

Colors

The choice for exterior colors will be considered by the ARC on an individual basis. Color will be approved based on a mix of environmental factors influencing how the home appears on the lot and next to the surrounding properties. In all cases however, earth tones will be preferred to house colors that exhibit high contrast with each other and / or with the environment. A color palette showing some of the acceptable colors and their combinations are available in the FMOA office. Note that not all acceptable colors are necessarily visually compatible with each other. Only muted colors will be acceptable. White is not allowed either as a body color for the house or the garage door.

Accessory Dwelling Units (ADUs)

Any ADU must strictly comply with all applicable California law (including, without limitation, Civil Code Section 4751, Govt. Code Sections 65852.2 and 65852.22, Health & Safety Code Section 17980.12), including complete cooking, sleeping, and bathroom facilities. All general aesthetic and procedural requirements of these Guidelines apply equally to ADUs.

The total floor area of an attached ADU may not exceed 50% of the primary residence; the total floor area of a detached ADU may not exceed 1,200 square feet. Setbacks from the side or rear lot lines may be relaxed to not less than 4 feet, and the total coverage limitation (Board Resolution #2003-1) may be exceeded, but either will require an ARC variance as part of the initial approval process.

Miscellaneous

Solar panels must be as unobtrusive as possible and located in an area least visible from roads or neighboring lot that has an acceptable solar exposure. Solar panels must be made of non-reflective materials. Solar water storage containers may not be stored on any roof.

Satellite dish antennas must be installed in the least visually obstructive location possible to obtain an acceptable signal. Preferred locations include ground or porch mounting, behind a chimney chase, in rear or side yards, or on the portion of the roof or building surface that faces away from streets, common areas or neighboring lots. No tree may be topped or its branches cut to accommodate the installation of an antenna without prior written approval of the ARC.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 17980.12 (p. 7): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

Satellite dish antennas must be installed in the least visually obstructive location possible to obtain an acceptable signal. Preferred locations include ground or porch mounting, behind a chimney chase, in rear or side yards, or on the portion of the roof or building surface that faces away from streets, common areas or neighboring lots.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).

ISSUE #1