

MARKUP #1 ->

This Section 14 shall be interpreted and enforced in a manner that conforms to the requirements of 47 CFR § 1.4000, as amended from time to time (Regarding restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services). For instance, the forgoing regulation applies to Starlink Antennas within Bear Valley. Starlink Antennas and any attached poles shall be camouflaged according to proximate natural surroundings, and shall be located on the lot in a manner that is screened from the street or neighboring lot as long as the Antenna has direct and adequate access to signal.

15. Exposed Facilities. All appliances and any exposed facilities (including but not limited to water heaters, tanks and containers) shall be enclosed or camouflaged.

16. Hot Tubs. These shall be screened and located so as not to intrude upon any neighbor's privacy and solitude. Pump motors and filter systems shall not be audible beyond the property boundaries.

17. Fences. Fences are prohibited.

18. Electrical Fixtures. Electrical, telephone and cable TV wiring shall be enclosed within structural walls. Exterior electrical panels, junction boxes and meters shall be recessed or enclosed with exterior siding. Electrical equipment, such as air conditioners and generators, shall be housed to avoid disturbance to neighboring properties from either their sight or their sound.

19. Access. Neighboring lots and common areas cannot be used to gain access to a property or to a building site for construction.

ISSUE #1

20. General Requirements for ADUs. In addition to every other requirement herein expressly relating to ADUs, the following shall apply to ADUs:

(a) ADUs shall meet all requirements of the 2001 California Building Code, or other applicable building code as may be adopted by the County in the future, and any other codes and standards applicable to the construction of an ADU.¹²

(b)The proposed ADU may be attached to the primary residence, a detached garage serving the primary residence, or other Alpine County approved ADU; or be a separate detached structure.¹³

(c) Only one ADU is allowed per lot, and must be shown to be located on the same lot as the primary residence.¹⁴

(d) Fire sprinklers are not required if not required for the primary residence, and constructing the ADU shall not require a fire sprinkler to be installed in the primary residence.

¹² See Alpine County Code of Ordinances § 18.69.030(A)&(B).

¹³ See Alpine County Code of Ordinances § 18.69.030(C).

¹⁴ *Id.*

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 20 (p. 12): Leasing, Retroactive Rental Cap, ADU Prohibition, or Tenant Screening Overreach: Clause imposes retroactive rental caps on non-consenting owners, bans statutory ADUs/JADUs, compels prohibited tenant screening disclosures, or authorizes summary eviction exceeding CA statutory authority.

Statutory / Legal Reference: Cal. Civ. Code §§ 4740, 4741, 4751

Statutory Comparison: Under Cal. Civ. Code §§ 4740, 4741, 4751, an association may not enforce newly adopted rental caps retroactively against existing non-consenting owners where protected by statute, prohibit statutory Accessory Dwelling Units (ADUs/JADUs), compel prohibited tenant credit/criminal reports, or execute non-judicial summary evictions without statutory authority.

CURRENT WORDING IN DOCUMENT:

General Requirements for ADUs. In addition to every other requirement herein expressly relating to ADUs, the following shall apply to ADUs:
(a) ADUs shall meet all requirements of the 2001 California Building Code, or other applicable building code as may be adopted by the County in the future, and any other codes and standards applicable to the construction of an ADU. 12 (b)The proposed ADU may be attached to the primary residence, a detached garage serving the primary residence, or other Alpine County approved ADU; or be a separate

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 20 to grandfather existing non-consenting Owners as required by Cal. Civ. Code §§ 4740, 4741, 4751, exempt statutory ADUs/JADUs, and conform tenant registration and lease enforcement to Cal. Civ. Code §§ 4740, 4741, 4751.