Overhangs should range from 12 to 24 inches. Tight fascias will be permitted on gable or rakes (shed) ends only.

4.3.2 ROOF MATERIALS

The Santa Barbara / Tuscany architectural style is characterized by red barrel tile roofs.

Permitted Roof Materials:

- Concrete barrel tiles that match the original house.
- Flat concrete tiles that match the original house.

Prohibited roof materials include:

- Asphalt Shingles
- Fiberglass Shingles
- Simulated Tile including Fiberglass or Metal
- Built-Up Roofing

Roof materials shall have a matte finish to minimize glare.

Fascias may be either stucco or wood. If wood is used, it shall be stained or painted to match the primary residence.

4.3.3 SKYLIGHTS

Skylights are permitted, but should be designed as an integral part of the roof. Skylight framing material should be bronze anodized or colored to match the adjacent roof.

Prohibited: White domed skylights

ISSUE #1

4.3.4 MECHANICAL EQUIPMENT

Mechanical equipment such as air conditioners, heaters, evaporative cooler, television and radio antennas and other such devices are not permitted on any roof. Mechanical devices such as exhaust fans, vents and pipes shall be painted to match adjacent roof surfaces.

Any exterior air conditioning equipment other than the equipment installed as part of the original residence is subject to review. Proposed evaporative coolers and window mounted air conditioning units shall not be visible from the street, community open space or neighboring lots, and shall not extend above the height of the property line wall.

4.3.5 SOLAR PANELS and EQUIPMENT

The use of solar panels, hot water storage systems, or other similar devices are subject to review. Any wires, conduit or materials used to fasten these devices to the dwelling must be securely fastened. These materials must be painted to match the adjacent wall color. All efforts must be made to minimize visibility to the street and common areas.

Prohibited: Roof Mounted Water Heaters

4.3.6 SATELLITE DISHES

Satellite dishes are permitted subject to the provisions of the Declaration. Architectural review is not required. Any wires or materials used to connect satellite dishes to the dwelling must be securely fastened, and painted to match the adjacent wall color. Satellite dishes shall not be

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT — BOARD & COUNSEL REVIEW

Sec. 4.3.4 (p. 26): FCC OTARD preemption conflict (47 C.F.R. § 1.4000): Outright antenna/satellite-dish prohibition, sub-1-meter diameter cap, mandatory cable-hookup removal, permit fee, or unqualified front-elevation/street-visibility ban is unenforceable as applied to covered <= 1-meter reception devices on exclusive-use property.

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

Statutory Comparison: Under the FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, including FCC 21-10), preemption applies to covered direct-broadcast satellite (DBS/DSS) dishes one meter (39.37 inches) or less in diameter, television broadcast antennas, and fixed wireless broadband antennas installed within areas under the owner's or occupant's exclusive use or control. Outright bans, sub-1-meter diameter caps, monetary permit fees, mandatory removal upon cable availability, and unqualified front-elevation or street-visibility prohibitions that preclude an acceptable quality signal are preempted unless justified by a documented safety objective (§ 1.4000(b)(1)) or a National Register historic site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:

MECHANICAL EQUIPMENT Mechanical equipment such as air conditioners, heaters, evaporative cooler, television and radio antennas and other such devices are not permitted on any roof. Mechanical devices such as exhaust fans, vents and pipes shall be painted to match adjacent roof surfaces. Any exterior air conditioning equipment other than the equipment installed as part of the original residence is subject to review. Proposed evaporative coolers and window mounted air conditioning units shall not be visible from the street, community open space or neighboring lots, and shall not extend above the height of the property line wall.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that for covered reception antennas and satellite dishes one meter (39.37 inches) or less in diameter installed within areas under the owner's or occupant's exclusive use or control, this provision shall be administered in accordance with 47 C.F.R. § 1.4000 without outright prohibition, permit fee, or placement/size limits that preclude an acceptable quality signal, while preserving association authority over shared common elements, dishes exceeding one meter, documented safety objectives (§ 1.4000(b)(1)), and historic preservation sites (§ 1.4000(b)(2)).