

CHAPTER 32

ANTENNAS

32.01 Purpose and Intent. The Federal Communications Commission (“FCC”) adopted a rule effective October 14, 1996, which preempts private restrictions concerning the installation and use of certain types of direct broadcast satellite, television broadcast, and multi-point distribution service antennas. The FCC rule is codified at 47 CFR section 1.4000. This regulation governs the installation, maintenance, and use of antennas which are subject to the FCC rule.

32.02 Definitions.

32.0201 Antenna. An “antenna” is any device used for the receipt of video programming services, including direct broadcast satellite (“DBS”), television broadcast, and multi-point distribution service (“MDS”). A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of an antenna shall be considered part of the antenna.

32.0202 Mast. A “mast” is the structure to which an antenna may be attached that raises the antenna height.

32.0203 FCC Rule. The “FCC rule” is the rule described in Paragraph 32.01 above.

32.0204 Acceptable Quality Signal. An “acceptable quality signal” is a signal intended for reception in the Rancho Santa Fe area and, in the reasonable opinion of the Association Board of Directors, provides a signal of sufficient quality to the antenna at its installed location.

32.03 Antenna Size and Type.

32.0301 A property owner may install a DBS antenna that is one (1) meter (i.e., 39.37 inches) or less in diameter without obtaining approval of the Association or an Association permit, subject to the provisions in this Chapter. DBS antennas larger than one (1) meter in diameter are “major construction” and are governed by Chapter 31 of this Code.

32.0302 A property owner may install a MDS antenna that is one (1) meter or less in diameter or diagonal measurement without obtaining approval of the Association or an Association permit, subject to the provision in this Chapter. MDS antennas larger than one (1) meter in diameter are “major construction” and are governed by Chapter 31 of this Code.

32.0303 A property owner may install an antenna designed to receive television broadcast signals without obtaining approval of the Association or an Association permit, subject to the

provisions in this Chapter. Multi-family buildings are limited to one (1) such antenna pursuant to Chapter 43 of this Code.

32.0304 The reference to “property owner” in Code Sections 32.0301 through 32.0303 includes an owner of property containing one or more multi-family buildings. However, if a property containing one or more multi-family buildings is located within the Rancho Santa Fe Village Commercial District (as delineated in Exhibit “A” to Chapter 47 of this Code), the installation of any antenna on such property is regulated by Paragraph 32.09 below.

32.0305 Installation of antennas used solely to transmit radio, television, cellular or other signals are “major construction” and are governed by Chapter 31 of this Code.

32.0306 All antennas not covered by the FCC rule, or otherwise regulated by this Chapter 32, are “major construction” and are governed by Chapter 31 of this Code.

32.0307 Notwithstanding anything in this §32.03 to the contrary, the installation of antennas in the Rancho Santa Fe Village Commercial District is regulated by Paragraph 32.09 below.

32.04 Location. Each antenna subject to this Chapter shall be located in a place shielded from view from the street and from other lots to the maximum extent possible. Dish-type antennas on hipped or gabled roofs shall be located fully below the roof ridge line. Dish-type antennas on flat roofs shall be enclosed by existing parapet walls or equipment enclosures. No portion of dish-type antennas on the ground and on platforms shall exceed six (6) feet in height above the ground beneath them. Notwithstanding anything in this paragraph to the contrary, nothing herein shall require installation of dish-type or other antennas in locations from which an acceptable quality signal would not be received.

32.05 Maintenance. Owners shall not permit their antennas to fall into disrepair and become unsightly. Owners shall be responsible for repainting or replacement if the exterior surface of an antenna deteriorates.

32.06 Antenna Camouflaging.

32.0601 Antennas situated on the ground and otherwise visible from the street or from other lots must be camouflaged by existing landscaping or fencing, as long as an acceptable quality signal may be received once the antenna is camouflaged. If no such landscaping or screening exists, the Association may require antennas to be screened by new landscaping or screening of reasonable cost, as long as an acceptable quality signal may be received once the antenna is camouflaged.

32.0602 Non-dish antennas, masts, and any visible wiring must be painted to match the color of the surroundings or structure to which it is installed. The dish face and assembly of any dish antenna shall have a non-reflective finish and a color that harmonizes with the installation site and setting.

32.07 Mast Installation.

32.0701 Mast height shall be no higher than absolutely necessary to receive acceptable quality signals.

32.0702 Masts that extend more than 12 feet above the roofline are considered “major construction” in accordance with Chapter 31 of this Code, and must be approved in advance before installation.

32.08 Enforcement. If any provision of this Chapter is violated, the Association may bring ~~forth~~ action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. If the court or the FCC determines that the Association rule is enforceable, a special assessment of \$500 shall be imposed by the Association for each violation pursuant to Chapter 2 of this Code. To the extent permitted by law, the Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.

32.09 Antennas in the Village Commercial District. On February 3, 1989, the State of California Historical Resources Commission unanimously approved Rancho Santa Fe as California State Historical Landmark No. 982. On June 7, 1990, the Association Board of Directors (“Board”) designated the Rancho Santa Fe Village Civic Center (“Civic Center”) as a “Local Historical District.” The Board made such designation to recognize the uniqueness and historic significance of the Civic Center. The Board also made such designation to highlight the significance of the Civic Center as an important historic resource and encourage property owners to rehabilitate and protect important community historic structures in the Civic Center. The Civic Center is the core of a larger area known as the Village Commercial District, which is delineated in Exhibit “A” to Chapter 47 of this Code. The areas outside of the Civic Center which are within the Village Commercial District are also of historic significance to the Association, and the maintenance of the historic structures in the Village Commercial District is integral to the maintenance and preservation of the Civic Center. The Association further believes the Village Commercial District is eligible for listing in the National Register of Historic Places. In light of the historic value of the Village Commercial District, no one may install an antenna of any size or type on property located within the Village Commercial District without first obtaining the written approval of the Art Jury, and all such antennas are deemed to be “major construction.” The other provisions of this Chapter, at the discretion of the Art Jury or the Board, shall not apply to antennas installed in the Village Commercial District, and the Art Jury and Board may impose more restrictive regulations and conditions on such antennas than as set forth in this Chapter. However, any restrictions imposed by the Art Jury or the Board on an antenna intended to be installed in the Village Commercial District and which is also regulated by the FCC rule (1) shall contain no greater restrictions than imposed on the installation, maintenance or use of modern appurtenances, devices or fixtures that are comparable in size, weight and appearance to such antennas and (2) shall be no more burdensome to affected antenna users than is necessary to achieve the Association’s historic preservation objectives.

32.10 Effective Date. The effective date of this regulation is January 15, 1998.

CHAPTERS 33 THROUGH 39 RESERVED