eating, cooking, and sanitation. It can be attached to or detached from the primary residence. (Gov’ Code §65852.2(j)(1)).
- ii. A Junior Accessory Dwelling Unit (“JADU”) – a living unit of up to 500 square feet and contained entirely within a single-family residence, including, but not limited to, the conversion of an attic, basement, or garage (where permitted by the CC&Rs). (Gov’t Code §65852.22(i)(1)). A JADU must: 1) have a separate entrance from the single-family residence; 2) have cooking facilities with appliances; and 3) sanitation facilities, which may be separate from the JADU or shared with the existing structure. . For purposes of any fire or life protection ordinance or regulation, water utilities, sewer utilities, or power utilities, a JADU shall not be considered a separate or new dwelling unit.

c. ENFORCEMENT

Approval from the Architectural Committee is required PRIOR to construction for all additions or alterations to any Lot or improvements thereon. Note that the committee will not review incomplete submission and any such submissions will be returned to the applicant along with notification of the areas of deficiency. Thereafter the Owner will be required to resubmit a full and complete application for the Architectural Committee to begin review.

Failure to obtain the necessary approvals prior to construction is a violation of the CC&Rs and may require modifications or removal of unauthorized work at the expense of the violating Owner.

In the event any Owner fails to abide by the ADU/JADU Policy, the Architectural Guidelines, or the CC&Rs, the Architectural Committee shall provide notice to the Owner and provide sixty (60) days from the date the notice is deemed received by the Owner. (CC&Rs Article 8, Section 8.2.2). If noncompliance remains, the Architectural Committee shall notify the Board in writing of such failure. Thereafter the Board will provide the violating Owner with notice of the violation and a hearing, and will thereafter determine whether there is noncompliance and, if so, the nature thereof and the estimated cost of correcting or removing the same. (CC&Rs Article 8, Section 8.2.2). If non-compliance exists, the Board shall require the Owner to remedy or remove the same within a period of not more than forty-five (45) days from the date the Board provides notice of such determination. (CC&Rs Article 8, Section 8.8.2).

Failure to comply with the Board's ruling may result in an initial fine of up to \$5,000 and/or legal action by the Association. At the discretion of the Board, the Association may impose the determined monthly fine in the amount of \$500 so long as the violation continues. If the Association wishes to proceed with imposing a monetary fine, it shall only do so after notifying the Owner in writing of the Board's intent to levy a fine at a duly scheduled board meeting and provide the Owner an opportunity to be heard at such meeting. This hearing notice shall be provided at least ten (10) days prior to the meeting. If the Board imposes a fine, the Board will provide the Owner with a written notification of the decision within fifteen (15) days of such a decision. If the violation persists thereafter, the levied fine shall continue to be levied monthly, without any further notice to the owner or hearing, until the violation is cured.

d. CHANGES, REVISIONS, ADDITIONS

The ADU/JADU Policy is subject to updates at any time by the Board of Directors. This can entail changes, deletions, or additions. Owners will be notified by separate notice when the Board of Directors makes any such changes as is required by law.

e. CONFLICTS WITH THE ARCHITECTURAL GUIDELINES

If any provision of this ADU/JADU Policy conflicts with the Architectural Guidelines, then the provisions of the ADU/JADU Policy will govern.

f. ADDITIONAL APPLICATION FEE

The application fee for an ADU/JADU project will be based upon the amount charged by the third-party consultants hired by the Association to review the application, if any.

II. ARTICLE II – ARCHITECTURAL GUIDELINES AND STANDARDS

a. INTRODUCTION

The following information provides Owners with guidelines and standards for submitting their ADU and/or JADU application(s). All ADU/JADUs, along with any other exterior improvements, alterations, and modifications, are subject to prior review and approval by the Architectural Committee which must be obtained prior to construction beginning.

All plans or drawings for architectural modifications should adhere to the original architectural character of Temecula Crowne Hill Community Association, to enhance and preserve the desirability and attractiveness of living in the Temecula Crowne Hill community. This ADU/JADU Policy in conjunction with the Architectural Guidelines is intended to help establish a high quality of appearance, assure compatibility, direct character, and form, and enhance the Property’s overall value.

b. ADUs and JADUs – Construction Requirements

The ADU may be either attached to, or located within, the existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure detached from the existing primary dwelling but located on the same lot.

i. ADU Floor Area

1. Attached ADU. If there is an existing primary dwelling, the maximum size permitted is 850 square feet or 1,000 square feet if the ADU contains more than one (1) bedroom. An attached ADU shall not exceed 50% of the existing primary dwelling’s living area, provided that the maximum square footage must be at least 800 square feet of gross floor area.

2. Detached ADU. The total floor area for a detached ADU on a Lot can be a maximum of 1200 square feet of gross floor area.

ii. JADU Floor Area. A JADU may be no more than 500 square feet and must be contained entirely within an existing single-family residence.

iii. Minimum ADU/JADU Dimensions. No ADU or JADU shall be smaller than 150 square feet and shall be compliant with local development standards and laws.

- iv. ADU and/or JADU Configurations. The following ADU or JADU construction configurations may be permitted, so long as the provisions of this Policy, the Governing Documents and all applicable laws are followed. This is not an exhaustive list of potential ADU and JADU configurations.
 - 1. One ADU and JADU per lot with an existing single-family dwelling if all of the following apply:
 - a. If ADU (only) is within the existing space of a single-family dwelling or accessory structure, it may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - b. The space has exterior access from the existing single-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety, notwithstanding any other provision of this Policy.
 - d. The JADU complies with all other JADU requirements of this Policy.
 - 2. One detached, new construction, ADU with a setback of no more than four-foot side and rear yard setbacks for a lot with an existing single-family dwelling. Detached ADUs must be located at least ten (10) feet from other structures, eave to eave. The ADU may be no more than one (1) story and the height may be no more than 16 feet.
 - 3.
- v. Setback Requirements. The ADU/JADU must comply with any and all setback requirements found in the Association's Governing Documents and applicable State and local laws, including the City of Temecula.
- vi. Local Building Codes Apply. The construction of an ADU/JADU must adhere to local building codes, as appropriate.
- vii. Private Sewage Disposal. A local health officer must approve the ADU construction if a private sewage disposal system is being used, as required by law.

viii. Construction Rules Applicable to ADUs and JADUs.

1. The location of the ADU/JADU should not unreasonably impair sunlight, privacy, or natural ventilation to any adjacent properties.
2. Rooftop decks are prohibited for lack of conformance with the community design scheme and property styles.
3. Roofs must match or be complementary to the existing structure in slope and form. Mansard, rock and flat roofs are not permitted.
4. No improvement may exceed the roof heights of any existing structures on the Lot.

ix. Construction Rules Applicable to JADUs Only.

1. An Owner may construct no more than one (1) JADU per Lot zoned for single-family residences with a single-family residence built on the lot.
2. All JADUs must be constructed entirely within the walls of the existing/primary residence.
3. All JADUs must have a separate entrance from the main entrance of the primary residence.
4. All JADUs must include an efficiency kitchen, which shall include all of the following:
 - a. A cooking facility with appliances; and
 - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
5. If sanitation services are not located within the JADU, an additional entrance shall be provided that allows the JADU access directly into the interior entry to the existing structure that is separate and in addition to the main entry for that existing structure

- x. Inspection. The Association has the right, but not the obligation, to periodically inspect any work approved by the Architectural Committee. Owners must allow inspection and work may be halted and the Owner fined if inspection is not allowed. Such inspections do not relieve an Owner from his/her duty to comply with the Association's architectural standards, any portion of this Policy and all applicable building, safety,

and fire codes.

- xi. Mechanics' Liens. Owners shall ensure that no lien is placed against any other Lot/Unit or against the Common Area for labor or material furnished to their Lot/Unit. If a lien is placed against the Common Area or other Owner's Lot/Unit, and the responsible Owner does not immediately cause the removal of the lien, the Association may, after written notice to the responsible Owner, pay the amounts necessary to have the lien removed and levy a Reimbursement Assessment against the responsible Owner for the monies advanced as well as any fees, including attorney fees, and costs incurred by the Association.
- xii. Diligent Construction. Owners shall have six (6) months from the Architectural Committee's approval of the ADU/JADU construction project to start and complete the work (Architectural Guidelines, Page 4, Section 5). Extensions may be granted, at the Association's discretion, for delays caused by strikes, fires, holidays, or other events beyond the Owner's control. An Owner may be subject to fines if the ADU/JADU construction project is not completed on time.
- xiii. Incomplete or Inadequate Work. If the ADU/JADU construction project is incomplete or is not completed in compliance with the submitted plans and specifications and following a noticed hearing with Owner, the Association may correct the problem and specially assess Owner for reimbursement, require that the incomplete construction be removed and/or take legal action to have the problem corrected.

c. **ADUs and JADUs – Use Restrictions**

- i. Certificate of Occupancy. No ADU/JADU may be occupied by anyone for residential purposes until a certificate of occupancy (a.k.a. Release for Occupancy form) is issued and provided to the Board or Architectural Committee.
- ii. Rental and Sale. The ADU or JADU may be rented separately from the primary residence but may not be sold or otherwise conveyed separately from the primary residence. If a JADU is rented separately from the primary residence, the owner must occupy the primary residence, or alternatively, the primary residence may be rented separately, and the owner must then occupy the JADU.
- iii. Minimum Rental Period. No ADU/JADU may be rented for a period of less than thirty (30) days. No ADU/JADU may be advertised as being available for rent or lease for a period of less than thirty (30) days.

- iv. Lease Requirements. No Owner is permitted to lease less than the entire ADU or JADU absent simultaneous owner occupation of a portion of that same ADU/JADU being partially rented.
- v. Owner's responsibility to maintain. Owner shall maintain the Owner's Lot, including any ADU or JADU located on the Lot, in compliance with the CC&Rs.
- vi. Future Maintenance. Approval for a detached or attached ADU or JADU may be conditioned upon the Owner agreeing to be responsible for some or all of the additional maintenance and repair required by the addition of the ADU/JADU.

The ADU/JADU Policy was duly approved and adopted by the Board of Directors for Temecula Crowne Hill Community Association at its open meeting held on January 23, 2024.