

# RANCHO SANTA FE REGULATORY CODE



AMENDED NOVEMBER 2020

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## **Division I**

# **General Provisions, Enforcement and Variances**

# CHAPTER 1

## GENERAL PROVISIONS

1.01 Title. This document, which consists of the regulations of the Rancho Santa Fe Association (the "Association"), shall be known as the Rancho Santa Fe Regulatory Code (the "Code"). The Code, the Association's Protective Covenant ("Protective Covenant"), the Association's Bylaws ("Bylaws") and the Association's Articles of Incorporation ("Articles of Incorporation") are hereinafter collectively referred to as the "Governing Documents" of the Association.

1.02 Scope and Purpose of the General Provisions. Chapter 1 of the Code shall be known as the "General Provisions." The purpose of the General Provisions is to specify the nature, purpose, authority, basic structure, procedures and applicability of the Code. The General Provisions apply to the entire Code.

1.03 Applicability of the Code. This Code shall be applicable, as provided herein, to all real property under the jurisdiction of the Association and encumbered by the Protective Covenant, as amended, originally recorded with the Recorder of San Diego County as follows: (1) on February 9, 1928 in Book 1412, Pages 436 et. seq. of Deeds (for Declaration No. 1); (2) on April 17, 1928 in Book 1447, Pages 468 et. seq. of Deeds (for Declaration No. 2); and (3) on December 10, 1928 in Book 1560, Pages 77 et. seq. of Deeds (for Declaration No. 3).

1.04 Effective Date. The effective date of the Code shall be October 7, 1993.

1.05 Existing Law Continued. The provisions of the Code, to the extent they are substantially the same as Association procedures and regulations in existence immediately prior to the effective date of the Code, shall be construed as restatements and continuations thereof and not as new regulations.

1.06 Construction. The provisions of the Code and all enforcement proceedings under it are to be construed with the view to effect its purpose and intent and to promote justice.

1.07 References in Existing Documents to Specific Regulations. If documents or matters of record refer to or otherwise relate to former Association regulations which are now included within the Code, such references shall be construed to apply to the corresponding provisions contained within the Code.

1.08 Scope of Provisions. The provisions of the Code shall be considered minimum requirements for the promotion of the comfort, convenience and general welfare of the citizenry, and the protection of community character and property values. No approvals or permits granted under any provision of the Code shall be construed to grant any right or privilege to construct, alter or use any building, structure or other improvement on a property for any purpose that is, or may hereafter be, contrary to or prohibited by any public or private restrictions (whether or not of

record) applicable to said property. The granting of an Association permit shall not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

1.09 Authority. Pursuant to the authority vested in it by, among other things, Article IV, Section 2(d) of the Bylaws, Article II of the Articles of Incorporation and Article I, Section 13 [paragraph 14] of the Protective Covenant, the Association is empowered to establish, adopt, implement and enforce the regulations in the Code. Article II, Section 4 [Paragraph 37] of the Protective Covenant states: "The regulations of said Association shall have full force and effect from and after the time of their adoption as provided in the Bylaws of the Association and shall thereafter be as binding upon the owners of said property and each of them, their successors and assigns, as if set out in full herein."

1.10 Purpose and Intent. In addition to the specific intentions and goals of the Association expressed in other chapters of the Code, the general purpose and intent in establishing the Code, pursuant to the Association's Governing Documents, is to:

1.1001 Preserve, continue and maintain community character, rare landscape and contour features;

1.1002 Uphold the quality and appearance of all existing and future architecture, improvements and alterations;

1.1003 Restrict the use, height and bulk of buildings;

1.1004 Ensure a uniform and reasonably high standard of artistic result and attractiveness in the physical appearance of property and its improvements;

1.1005 Assure adequate and physically suitable building sites;

1.1006 Regulate the subdivision and adjustment of land;

1.1007 Provide for the uniform, equitable and effective enforcement of Association authority;

1.1008 Implement the Governing Documents through fair and reasonable standards;

1.1009 Give notice to Association members of the standards and practices used to implement the Association's Governing Documents;

1.1010 Protect the rural character and ambiance of the community; and

1.1011 Protect, maintain, preserve and defend the general welfare of the community.

1.11 Interpretation of Numbering System. In reading the numbering system of the Code from left to right, the first one or two digits to the left of the first decimal point shall designate the chapter of the Code. The first two digits to the right of the first decimal point shall designate the article number of the applicable chapter. The third and fourth digits to the right of the first decimal point shall designate the section of such article. Whenever subsections are indicated, they shall be designated by numbers to the right of the second decimal point reading from left to right. Thus, "Code §15.0304.6" refers to Chapter 15, Article 3, Section 4, Subsection 6 of the Code.

1.12 Not Included, Nonetheless Regulated. Activities, uses, construction, improvements and standards not specifically regulated, defined or referred to in the Code remain subject to all applicable provisions of the other Governing Documents and other Association authorities. The Code is not intended to limit Association powers, authorities and standards granted by the other Governing Documents.

1.13 Policies Applicable. Policies and guidelines including, but not limited to, the Residential Design Guidelines and the Village Commercial District Architectural Design Guidelines, have been and will be adopted from time to time to establish generalized criteria and to provide guidance to staff and Association members. Nothing in the Code shall be taken to prohibit the application of these policies and guidelines to activities regulated herein, as appropriate.

1.14 Conflict Between Other Governing Documents and Code. Where a conflict exists between the provisions of the Code and the provisions of other Governing Documents, the provisions of the other Governing Documents shall prevail.

1.15 Revision of Previous Regulations. The following previously adopted regulations have been incorporated into the Code and, upon the adoption of the Code, are hereby repealed (subject to Code §§ 1.05, 1.15 and 1.16).

REGULATION	ADOPTED	AMENDED
Accumulation of Junk & Storage of Non-Passenger Vehicle	10-17-68	04-02-81
Aircraft Landing & Take-Off	09-07-89	
Animal	12-01-66	02-15-68 09-15-71 10-20-77 10-16-80 08-20-81
Enforcement	11-17-88	11-02-17
Land Division & Boundary Adjustment	01-08-87	
Landscape	10-07-82	
Reg. For Multiple Covenant Acceptance Agreements Covering Property Proposed for Land Division or Boundary Adjustment	06-05-86	

Enter or alter als eg alt on		
Special Assessment Lien	02-04-93	11-02-17
Multi-Family Building	04-15-90	09-06-90
Solar Energy Systems		
Off-Street Parking	03-06-80	10-16-80 09-06-90
Outdoor Lighting	03-06-80	10-16-80 10-07-82 04-15-93 01-06-94
Slope Protection Regulation Relative to Land Division & Boundary Adjustment (Request for Approval of)	01-08-87	
Standard Conditions and Acknowledgments Pertaining to the Issuance of Construction Permits	03/04/93	
Subdivisions: A Guideline		02-20-69 03-71 05-02-74 1976-77
Temporary Construction Sign	12-07-89	
Tennis (Residential Development Regulation of:)	04-02-81	
Trail Easement	07-18-85	
Village Commercial District Design (RSF) and Development	02-01-90	
Works of Art (Resolution)	09-21-89	

1.16 Effect of Code on Actions and Obligations Previously Accrued. Neither the adoption of the Code nor the repeal hereby of any existing regulation of the Association shall in any manner affect or constitute a waiver of the Association's right to enforce regulations violated prior to the effective date of the Code.

1.17 Treatment of Nonconforming Uses and Structures. Uses and structures established pursuant to Association approvals granted prior to the adoption of the Code shall continue to be governed, while in their approved form and use, by the regulations, terms and conditions under which they were approved.

1.18 Applications in Process at Time of Adoption of Regulation. Any improvement or use for which an application has been filed and accepted by the Manager as complete prior to the date of the enactment of a regulation or amendment of the Code, and which application has not expired, shall be subject to the regulations in effect at the time that the application was accepted, Bylaw Article IV, Section 6(e) notwithstanding. Thereafter, such uses and structures shall be treated in accordance with Paragraph 1.17 above.



1.18.01 Exception. Nothing in Paragraph 1.18 above shall limit the authority of the Board of Directors to enact regulations which would apply to applications in process where a statement of such applicability is contained in the regulation, amendment, or accompanying resolution, as adopted.

1.19 Severability. If any provision, term or condition in the Code is for any reason held to be invalid, such determination shall not affect the validity of the remaining portions of the Code, or the validity of the other Governing Documents.

1.20 Definitions. Definitions of applicable terms are contained within various chapters of the Code and within the other Governing Documents. It is the intent of the Code that no conflict shall exist in the definition and meaning of terms within the Code, or between the definitions and meaning of terms in the other Governing Documents and the Code. Where conflicts are found to exist, such terms shall maintain their separate meanings within the applicable chapter of the Code and within the other Governing Documents.

1.2001 Delegation by Manager and Building Commissioner. The terms "Manager" and "Building Commissioner" as used herein shall have the same definition as contained in Article V of the Bylaws and elsewhere within the Governing Documents, with the exception that the responsibilities of the Manager and Building Commissioner as established herein may be delegated by those officers to other employees of the Rancho Santa Fe Association. Nothing in this paragraph shall limit the implied or expressed authority of these officers to delegate pursuant to other provisions of the Governing Documents.

1.21 Permissive and Mandatory Provisions. The terms "may," "should," and "can" in this Code are permissive. The terms "shall," "will" and "must" are mandatory.

1.22 Interpretation. In case of uncertainty as to the meaning of any provision of the Code, the Board of Directors, pursuant to Protective Covenant, Declaration No. 1, Article V, Section 10 [Paragraph 180], Declaration No.2, Article I, Section 17 [Paragraph 236] and Declaration No. 3, Article I, Section 17 [Paragraph 264] shall in all cases interpret the same, and such interpretation shall be final and conclusive upon all parties.

1.23 Service of Notices. Whenever a notice is required to be given under the Code, unless different provisions in any of the Association's Governing Documents provide to the contrary, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his or her last known address as such address appears in the records of the Association. Service by mail shall be deemed to have been completed at the time of deposit in the mail.

1.24 Variances. Where the Association Board of Directors finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations in the Code in a specific

situation, and where the purposes of the Code may be served to a greater extent by an alternative proposal, the Board of Directors may approve a variance to regulations in the Code so that substantial justice may be done and the public interest secured. However, a variance shall only be approved if (1) such variance will not have the effect of nullifying the intent and purpose of the Code and (2) the Board of Directors makes all of the following findings based upon the evidence presented to it in each specific case:

1.2401 Findings.

1.2401.01 The granting of the variance will be in harmony with the general purpose and intent of the applicable chapter in the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

1.2401.02 The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

1.2401.03 Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Code is carried out; and

1.2401.04 The variance will not in any manner vary the provisions of the other Governing Documents.

1.2402 Limitation on Variances. Variances for use and class use shall not be granted. Procedures for class use change are contained in Chapter 80 of the Code. Variances are not available concerning matters under the following chapters 80 and 81 of the Code. Chapter 17 is exempted from the variance requirements of §1.24 et. seq. of the General Provisions. Chapter 17 contains its own respective variance procedures and requirements. Variance requirements for setbacks are contained in Article VI, Section 4 [Paragraph 209] of the Protective Covenant.

1.2403 Variance Procedures. A variance application and fee payment shall be submitted by the property owner/applicant at the time of filing an application for permit or permission, or at the time when the tentative map, preliminary architectural plans or building plans are filed for consideration by the Association. The request shall state fully the grounds for the application and all the facts relied upon by the applicant for such variance. The variance application may be considered as part of, and processed along with, the Association's review and action on the application for which the variance is sought.

1.2404 Notification. A notice of the hearing for the variance will be posted on the Association bulletin board as well as mailed to all Covenant property owners within 500 feet of the subject

property. The bulletin board posting and the postmark of the notice shall be at least 15 days prior to the Art Jury's consideration of the variance application.

1.2405 Board Approval. Subject to any contrary provisions in other chapters of this Code or the Governing Documents, the Board of Directors shall be the final authority to approve, conditionally approve, or deny a variance application. Pursuant to Article IV, Section 6(b) of the Association's Bylaws, Art Jury review and recommendation is required for variances.

1.2406 Conditions. In approving variances, the Board of Directors (or Art Jury, if applicable) may require such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of the Code chapter applicable to such variance request.

1.25 Amended Date. Amended June 1, 1995 at §§1.2303 and 1.2304. A new §1.18 was added, §§1.08, 1.1011, 1.22 and 1.2405 were amended and the original §1.2306 was rescinded on January 15, 1998.

## CHAPTER 2

### ENFORCEMENT REGULATION FOR NON-MONETARY VIOLATIONS

1. Purpose and Intent. The purpose of this regulation is to establish reasonable and clear enforcement procedures to address non-monetary violations of the Rancho Santa Fe Protective Covenant (the "Protective Covenant") and the Rules and Regulations (the "Rules") adopted by the Board of Directors (the "Board") of the Rancho Santa Fe Association (the "Association") within the authority granted to the Association by law and in the Protective Covenant, the Amended and Restated Articles of Incorporation of the Association (the "Articles"), the Amended & Restated Bylaws of the Association (the "Bylaws") and the Rules.
2. Scope of Enforcement Procedures. This regulation applies to all acts of Members (as defined in Article VI of the Articles) which the Association, acting through the Board or the Association staff, may find to be non-monetary violations of the Protective Covenant and the Rules in exercise of its discretion. In the interests of clarity, the failure to pay assessments, dues and other charges would be regarded as monetary violations, but the failure to meet obligations under agreements with the Association may be found to be non-monetary. In the interests of further clarity, this regulation does not apply to acts otherwise covered by the governing documents of the Rancho Santa Fe Golf Club or the Rancho Santa Fe Tennis Club.
3. Discovery and Informal Notice. After an alleged violation of the Protective Covenant or the Rules is observed or reported, Association staff may investigate the violation. Staff shall have the discretion to make a courtesy call or send a letter informing the Member of the violation and the need for compliance. If compliance does not occur within seven days of the call or letter, or if the nature of the violation requires more immediate action, the Manager or his or her designee may elect to serve a Notice of Violation pursuant to paragraph 4. below.
4. Notice of Violation. At any time, the Manager or his or her designee may provide the Member notice of the alleged violation, where curable, the desired remedy to comply with the Protective Covenant or the Rules and a specific date (the "Compliance Date") to effect compliance which is at least 14 days after the letter's date (a "Notice of Violation"). The Notice of Violation shall further inform the Member that failure to comply by the Compliance Date may result in the Board imposing discipline, including suspension of all membership rights, voting rights, the right to make use of recreational facilities, charging privileges and the like and fines according to a schedule published by the Board. Further, the Board may charge the Member for the costs of bringing the Member in to compliance, including attorney's fees and costs incurred, whether or not litigation is commenced. Such notice shall be given by first-class mail, postage prepaid, sent to the last address of the Member shown on the Association's records. Note: The 14-day cure period and Compliance Date discussed in this regulation will only apply to violations susceptible of being cured.
5. Stop Work Order. In addition to a Notice of Violation, if construction without a permit or in conflict with a permit has occurred, is ongoing or is threatened or prospective, or a Member shall fail to fulfill the Member's obligation under any agreement with the Association relating to such construction, a "stop work order" may be given by the Manager or his or her designee at any time to the Member and/or any Member's contractor by first-class mail, postage prepaid, to the last known address of the Member shown on the Association's records, personal delivery or posting on the Building Site (as defined in Article VI of the Articles).

6. Temporary Restraining Order. In cases where work does not stop immediately in response to a "stop work order" or another exigency so justifies such action, the Manager or his or her designee shall have the discretion, but shall not be required, on behalf of the Association to immediately seek a temporary restraining order or preliminary injunction. The Association may seek a temporary restraining order or preliminary injunction prior to the Compliance Date in any Notice of Violation.

7. Board Action. If compliance is not effected on or before the Compliance Date specified in a Notice of Violation or if a violation is not susceptible of being cured, the Board may consider at a hearing duly noticed as provided in this paragraph 7, any disciplinary actions specified in paragraph 4. above. The Association shall provide the Member not less than 15-days prior notice of a hearing to consider discipline and the reasons therefor. Such notice shall be given by first-class mail, postage prepaid, sent to the last address of the Member shown on the Association's records. The notice shall contain: the date, time, and place of the hearing; the nature of the alleged violation; the amount of the costs and expenses of the Association to the date of notice in attempting to obtain compliance, a statement to the effect that an additional amount may be levied for costs and expenses incurred by the Association after the date of notice and a copy of this regulation. The Member shall be provided an opportunity to be heard, orally or in writing, at such hearing. The notice of the ruling of the Board on the matter shall be provided to the Member not more than 15 days after the hearing and not less than five days after the hearing. Such notice shall be given by first-class mail, postage prepaid, sent to the last address of the Member shown on the Association's records, and the effective date of any suspension shall be the date the notice was provided to the Member.

8. Collection of Sums. All amounts due the Association pursuant to this regulation shall be paid within five days of notice of the ruling of the Board pursuant to paragraph 7. above. In the event that the Member does not timely submit payment, the Association may collect such amounts by all lawful means, including, but not limited to, suit in Superior Court. In the event of suit in Superior Court, the Association as prevailing party shall be entitled to its reasonable attorney fees and costs.

9. Nonexclusive Remedy. At any time before or after a Notice of Violation or a notice of a Board hearing pursuant to paragraph 7. above, the Board may pursue any and all other remedies at law or in equity.

10. Restoration of Membership Privileges. The Board may restore membership privileges suspended pursuant to this regulation by the following procedures:

10.1 Request for Restoration. The Member shall submit a written request to reinstate membership privileges to the Manager. The written request shall include a description of the violation and describe the steps the Member has taken to achieve compliance. The Member shall also remit all amounts owed by the Member to the Association with the written request.

10.2 Membership Restoration. An inspection shall be made by the Manager or his or her designee to verify compliance. When compliance is satisfied and all amounts owed by the Member to the Association are paid, the Manager shall submit a request for restoration to the Board, and if the Board decides that there is no reason to continue suspension of membership privileges, the Board shall direct the Manager to note the same in the file of the Member's respective Building Site(s) and deliver to the Member a written notice of restoration of membership privileges.

**CHAPTER 3 HAS BEEN REPEALED AND REPLACED BY THE  
ENFORCEMENT REGULATION FOR NON-MONETARY VIOLATIONS**

## CHAPTER 4

### RANCHO SANTA FE ASSOCIATION REQUIREMENTS FOR INTERNAL DISPUTE RESOLUTION

Rancho Santa Fe Association (the “Association”) shall provide a fair, reasonable, and expeditious dispute resolution procedure which, at a minimum, satisfies all of the following requirements:

- a. The procedure may be invoked by either the Association or the Rancho Santa Fe member (the “Member”) regarding the dispute. A request invoking the procedure shall be in writing.
- b. The procedure shall provide for prompt deadlines. The Association shall act on a request invoking the procedure within 45 days of receipt.
- c. If the procedure is invoked by a Member, the Association shall participate in the procedure.
- d. If the procedure is invoked by the Association, the Member may elect not to participate in the procedure. If the Member participates but the dispute is resolved other than by agreement of the Member, the Member shall have a right of appeal to the Association Board of Directors.
- e. A written resolution, signed by both the Association and the Member, of a dispute pursuant to the procedure that is not in conflict with the law or the governing documents of the Association binds the Association and the Member and is judicially enforceable. A written agreement, signed by the Association and the Member, reached pursuant to the procedure that is not in conflict with the law or the governing documents binds the Association and the Member and is judicially enforceable.
- f. The procedure shall provide a forum by which the Member and the Association may explain their positions. The Member and the Association may be assisted by an attorney or another person in explaining their positions at their own cost.
- g. A Member of the Association shall not be charged a fee to participate in the process.
- h. With respect to those disputes regarding a final decision by the Art Jury, the Member shall state with specificity the paragraph or section of the Rancho Santa Fe Protective Covenant, Rancho Santa Fe Regulatory Code or Rancho Santa Fe Residential Design Guidelines that has allegedly been violated.

Adopted November 5, 2020

**CHAPTERS 5 THROUGH 10 RESERVED**



## **Division II**

# **Operational Regulations**

## CHAPTER 11

### BUILDING SITE MAINTENANCE REGULATION

1. Scope and Purpose. The purpose of this regulation is to establish minimum requirements and standards for premises, buildings and other structures to protect and promote the health, safety, and general welfare of the community.

2. Vehicles. No owner of a Building Site (as defined in Article VI of the Articles of Incorporation of the Rancho Santa Fe Association (the "Association"), shall permit any boat, boat trailer, camper, camping trailer, horse van or trailer, other trailers of any kind or recreational vehicle of any kind to be parked or stored on such Building Site, if such vehicle can be viewed from a public or private street or from any nearby residences. No owner of a Building Site shall permit the long-term (more than 30 days) parking of a passenger car, van, SUV, motorcycle or truck on such Building Site, if such vehicle is not in use and can be viewed from a public or private street or from any nearby residences.

No owner of a Building Site shall permit any vehicle of any kind located on such Building Site to be utilized as a dwelling or for sleeping quarters at any time.

3. Accumulation of Junk and Rubbish. No owner of a Building Site shall permit the accumulation of junk, trash, landscape debris, waste paper, cartons, boxes, appliances, tires, cans or other similar items on such Building Site. Trash placed in containers at the curb for collection shall not be placed for pickup more than 24 hours prior to the usual collection time. The containers shall be removed and stored within 24 hours of the trash pickup.

4. Maintenance of Houses, Other Structures, Hardscape and Irrigation and Drainage Systems. At all times an owner of a Building Site shall keep house(s), other structures and hardscape on such Building Site in a high class condition to preserve the unusually attractive aspects of the community. Every Building Site owner is responsible for maintaining all houses, other structures, hardscape and irrigation and drainage systems on such Building Site, including, but not limited to, exterior building walls, roofs, foundations, decks, porches, balconies, windows, exterior doors and frames, garage doors, decorative features, walls, fencing (all materials), gates and pilasters, fountains, irrigation and drainage systems, swimming pools, hot tubs and all hardscape surfaces.

5. Dead or Unsightly Vegetation and Plantings. Every Building Site Owner is responsible for removing dead or dying trees or shrubs and excessive grass or weed growth. Every Building Site Owner is responsible for maintaining all landscaping on such Building Site, including, but not limited to, trees, shrubs, turf areas, planting beds, orchards and any other plantings, in a workman like manner to prevent their decline, failure or uncontrolled growth and in a manner to enhance the appearance of such Building Site. All trees and areas of natural vegetation shall be trimmed periodically to prevent fuel for a fire and damage to persons or property from falling limbs.

6. Screening & Storage. No owner of a Building Site shall permit the accumulation of any materials on such Building Site, whether or not contained in metal, plastic or wood trash containers, unless screened in such a manner as to not be visible from a public or private street or from any nearby

residences. All storage unit enclosures require approval of the Covenant Design Review Committee.

7.Firewood. No owner of a Building Site shall permit the accumulation of firewood on such Building Site unless such firewood piles are neatly stacked or not visible from a public or private street or from any nearby residences.

8.Vacant Structures. The owner of a Building Site shall notify the Manager of the Association of the pending vacancy or vacancy of any house on such Building Site, not less than 30 days of such house being vacated, by submitting a "Notice of Vacant House Registration Form." The Association will notify the Rancho Santa Fe Fire Department and the Rancho Santa Fe Patrol that such house will be vacant. A vacant house is defined as a house that is either (1) not legally occupied for a period of at least 60 days and without water, electricity or natural or propane gas usage; (2) partially constructed after the San Diego County building permit authorizing its construction has expired (or has been abandoned); or (3) vacant after title has been transferred pursuant to either a judicial or non-judicial foreclosure of a mortgage or other security interest securing a debt.

Adopted November 2, 2017

## CHAPTER 12

### AIRCRAFT LANDING AND TAKEOFF REGULATION

12.01 Scope and Purpose. In adopting a regulation for aircraft landings and takeoffs, the Board of Directors (“the Board”) finds such regulation necessary to protect property and minimize noise and disruption, thereby protecting members' rights to the quiet enjoyment of their properties pursuant to the goals of the Governing Documents.

12.02 Definitions. The following definitions are applied to terms which occur within this chapter:

12.0201 Aircraft. Any person-carrying, flying vehicle including, but not limited to, helicopters and hot air balloons.

12.0202 Emergency Landings and Takeoffs. Landings and takeoffs for the purpose of acute medical evacuation, fire fighting or law enforcement activities.

12.0203 Special Event Landings and Takeoffs. Landings and takeoffs that the Association pre-approves, and that are conducted for civic celebrations or other similar events.

12.03 Regulations.

12.0301 Fields and Landing Areas. The construction or maintenance of any aircraft landing facility upon property subject to the jurisdiction of the Protective Covenant shall be prohibited.

12.0302 Landings and Takeoffs. Upon properties subject to the jurisdiction of the Protective Covenant, no aircraft landings or takeoffs shall be permitted, with the exception of emergency and special event landings and takeoffs as provided herein.

12.0303 Permission. Permission for special event landings and takeoffs shall be obtained in advance from the Board.

12.0304 Federal and State Authority. Nothing in this regulation shall be construed to conflict with the conduct of flights, as regulated by federal and state authorities, over property subject to the jurisdiction of the Protective Covenant.

12.04 Effective Date. The effective date of this chapter is March 3, 1994.

12.05 Amended Date. This chapter was amended at §12.01 on January 15, 1998. This chapter was amended at §§12.0201 and 12.0203 on July 19, 2007.

## CHAPTER 13

### TEMPORARY CONSTRUCTION SIGN REGULATION

13.01 Scope and Purpose. In adopting a regulation for temporary construction site signs, the Board of Directors finds such regulation necessary in order to carry out its responsibility to control signs on all properties within the jurisdiction of the Protective Covenant.

13.02 Definitions. The following definition is applied to the term "Temporary Construction Site Sign": A sign placed at the site of construction by a contractor, owner, lender, construction manager or other person engaged in the construction work. Specifically included in this definition are signs on temporary construction site offices and trailers and temporary construction storage sheds and trailers. Specifically excluded from this definition are any notices which are required by any governmental agency as a part of its permit authority.

#### 13.03 Regulations.

13.0301 Approval. No Temporary Construction Site Sign shall be installed or placed on any site without approval from the Board of Directors.

13.0302 Application. Application for Temporary Construction Site Signs shall be made on forms provided by the Building Commissioner at the time of application for building permits.

13.0303 Art Jury Review. The Art Jury shall make a recommendation to the Board of Directors regarding the Temporary Construction Site Sign, based on the regulations adopted in this chapter.

#### 13.04 Design and Display Guidelines for Temporary Construction Site Signs.

13.0401 Number of Signs. One (1) Temporary Construction Site Sign, visible from any street or other property, may be permitted per building site.

13.0402 Copy. Copy shall be limited to the name, logo, telephone number and the licensing number of a contractor, construction manager or other person engaged in, or activity related to the construction work.

13.0403 Dimensions. The following shall be the maximum dimensions for Temporary Construction Site Signs:

13.0403.01 Height, measured vertically from ground level to the top of any part of the sign or its supporting structure, shall not exceed four feet - zero inches (4' - 0").

13.0403.02 Surface area of copy area may not exceed 6 square feet for a single face sign or for each side of a double face sign.

13.0404 Materials. Signs shall be constructed of, or painted on, inflexible materials. No banners or flags shall be allowed.

13.0405 Color. Muted or natural tones shall be used for the sign support, copy face and copy.

13.0406 Duration of Display. Display of the sign shall be limited to that period commencing with the issuance of a building permit following the Board approval of the sign, and terminating upon final inspection of the construction work by the Building Commissioner.

13.0407 Applicable Construction Types. Temporary Construction Site Signs shall only be approved for construction work which is "major" construction pursuant to Article III, Section 1 & 2 [Paragraphs 46 through 49] of the Protective Covenant.

13.05 Effective Date. The effective date of this regulation is March 3, 1994.

## CHAPTER 14

### OUTDOOR LIGHTING REGULATION

14.01 Authority and Purpose. This regulation is established pursuant to Article III, Sections 1 and 2 [Paragraphs 46, 47, 48, 49 and 50 respectively] of the Protective Covenant to minimize outdoor lighting nuisances to private properties and public spaces, and to maintain the "dark sky" standard of the community. The "dark sky" standard includes the maintenance of a predominant rural darkness characterized by limited and controlled emissions of light that distinctly differ from more intrusive suburban lighting patterns.

#### 14.02 Definitions.

14.0201 Light Source. "Light Source" shall mean the central mechanism(s) that produce and/or refract light, including but not limited to, mirrors, light-directing refractors, filaments of incandescent bulbs, and the entire light-emitting surface of bulbs which produce light by the charging of gasses.

14.0202 Uplighting. "Uplighting" shall mean Exterior Lighting that is directed at or above the horizontal plane of the Light Source.

14.0203 Downlighting. "Downlighting" shall mean Exterior Lighting that is directed below the horizontal plane of the Light Source.

14.0204 Exterior Lighting. "Exterior Lighting" shall mean and include, but is not limited to, permanent or portable search, spot or flood, decorative, security, or other lighting for the outside of buildings or structures, outside recreational area lighting and all types of outside area and landscape lighting.

14.0205 Automated Teller Machine (ATM). "Automated Teller Machine" shall mean any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account. The term does not include devices used solely to facilitate check guarantees or check authorizations, or which are used in connection with the acceptance or dispensing of cash on a person-to-person basis, such as by a store cashier.

14.0206 Low-Wattage Systems. "Low-Wattage Systems" shall mean Exterior Lighting whose aggregate total wattage in any single fixture does not exceed 30 watts..

14.03 Scope. No Exterior Lighting that is appurtenant to the construction or alteration of any building or structure shall be permitted without first obtaining the Art Jury's approval, in accordance with Code §14.07 below. All other Exterior Lighting, that complies with the other provisions of this regulation, is presumed to constitute "minor construction" under Article III, Section 2 [Paragraphs

48 and 49] of the Protective Covenant, and therefore may be installed without Art Jury review or approval. However, the Art Jury retains jurisdiction, upon receiving complaints or otherwise, to review and inspect Exterior Lighting that is presumptively "minor construction" prior to or after installation, and to determine whether such Exterior Lighting is "major construction" subject to Art Jury review and approval. All Exterior Lighting, whether considered "major construction" or "minor construction", is subject to the provisions in Articles 04, 05 & 06 of this regulation.

#### 14.04 General Requirements Applicable to All Properties.

14.0401 Uplighting Prohibited. Except as otherwise provided herein, Uplighting for any purpose is prohibited.

14.0402 Searchlights Prohibited. The operation of outdoor searchlights for any purpose is prohibited.

14.0403 Recreational Lighting Prohibited. Exterior Lighting for public and private recreational facilities is prohibited. The types of lighting prohibited by this provision include, but are not limited to, the lighting of tennis courts, playing fields, horse keeping or riding facilities and other recreational areas.

14.0404 Downlighting Regulated. Exterior Lighting which is not otherwise prohibited by this regulation shall be permitted as long as it otherwise complies with this regulation. All Exterior Lighting shall be Downlighting and shall be shielded in such a manner that the edge of the shield is below the Light Source. Exterior Lighting not meeting this criteria, including lighting installed on swivels and pivots that allow the fixture to be directed above the horizontal, is prohibited.

14.0404.01 General Exception. Exceptions to the criteria in §14.0404 may be granted where the Art Jury finds that the conditions of the site, its size, the location of structures on the site, or other factors would allow an exception to fulfill the general purpose of this regulation and to achieve a high artistic result.

14.0404.02 Low Wattage Exception. As Minor Construction, Low-Wattage Systems consisting of twelve or fewer light fixtures per site are exempted from the restrictions in Code §§14.0401, 14.0404 and 14.0502 and may be exempted, with Art Jury approval, from §14.0501. Where lighting plans are approved by the Art Jury in accordance with §§14.0701 or 14.0702, the placement, addition, or modification of Low Wattage Systems shall be subject to the continuing jurisdiction of the Association as provided in §14.0704.

14.0405 Minimization of Light Intensity. No light or glare shall be transmitted or reflected in such concentrated quantities or intensities as, in the opinion of the Art Jury either at the time of plan review or subsequently in actual operation, to be detrimental or harmful to or to interfere with the use of other properties or streets, public spaces, or otherwise degrade the "dark sky" character of the community.



14.0406 Pre-Existing Exterior Lighting. Pursuant to Code §1.17, earlier versions of this and other regulations shall regulate all Exterior Lighting installed prior to the effective date of this regulation. Notwithstanding anything in this paragraph to the contrary, this regulation does apply to any proposed or actual modifications or alterations to, or increases in lighting intensity of, Exterior Lighting installed before the effective date of this regulation.

14.0407 Sign Lighting. This regulation does not apply to the lighting of signs which must be separately approved by the Board of Directors pursuant to Article II, Section 1 [Paragraph 19] of the Protective Covenant.

#### 14.05 Residential Lighting.

14.0501 Light Directed Onto Lot. Exterior Lighting on Class A, B, C and L properties shall be so designed and adjusted such that Light Sources and light-directing refractors shall not be visible from any public road, public space or street or from any other property. Low Wattage Systems may be exempted from this provision, if part of an approved lighting plan as described in §14.07.

14.0502 Maximum Wattage for Exterior Lighting. Except as provided in Code §14.0404.02 (Low Wattage Exception) and 14.0503 (Acreage Exception to Wattage Limitation), no building site or combination of contiguous building sites subject to a single ownership, which is used for residential purposes, nor any site in the use class "L", shall exceed a maximum total of 2,500 watts incandescent or its equivalent of lighting from Exterior Lighting. This wattage allocation is a discretionary allowance which may be reduced, dependent upon site-specific conditions contained on each individual property, as determined by the Art Jury.

14.0503 Acreage Exception to Wattage Limitation. On sites larger than 2.0 acres in size, wattage in excess of 2,500 watts incandescent or its equivalent may be allowed at the proportional rate of up to 500 watts for each additional acre. The approval of this additional wattage allocation will be dependent upon the Art Jury's discretionary judgment as to the site's ability to accommodate additional lighting without degrading the "dark sky" standard of the community and surrounding neighborhood.

14.0504 Incandescent Equivalent Established. For the purpose of this regulation, the following equivalencies for non-incandescent sources are adopted, where the wattage rating of the source type listed will be multiplied by the listed equivalency factor to calculate equivalent incandescent wattage.

SOURCE TYPE	EQUIVALENCY FACTOR
Incandescent	1.00

Fluorescent	4.28
Sodium Pressure	5.77

#### 14.06 Commercial Lighting.

14.0601 Limitations. Lighting of commercial structures and signs within Rancho Santa Fe shall be limited to that necessary for security and identification and shall be subject to Board of Directors approval. The maximum wattage of an individual fixture shall be 150 watts incandescent or equivalent thereto as established in §14.0504.

14.0602 ATM's. The provisions of §14.0601 above notwithstanding, Automatic Teller Machine (ATM) lighting shall be permitted pursuant to California Financial Code §13000 et. seq. (and any successor statute) on the following conditions:

14.0602.01 The submittal and subsequent approval by the Association of a lighting plan, prepared by a lighting engineer, which is certified as representing the minimum level of illumination to comply with Financial Code §13000 et. seq.; and,

14.0602.02 Cut-offs or source screening which specifically limits the State required ten candlefoot-power illuminated area to no more than 5 feet from the face of the ATM.

#### 14.07 Art Jury Approval of Lighting Plans.

14.0701 Lighting Plans. All building plans for any type of structure (including remodel or additions) submitted to the Association for approval shall include an Exterior Lighting plan which depicts all existing and proposed Exterior Lighting and all existing and proposed Low-Wattage Systems on the site. Such plans must be in conformance with this regulation.

14.0702 Independent Lighting Plans. Lighting plans may be submitted, independent of any other site improvement or construction plans, for the purpose of establishing permitted lighting installations or as a voluntary remedy for complaints regarding "minor constructions".

14.0703 Requirements. All Exterior Lighting plans shall include wattage, height of each light fixture above ground, and a complete description, including descriptive material of each light fixture, its Light Source type and location on the property of all existing and proposed Exterior Lighting.

14.0704 Continuing Jurisdiction. Lighting plans which are submitted and approved under this regulation shall be subject to the continuing jurisdiction of the Association. Additions or

alterations to the installations depicted on approved lighting plans, if found significant or contrary to the original approval, will be subject to removal or correction by the Association.

14.08 Effective Date. The effective date of this regulation is January 6, 1994.

14.09 Amended Date. This regulation was amended at §§14.0206, 14.0404.02, 14.0501, and 14.0702 on May 2, 1996. This regulation was amended at §14.0204 on January 15, 1998.

**CHAPTER 15 RESERVED**

## CHAPTER 16

### TRAIL EASEMENT REGULATION

16.01 Scope and Purpose. This regulation is established to provide a procedure by which permanent easements may be obtained by the Association for riding and hiking trails. The riding and hiking trail system in Rancho Santa Fe as implemented by this regulation serves the purposes discussed in the following subsections:

16.0101 Rural Character. Rancho Santa Fe is distinguished by its rural character. A primary element of the rural character of Rancho Santa Fe is its accommodation and promotion of equestrian activities. Equestrian activities are supported by the private keeping of horses and the capability of Association members to ride on trails and through open spaces within the community. The rural character of the community is also enhanced by maintaining narrow roads without sidewalks in all areas but the village center. The development of trails assists in preserving this aspect of the community's character by eliminating the need to provide sidewalks or extensive shoulders along roads to accommodate non-vehicular traffic.

16.0102 Covenant-Wide System. The incremental expansion of a varied and interesting Association-maintained system of private riding and hiking trails has historically been, and continues to be, an important long-term goal of the Association.

16.0103 General Welfare. The formation of a system of trails dedicated to equestrian and hiking uses separates vehicular traffic from equestrian and pedestrian traffic, thereby maintaining the general welfare of Association members.

16.02 Major Land Use Changes; Association's Discretionary Authority. The following land use modifications to property under the jurisdiction of the Protective Covenant are hereinafter collectively referred to as "Major Land Use Changes": (1) the subdivision of land (Chapter 60); (2) boundary adjustments between parcels where one or more buildable parcels are created (Chapter 60 & 61); (3) the annexation of property to the jurisdiction of the Protective Covenant (Chapter 81); and (4) modifications to the Protective Covenant's local protective restrictions (Chapter 80) that are likely to result in intensification of trail use within Rancho Santa Fe. Major Land Use Changes will result in the creation of new property boundaries and spaces and/or intensification of land uses. The Association Board of Directors ("the Board"), in its discretion, may approve, conditionally approve or deny Major Land Use Changes. As part of such discretion, the Board has the authority and power to mitigate expected adverse land use impacts resulting from such Major Land Use Changes. The Board finds that requiring trail easement dedications from applicants as a condition to the Board's approval of Major Land Use Changes will mitigate the expected adverse land use impacts resulting from Major Land Use Changes, and will benefit the community character and its general welfare.

16.03 Trails Plan Map. The Board has adopted a Trails Plan Map that it periodically updates. The Board may further update the Trails Plan Map from time to time pursuant to Board resolutions. Such updates shall not constitute an amendment to this regulation.

16.04 Easements.

16.0401 Acceptance of Trail Easements. The Manager is hereby authorized to accept dedications of revocable and irrevocable easements for trails on behalf of the Association.

16.0402 Trail Easement Dedication. The Board may require the applicant to dedicate a permanent, irrevocable easement for a riding and hiking trail on a property as a condition to the Board's approval of a Major Land Use Change, when any of the following listed conditions are found by the Board to exist:

- a. A desired trail is indicated on the adopted Trails Plan Map on said property; or
- b. An existing revocable easement exists for a trail on said property; or
- c. A trail is in use on said property, but has not been acquired by easement; or,
- d. An area on said property does not meet any other criteria listed above but, nevertheless, in the opinion of the Board, is found to constitute an appropriate route for inclusion in the trail system.

16.05 Factors for Board Consideration. In deciding whether to condition its approval of a Major Land Use Change on a trail easement dedication, the Board may consider whether trail construction would further the Association's goal of expanding trail linkages and whether such acquisition would enhance the general welfare of the trail users.

16.06 Trail Width. The standard width of a trail easement shall be 10 feet. The width of the trail easement dedication may deviate from the standard where, in the opinion of the Board, conditions require a greater or lesser width.

16.07 Future Trail Requirements. The Board may require a permanent, irrevocable trail easement even if the easement is for a small or unconnected portion of a trail or if the Association has no immediate plans for construction or improvement of that trail section.

16.08 Trail Surfacing. The Association has the right, but not the obligation, to develop and maintain all dedicated trail easements with surfacing materials that are deemed appropriate by the Association for equestrian and hiking trail use. This rule does not apply to driveways.

16.0801 Rule for Driveways. The provisions in this paragraph apply if (1) a property owner grants a trail easement to the Association as a condition to the Association's approval of the member's Major Land Use Change, and a pre-existing improved driveway or accessway crosses over any portion of such easement or (2) a property owner intends to construct a driveway or other accessway that will cross over a pre-existing trail easement. In either such case, the Association may require that the property owner install and maintain, at the property owner's expense, slip-resistant surface materials or surface treatments over that portion of the driveway or accessway that crosses over the easement.

16.09 Preparation and Recordation. All dedicated trail easements shall be on forms provided, or approved in advance, by the Association. If so requested by the Association, the property owner shall provide to the Association the proper legal description of the easement and reasonable evidence of the exact name of the legal owner(s) of the affected property, so that the Association can finalize the form and deliver it to the property owner for signature in the presence of a notary public. After the property owner signs the trail easement, the Association shall file the trail easement for record in the Office of the San Diego County Recorder.

16.10 Effective Date. The effective date of this chapter is March 17, 1994.

16.11 Amended Date. This chapter was amended at §§16.0103, 16.0104, 16.0302, 16.04, and 16.08 on January 15, 1998. This chapter was amended and restated on April 17, 2008.

## CHAPTER 17

### FALSE ALARM REGULATION

17.01 Findings. The Board of Directors (“the Board”) of the Association hereby finds that the Rancho Santa Fe Patrol continues to respond to alarm activations, of which the vast majority are false alarms. The Board further finds that the cost to the Association membership for the Patrol to respond to false alarm activations is significant and substantial, and that the potential danger to Association members through emergency responses created by false alarms is hazardous and unnecessary.

17.02 Purpose. The purpose of this regulation is to reduce false alarms and to more equitably assign the Association's cost of responding to false alarm activations upon those Association Members who cause a disproportionately high number of false alarms to occur. This regulation does not apply to false alarm responses made solely by security personnel other than the Patrol.

#### 17.03 Definitions.

17.0301 "Member" means the fee owner(s) of real property containing an Alarm System.

17.0302 "Patrol" means the Rancho Santa Fe Patrol.

17.0303 "Alarm System" means one or more mechanical, electrical or other devices on a Member's property which are designed or used for the detection of intrusion or unauthorized entry into a building, structure, area or facility or for alerting others of the commission of an unlawful act within a building, structure, area or facility, or both, which emits a sound or transmits a signal or message when actuated which is intended to evoke a response from the Patrol or third parties.

17.0304 "False Alarm" means any activation of an Alarm System by failure, malfunction, accidental tripping, misoperation, misuse or negligent maintenance by a Member or such Member's tenant, employee, guest or agent or any other activation of an Alarm System that results in a response and arrival on the property by the Patrol where an emergency situation does not exist.

17.0305 "Excusable Alarm" is an alarm caused by severe and unusual weather conditions, telephone line problems outside the Member's property or any similar factor over which the Member lacks control and responsibility.

17.0306 "Fiscal Year" means a 12 month period beginning on July 1st of a given year and ending on June 30th of the following year.

17.0307 "Construction Site" means any property that is not occupied and is undergoing construction, repair or remodeling for which an Association permit has been obtained.

17.0308 "Construction Site False Alarms" means false alarms occurring on a Construction Site.



17.04 Excessive False Alarm Fee.

17.0401 Procedure. When the Patrol is dispatched to respond to an Alarm System activation, the Patrol will determine whether the activation was caused by an emergency situation, a False Alarm, Construction Site False Alarm or an Excusable Alarm, and shall keep a record of its determination. The Patrol's records shall be presumptive evidence of the number of all False Alarms per property in each Fiscal Year. Construction Site False Alarms shall be treated as any other False Alarm, except that all recorded Construction Site False Alarms shall be removed from the Member's record of False Alarms once a final inspection approval has been obtained from the Association or the property becomes occupied. However, the removal of Construction Site False Alarms from the Member's record shall not relieve the Member of any preexisting obligation to pay fees for such False Alarms, or entitle the Member to reimbursement for any previously paid fees for False Alarms.

17.06 Effective Date. The effective date of this chapter is May 19, 1994.

17.07 Amended Date. This chapter was amended and restated on July 19, 2007.



## **FINE SCHEDULE REGULATION**

The purpose and intent of this Association regulation is to set forth fines that the Association is authorized to charge a Member for violating the provisions of the Rancho Santa Fe Protective Covenant, Bylaws, Regulatory Code and/or Association Rules and Regulations. No fines will be levied until all procedures required by the Association's Enforcement Regulation for Non-Monetary Violations have been observed. These procedures include at a minimum a cure period of at least 14 days, if the violation is curable, and a hearing before the Board of Directors held no less than 15 days after notice thereof at which the Member will be afforded an opportunity to be heard.

### **1. General Fine Schedule (Other Than for Violations Referred to in 2. Below).**

#### **(a) One-time and repeated violations**

- (i) First violation: \$250
- (ii) Second violation (same or similar): \$500
- (iii) All subsequent violations after the second (same or similar): \$1,000

#### **(b) Continuing violations**

- (i) Weekly fine for each week or part thereof until corrected (in addition to (a)(i)-(iii) above): \$1,000/week. Fines per week will continue without further hearing until Member corrects the violation and notifies the Association in writing of such correction, including the date the violation was corrected.

### **2. Specific and Serious Violations.**

#### **A. Unauthorized Construction (Stop Work Orders):**

##### **(a) Commencing construction without Association permits:**

- (i) New residential buildings: \$10,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required plans within 30 days of issuance of Stop Work Order: \$500/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$5,000/week for each week or part thereof during which work continues.

- (ii) Accessory buildings/guest houses/barns: \$5,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required plans within 30 days of issuance of Stop Work Order: \$500/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$2,500/week for each week or part thereof during which work continues.
- (iii) Miscellaneous – Stand-Alone (as enumerated in the Association’s Schedule of Fees and Deposits): \$2,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required plans within 30 days of issuance of Stop Work Order: \$300/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$1,000/week for each week or part thereof during which work continues.

(b) Construction not in accordance with Association permits and/or approved plans:

- (i) New residential buildings: \$5,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required revised plans within 30 days of issuance of Stop Work Order: \$300/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$2,500/week for each week or part thereof during which work continues.
- (ii) Accessory buildings/guest houses/barns: \$2,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required revised plans within 30 days of issuance of Stop Work Order: \$300/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$1,000/week for each week or part thereof during which work continues.
- (iii) Miscellaneous – Stand-Alone: \$2,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required revised plans within 30 days of issuance of Stop Work Order: \$300/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$1,000/week for each week or part thereof during which work continues.

(c) Unauthorized Grading:

- (i) Commencing grading without Association permits:
  - (1) Grading in excess of 200 cubic yards: \$5,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association

toward the submission of required plans within 30 days of issuance of Stop Work Order: \$500/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$2,500/week for each week or part thereof during which work continues.

(2) Grading 200 cubic yards or less: \$1,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required plans within 30 days of issuance of Stop Work Order: \$500/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$500/week for each week or part thereof during which work continues.

(ii) Grading not in accordance with Association permits and/or approved plans:

(1) Grading in excess of 200 cubic yards: \$1,000 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required revised plans within 30 days of issuance of Stop Work Order: \$500/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$500/week for each week or part thereof during which work continues.

(2) Grading 200 cubic yards or less: \$500 upon issuance of Stop Work Order. If the applicant is not working in good faith with the Association toward the submission of required revised plans within 30 days of issuance of Stop Work Order: \$250/week for each week or part thereof during which it is determined no progress has been made toward submission. If work continues after issuance of Stop Work Order: \$250/week for each week or part thereof during which work continues.

## **B. Maintenance:**

(a) Property maintenance:

(i) Failure to maintain houses in a high-class condition to preserve the unusually attractive nature of the community as required by Section 4 of the Association's Building Site Maintenance Regulation (the "Maintenance Regulation"): \$10,000 and \$3,000/week or part thereof until corrected. Fines per week will continue without further hearing until Member corrects the violation and notifies the Association in writing of such correction, including the date the violation was corrected.

(ii) Failure to maintain accessory buildings, guest houses or barns in a high-class condition to preserve the unusually attractive nature of the community as required by Section 4 of the Maintenance Regulation: \$5,000 and \$2,000/week or part thereof until corrected. Fines per week will continue without further hearing until Member corrects the violation and notifies the

Association in writing of such correction, including the date the violation was corrected.

- (iii) Failure to maintain landscaping in accordance with Section 5 of the Maintenance Regulation: \$3,000 and \$1,000/week or part thereof until corrected. Fines per week will continue without further hearing until Member corrects the violation and notifies the Association in writing of such correction, including the date the violation was corrected.

**C. Rentals:**

(a) Violation of paragraph 88 of the Protective Covenant as set forth below:

- (i) Rentals of all or part of an accessory building in Residence Districts of Class A, as outlined in the Protective Covenant, by persons not members of the same family as the owner of the building site on which the main dwelling is located:

- (1) First violation: \$1,000
- (2) Second violation: \$2,000
- (3) All subsequent violations after the second: \$4,000
- (4) Weekly fine for each week or part thereof during which the rental continues (in addition to (i) (1-3) above): \$4,000/week. Fines per week will continue without further hearing until Member corrects the violation and notifies the Association in writing of such correction, including the date the violation was corrected.

- (ii) Rentals of part of the main dwelling in Residence Districts of Class A by persons not members of the same family as the owner of the building site on which the main dwelling is located:

- (1) First violation: \$500
- (2) Second violation: \$1,000
- (3) All subsequent violations after the second: \$2,000
- (4) Weekly fine for each week or part thereof during which the rental continues (in addition to (ii) (1-3) above): \$2,000/week. Fines per week will continue without further hearing until Member corrects the violation and notifies the Association in writing of such correction, including the date the violation was corrected.

**D. Noxious Activities/Nuisance:**

(a) One-time and repeated violations of Section 2 of the Association's Regulation of Nuisance and Special Events Venues:

- (i) First violation: \$500
- (ii) Second violation: \$1,000
- (iii) All subsequent violations: \$1,500

**E. Event Venues:**

Each violation of Section 3 of the Association's Regulation of Nuisance and Special Event Venues: the highest of \$10,000, the amount charged for the rental or the amount for which the venue was advertised for the day/night of the violation (whether by internet, publishing, circulating, e-mailing, broadcasting or otherwise).

Adopted March 1, 2018

**CHAPTERS 18 THROUGH 29 RESERVED**

## **Division III**

# **Construction Permits**



**CHAPTER 30**  
**REGULATIONS SUBJECT TO THE ISSUANCE**  
**OF BUILDING PERMITS**

30.01 Scope and Purpose. The following regulations are adopted to establish application procedures and standard conditions relative to the issuance of Association building permits.

30.02 Regulations Reflected on Application Form. Sections 30.04 through 30.0411 below shall be printed in their entirety (excepting paragraph numbering and syntactical words shown in brackets) on the reverse side of the Association's Construction Permit Application form; and

30.03 Regulations Reflected on Acknowledgment Form. Sections 30.05 through 30.0505 below shall be printed in their entirety (excepting paragraph numbering and syntactical words shown in brackets) on the Association's "Standard Condition Acknowledgment" form, and, together with other standard conditions as directed by the Art Jury, shall be acknowledged by each applicant upon approval of an Art Jury action and prior to the issuance of a construction permit.

30.04 Permit Application Obligations and Acknowledgments. Application is [hereby] made to the Association and the Art Jury through the office of the Building Commissioner for a building permit in accordance with the description and for the purposes hereinafter set forth on the reverse hereof. [This] application is made subject to the following covenants and conditions which are hereby agreed to by the [undersigned] applicant and which shall be deemed minimum conditions of the permit:

30.0401 Public Site Limitations. The permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place.

30.0402 Permission Per Plans. [This] permit does not include permission to construct any structure (including but not limited to walls, garage, fence, outbuilding, and signs) not clearly shown on plans submitted herewith and that for each additional structure not so shown, a new or modification of a permit must be obtained.

30.0403 Limitations, Governing Documents. [This] permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be, prohibited by the Association or its governing documents, or that is contrary to or prohibited by the restrictions of record applicable to said property.

30.0404 Limitations, Title. The granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

30.0406 Member in Good Standing. Prior to Art Jury consideration of an application, all of the member's assessments and dues must be current.

30.0407 Expiration of Art Jury Approval. The Association will issue a building permit upon applicant's satisfaction of all of the Art Jury's conditions of approval. Art Jury approval conditions expire at the end of six months for preliminary style check submittal and at the end of one year for final submittal. One time extension (administrative) may be requested prior to expiration. If an approval expires, a new application must be filed and processed. The Association does not give notice to an applicant in advance of an upcoming expiration date.

30.0408 Expiration of Building Permit. An issued building permit expires at the end of one year. One time extension (administrative) may be requested prior to expiration. If a permit expires, a new application must be filed and processed. The Association does not give notice to an applicant in advance of an upcoming expiration date.

30.0409 Application Requirements. All applicants shall process their applications in accordance with the Association's then existing Development Review Procedures, Site Concept Workshop Submittal Requirements (if applicable), Preliminary Style Check Submittal Requirements (if applicable), Final Submittal Requirements, and building inspection schedule.

30.0410 Temporary Construction Sign Requirements. All applicants for construction projects which require permits are also required to indicate an acknowledgment of the Temporary Construction Sign Regulation. [Please check one of the following statements:]

- ( ) Acknowledges receipt of a copy of the Temporary Construction Sign Regulation and elects not to post any such sign during the construction applied for; or
- ( ) Acknowledges receipt of a copy of the Temporary Construction Sign Regulation and hereby petitions the Association Board of Directors for permission to place a sign of the size and design and in the location as shown on the attached drawings.

[Acknowledgment to be executed:] I have carefully examined and read the foregoing application and know the same is true and correct, and that all provisions of the Protective Covenant, Bylaws, and Regulations will be complied with at all times during construction, whether herein specified or not.

30.05 Standard Conditions. [Owner and contractor] agree that in the performance of work of construction covered by the Association Building Permit, [they] will fully abide by applicable provisions of the Protective Covenant, the Bylaws of the Association, and such other regulations adopted by the Rancho Santa Fe Association or its officers or agents, relating to building and construction on real property subject to the jurisdiction of the Protective Covenant. Without limiting the generality of the foregoing, the following requirements in particular will apply:

30.0501 Acknowledgment Requirement. The owner and contractor must sign and return [the acknowledgment] this letter prior to receiving a building permit.

30.0502 Landscape Maintenance Requirement. Any landscape screen specifically required as a condition of a permit shall be permanently maintained and replaced in kind if disease or removal occurs. The replacement of the landscape shall be subject to a schedule approved by the Association.

30.0503 Underground Utility Requirement. All electric light and telephone connections from building to existing main trunk lines in streets, alleys or along private rights-of-way shall be installed in underground conduits, except that with the approval of the Association in writing, certain exemptions may be granted. Pad-mounted or underground transformers are required.

30.0504 Temporary Storage Requirement. Temporary construction sheds will be removed from the building site when the permanent building can adequately house tools and equipment. [It is understood that] temporary construction sheds cannot be utilized as living quarters. Temporary construction sheds should be located in unobtrusive locations; screening and/or alternate locations may be required for those structures that are inappropriately screened and/or sited.

30.0505 Breach Liability. In the event of a breach [of the conditions] hereof by owner and/or contractor, all costs, expenses and damages directly or indirectly resulting therefrom, including a reasonable attorney's fee incurred in enforcing the provisions hereof, will be paid to the Association.

30.06 Amended Date. The original §30.0407 was rescinded on April 17, 1997. This regulation was amended at §§30.0405, 30.0407, 30.0503 and 30.0504 on January 15, 1998. This regulation was amended at §30.0105 on March 1, 2018.

## CHAPTER 31

### MAJOR CONSTRUCTION REGULATION

31.01 Purpose and Intent. This regulation is established for the purpose of requiring the advance issuance of Association permits for certain construction, works of art and grading to insure the maintenance of high artistic result and the preservation of the community's character.

31.02 Reservation of Rights. Nothing herein shall effect or impair the Association's jurisdiction and right to hear, try and determine complaints and order corrections to any and all constructions and works of art as provided in Article III, Sections 1 through 4 [Paragraphs 46 through 54] of the Protective Covenant and the other Governing Documents.

31.03 Constitutes Major Construction. The Board of Directors finds that, where so indicated below, the following structures, improvements and grading substantially affect community character and hereby declares them to be "Major Construction" which requires advance Association approval and a permit. This list is not intended to be definitive or comprehensive, but rather representative of various types of Major Construction.

31.0301 Grading. Any excavation, filling, back-filling or alteration to existing topography shall constitute "Major Construction."

31.0302 Fences and Walls. All fences and walls shall constitute "Major Construction."

31.0302.01 Exception: Split-Rail Fences. Wooden, unpainted, split-rail fences not exceeding 36 inches in height, and consisting of two (2) or fewer rails shall be considered minor construction.

31.0302.02 Exception: Garden Walls. Garden walls not exceeding 32 inches in height and composed of dry-laid materials, and which observe all setback requirements established for structures in the Protective Covenant, shall be considered minor construction.

31.0303 Works of Art. All Works of Art shall constitute "Major Construction."

31.0303.01 Criteria for Review. In reviewing works of art, the quality of the art itself shall not be at issue, but rather the fit of the work of art with its site, surroundings and the character of the community shall be the governing consideration.

31.0304 Entry Features. All entry features shall constitute "Major Construction" and include, but are not limited to:

- a. Gates and gateposts.

- b. Gate houses.
- c. Arches.
- d. Pilasters.

31.0305 Roofs. Any new roof, change in an existing roof, addition to a roofed area, or change in roofing materials shall constitute "Major Construction."

31.0305.01 Exception: Re-roofing with the same roofing material shall be excepted from classification as "Major Construction." This exception shall apply only if the original roofing material being replaced is a fire-retardant roof covering of a class as required under Health & Safety Code §13132.7 .

31.0306 Accessory Buildings. All accessory buildings shall constitute "Major Construction" and include, but are not limited to:

- a. Pump houses.
- b. Tool or storage sheds.
- c. Lath houses or greenhouses.
- d. Pool houses or cabanas.

31.0306.01 Exception: Those construction sheds used in conjunction with Construction Permits, as regulated by §30.0504.

31.0307 Animal Containment Enclosures or Structures. All animal containment enclosures and structures shall constitute "Major Construction" and include, but are not limited to:

- a. Barns.
- b. Stables.
- c. Shade structures.
- d. Corrals.
- e. Paddocks.
- f. Riding rings.
- g. Stalls.
- h. Kennels.
- i. Dog runs.

31.0308 Accessory Structures. All accessory structures shall constitute "Major Construction" and include, but are not limited to:

- a. Gazebos.
- b. Arbors or shade structures.
- c. Tennis or other courts.
- d. Swimming pools.
- e. Fountains.
- f. Bridges.
- g. Trash enclosures / Equipment enclosures.
- h. Trailers, campers, recreational vehicles or other such types of vehicles which have had their wheels removed or have otherwise been modified and/or placed in such a way so as to make them immobile or not readily movable.

31.0308.01 Exception: Play Equipment. Play equipment, including but not limited to, swing sets, slides, tree houses, playhouses and skateboard ramps, shall be considered minor construction, so long as such equipment is installed observing required yards and setbacks.

31.0308.02 Exception: Flag Poles. Flag poles not exceeding 35 feet in height shall be considered minor construction.

31.0308.03 Exception: Trailers. Trailers or other such type of vehicles used in conjunction with Construction Permits, as regulated by §30.0504.

31.0308.04 Lot Coverage. For the purposes of Paragraph 126 of the Protective Covenant, Lot Coverage calculation shall include the square footage for the following in the numerator calculation:

- All areas covered by buildings measured to the outside wall (excluding eaves)
- All covered areas (including gazebos, pavilions, porta-cochere, trellises, etc.)
- All area covered by pools and water features including, and up to, a 4-foot wide perimeter paved pool decking and/or walkway
- All area covered by tennis courts and/or sports courts

31.0309 Energy or Communication Structures. All outside energy or communication structures shall constitute "Major Construction" and include, but are not limited to:

- a. All antennas (including satellite dish antennas) of any size or nature, except those antennas regulated by Chapter 32, entitled "Antennas".
- b. Solar panels.
- c. Wind generators.
- d. Gas, fuel or other tanks.

31.04 Effective Date. The effective date of this regulation is May 19, 1994.

31.05 Amended Date. This regulation was amended at §31.0308 (a and b) and §31.0308.01 was added February 2, 1995. This regulation was amended at §31.0304.01 and §31.0307.01; and §31.0304.02 and §31.0305.01 were added January 2, 1997. The original Section 31.0308.01 was rescinded, §§31.0301 and 31.0308.03 were added and §§31.01, 31.03, 31.0302.01, 31.0306.01, 31.0308 and 31.0309(a, b, c, and d) were amended on January 15, 1998. This regulation was amended at §31.0308.04 May 14, 2020.

## 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.

## CHAPTER 33

### SOLAR ENERGY SYSTEMS

33.01 Authority and Purpose. The State of California promotes and encourages the use of solar energy systems. The State allows homeowners' associations to impose reasonable restrictions on solar energy systems that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. In accordance with California law and policies (see California Solar Permitting Guidebook, 4th Ed Winter 2019; California Residential Building Code, Title 24). The Rancho Santa Fe Homeowners Association (the "Association") has adopted the following regulations to facilitate the installation and maintenance of solar systems while preserving the rural character of the community, rare landscape features and quality of architecture and improvements.

#### 33.02 Definitions.

33.0201 As defined in Civil Code Section 801.5, "Solar Energy System" means either of the following:

- (1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
- (2) A structural design feature of a building, including either of the following:
  - (A) Any design features whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
  - (B) Any photovoltaic device or technology that is integrated into a building, including, but not limited to, photovoltaic windows, siding, and roofing shingles or tiles.

33.0202 A "roof mounted unit" means the solar panel array is installed directly onto the roof.

33.0203 A "ground mounted unit" means the solar panel array is mounted on top of pole(s) placed in the ground.

33.03 General Requirements. The installation of a solar energy system is considered "major construction" pursuant to Rancho Santa Fe Regulatory Code 31.0309.

33.0301 Per California State Law, all new residential construction is required to have a solar energy system.

33.0302 All solar energy systems are subject to review by the Art Jury.

33.0303 All solar energy systems require issuance of an Association permit prior to construction or installation.

33.0304 A solar energy system shall meet all applicable health and safety standards and requirements imposed by state and local laws and permitting authorities.

33.0305 On new residential construction, a solar energy system shall be of sufficient capacity to be compliant with California State Law.

33.0306 An accurate, to scale, site plan, roof plan and architectural building elevations detailing the solar panel installation are required with any roof mounted solar energy system application.

33.04 Common Area Roofs and Carports. Members may install solar energy panels on common area roofs of the building in which the owner resides, or a garage or carport adjacent to the building that has been assigned to the owner for exclusive use, subject to additional requirements as follows:

33.0401 The Association may require provisions for the maintenance, repair or replacement of roofs or other building components.

33.0402 The Association may require that installers indemnify the Association and pay for any damage.

33.0403 The Association may require a site survey showing panel placement and equitable allocation of usable area among owners sharing the same roof garage or carport.

33.0404 Applicants must notify each owner of a unit in the building on which the installation will be located of the application to install a solar energy system.

33.0405 The Member owner and each successive Member owner must maintain a homeowner liability coverage policy at all times and provide the Association with the corresponding certificate of insurance within 14 days of approval of the application and annually thereafter.

33.0406 The Member owner must disclose to prospective buyers the existence of the solar energy system and their responsibilities to pay any damage to the common areas.

33.05 Design and Placement.

33.0501 A solar energy system, including any ancillary equipment, must be screened from the direct view of roadways and other Covenant properties both

subject to aesthetic review by the Art Jury and are subject to other requirements as detailed in this Rancho Santa Fe Regulatory Code 42 – Landscape Regulation.

33.0502 After installation, trees or shrubs placed on neighboring properties must be compliant with the California State Solar Shade Control Act” California Public Resources Code 25980.

33.0503 Where reasonably possible, and without incurring substantial additional expense or significantly reducing the efficiency of the system, solar energy systems must adhere to the following:

33.0503.01 Panel material shall be dark in color.

33.0503.02 Glazing and cover plates shall be treated to reduce the light reflectance.

33.0503.03 Plumbing and electrical lines must be concealed.

33.0503.04 All exposed metal including the structural supports shall be painted a non-reflective dark or black color.

33.06 Installation. Where reasonably possible, and without incurring substantial additional expense or significantly reducing the efficiency of the system, solar energy systems shall be ground mounted.

33.0601 Ground Mounted:

33.0601.01 A topographic map depicting the location of the system is required.

33.0601.02 A landscape plan is required.

33.0601.03 Grading shall be kept to a minimum.

33.0601.04 Support structure shall be small and low without compromising efficiency.

33.0601.05 System is subject to building setback requirements.

33.0601.06 The maximum height off the ground level for the solar panels shall be five (5) feet, unless approved by the Art Jury.

33.0602 Roof Mounted: Roof-mounted systems when at all possible should be located on flat roofs with a parapet wall of sufficient height and consistent with the design of the structure, to block views of the system. Support structure shall be small and low without compromising efficiency.

33.0602.01 Sloped Roofs: The solar panels shall be arranged in a contiguous, rectangular or regular geometry on the roof with no visually prominent cutouts, voids, irregular shapes or patterns. Solar panel arrangement is subject to Art Jury aesthetic review.

33.0602.01.01 Panels shall be installed parallel to the roof plane and project no more than is minimally required, not to exceed six (6) inches, above the finished roofing material.

33.0602.01.02 Solar voltaic panels must be installed parallel to the roof plane

33.0602.01.03 Support structure shall be small and low without compromising efficiency.

33.0602.02 Roof Mounted Solar Water Heating Units: Storage tanks shall be at ground level.

33.07 Maintenance. Owners shall not permit their solar panels to fall into disrepair and become unsightly. Owners shall be responsible for repainting or replacement if the exterior surface of solar panels or their support structure deteriorates. All critical view landscaping must be properly maintained.

33.08 Architectural Review. All applications for the installation of solar energy systems must be processed within 45 days from receipt of the application. The processing of the application may be delayed upon an Art Jury reasonable request for additional information.

**CHAPTERS 34 THROUGH 39 RESERVED**

## **Division IV**

# **Development Regulations**



## **CHAPTER 40**

### **ANIMAL KEEPING REGULATION**

40.01 Scope and Purpose. The following regulation is established to control the keeping of animals in Rancho Santa Fe.

40.02 Necessity of Permit. Neither horses nor bovine cattle may be kept on any lot until the lot owner first obtains an animal keeping permit from the Art Jury. The owners of all lots containing horses or bovine cattle who have not obtained animal keeping permits prior to the effective date of this regulation shall promptly obtain such permits prior to any change in the number or conditions of the pre-existing animal keeping on the lot. In addition, the construction of fences, structures and other animal keeping facilities requires a separate construction permit, subject to the Art Jury's review pursuant to Article III, Section 1 [Paragraph 46] of the Protective Covenant and Chapter 31 of this Code.

40.03 Minimum Lot Size. The minimum lot size for keeping horses or bovine cattle is two (2) gross acres.

40.04 Maximum Allowance. The maximum number of horses and bovine cattle permitted on property zoned as residential Class A, B or C by the Protective Covenant ("Residential Property") shall be one animal per gross acre. The Art Jury has the authority and discretion to (1) limit the number of horses and bovine cattle kept on any Residential Property to a total of less than one per acre and (2) determine the maximum number of horses and bovine cattle for all properties other than Residential Property. The offspring of any mare or bovine cow will not be counted among the total animals permitted until such offspring is weaned, or reaches an age of eight (8) months, whichever is later.

40.05 Residential Requirements. Horses and bovine cattle on Residential Property shall be kept only for the personal pleasure and benefit of the owner. The operation of a horse training school, boarding or breeding stable, riding club, horse show, or any commercial operation is prohibited on Residential Property. The raising of horses or bovine cattle for sale is not considered a commercial operation. No horses or bovine cattle may be kept on any Residential Property unless an occupied residence exists thereon or within the contiguous single ownership, and the property owner satisfies the Art Jury that such animals will be adequately watched over.

40.06 Waste Disposal. Owners of animals or those responsible for their care shall remove the manure and other waste from animal keeping areas or facilities as often as necessary to maintain them in an inoffensive and attractive condition.

40.07 Storage of Organic Materials. No property owner shall store, or permit to be stored, upon his/her property such quantities of decaying organic material, manure compost material, feed, or

bedding for animals as to constitute an injury or nuisance to the property of any other property owner or to the community as a whole.

40.08 Separation. Animal keeping facilities and areas, other than pastures, shall be located in such a way that in the opinion of the Art Jury, the placement achieves both high artistic result and minimizes nuisance to adjacent residences. Animal keeping facilities and areas shall conform to the following minimum separation requirements:

	Setback Requirements Established by Protective Covenant	15' From Property Line	150' From Existing Residence on Adjoining Property
Barns	X		X
Stables	X		X
Corrals		X	X
Paddocks		X	X
Riding Rings		X	
Stalls (fence)		X	
Stalls (building)	X		X
Kennels (building)	X		X
Dog Runs		X	X
Horse Shade Structure (building)	X		

#### 40.09 Permits.

40.0901 Approval. All permits for the keeping of animals must be approved by the Art Jury, and are subject to the continuing jurisdiction and review of the Art Jury and Board of Directors.

40.0902 Delegation. By the adoption of this chapter, the Board of Directors delegates to the Art Jury the authority to review, issue and revoke permits for animal keeping as herein regulated, Bylaws Article IV, Section 6(b) notwithstanding.

40.0903 Appeals. Decisions of the Art Jury regarding the denial or revocation of permits or enforcement of this regulation are appealable to the Board of Directors, which shall consider such matters using the procedure prescribed by Bylaws Article IV, Section 6(b).

40.0904 Revocation of Permit. Permits may be amended or revoked when the Art Jury finds that:

40.0904.01 Conditions of the permit or of this regulation have been violated; or,

40.0904.02 The condition or manner of animal keeping is substantially different than when the permit was granted and, in the opinion of the Art Jury, such condition or manner is objectionable to another property owner or owners; or

40.0904.03 Development of the site or the surrounding area has progressed to a point where the animal keeping permit conditions are no longer compatible with the character of the neighborhood.

40.0905 Inspection. Any permit granted shall be with the express understanding that the Art Jury, or their representative, shall have access to the permit holder's property at all times for inspection purposes.

40.0906 Screening. The Art Jury may require the installation and maintenance of planting or other screening as a condition of approval for an animal keeping permit.

40.10 Variances. Variations from the limitations in this Regulation may be considered using the procedure prescribed in §1.22 et. seq. of this Code.

40.11 Animals Other Than Horses and Bovine Cattle. This Article applies to all animals other than horses or bovine cattle.

40.1101 Terms. The keeping of any animals on Protective Covenant property shall be allowed only if an occupied residence exists thereon or the property owner satisfies the Art Jury that such animals will be otherwise adequately watched over. A permit is not required for such animals.

40.1102 Standards. Animals shall be kept at all times in a manner and in number that is, in the opinion of the Art Jury, neither offensive nor disagreeable to other residents.

40.1103 Dogs. The keeping of dogs is controlled by this regulation and those of San Diego County Regulatory Ordinances.

40.12 Compliance with the Regulation. Failure to comply with this regulation will, among other things, constitute a public and private nuisance.

40.13 Effective Date. The effective date of this regulation is March 3, 1994.

40.14 Amended Date. This regulation was amended at §40.08 on January 15, 1998.

**CHAPTER 41**

**SLOPE PROTECTION REGULATION FOR GRADING AND  
BUILDING PERMIT APPLICATIONS**

41.01 Purpose and Intent. The purpose of this regulation is to preserve natural landforms, including slopes, ridgelines and valleys, through the establishment of development and Grading standards and requirements in order to maintain the rural character and landscape features of the community. No application for a Grading permit or a building permit shall be approved by the Art Jury, or the Board of Directors (“the Board”), where applicable, unless the application complies with this chapter.

41.02 Definitions

41.0201 Grading. Pursuant to Paragraph 46 of the Protective Covenant Grading includes alterations or changes to physical contours and stockpiling. No one shall perform Grading without first obtaining a Grading permit from the Association.

41.0202 Agricultural Grading. Pursuant to the Art Jury’s authority under Paragraph 180 of the Protective Covenant to interpret the provisions in Article III thereof, it is the Art Jury’s interpretation that “preparing land for orchard or farm use” as stated in Paragraph 46 of the Protective Covenant means tilling or plowing, but not cutting, filling or stockpiling. Therefore, no one shall perform cutting or filling of land or stockpiling on land without first obtaining a Grading permit from the Association, even if such cutting, filling or stockpiling is in connection with preparing such land for orchard or farm use.

41.03 Restrictions on Building and Grading in Slopes. Any proposed Grading and building design shall preserve the natural topography and landscape features of the site as much as possible, consistent with the provisions in this chapter. =

41.0301 Building or Grading must be aesthetically acceptable to the Art Jury.

41.0302 Cumulative amount of Development and Quantity of Grading and Site Development. The Art Jury shall assess the proposed development and/or Grading in relation to the existing level of development already occupying a site. The Art Jury shall not approve development or Grading when it considers that (1) the site already contains the maximum amount of development and Grading and that further extension of the developed areas would detract from the landscape features of the site and/or (2) such an increased density of development or Grading would not insure “a uniform and reasonably high standard of artistic result” as required by Protective Covenant Paragraph 46. =

41.0303 Slopes Less Than 25%. On slopes less than 25%, the more that buildings are integrated with the natural landscape features of the site by stepping buildings, minimizing Grading and retaining walls is more desirable. Buildings shall generally be located on flatter topography. Limited cut slopes are preferred to fill. If limited Grading is proposed, contour Grading and limited height retaining walls shall be used. Grading and placement of buildings on slopes less than 25% shall only be approved if:

- (a) The proposal is integrated with the natural landscape features of the site in an aesthetically pleasing manner by minimizing Grading, retaining walls and prominence.
- (b) The proposal “insures a uniform and reasonably high standard of artistic result” as required by Protective Covenant Paragraph 46 and;
- (c) The proposal complies with all the requirements of the Protective Covenant and the standards listed herein.

41.0304 25% Restriction. No Grading or building for any purpose, shall be permitted in existing slopes of greater than 25 percent gradient (herein referred to as "restricted slopes"), except as specifically permitted under §41.04 below. This requirement does not apply to the regrading of cut or fill slopes with a 25 percent or greater gradient created through a previously approved Association site Grading permit; and

41.0305 Contour Sensitivity. Proposed Grading and building design shall be sensitive to the natural topography and compatible with development on adjacent parcels.

41.04 25% Restriction Exceptions. The Art Jury or the Board, where applicable, may approve a permit where the application shows Grading or building in restricted slopes if, in addition to compliance with §43.0307, a finding is made that either:

41.0401 It is not possible to build on the lot unless Grading takes place in the restricted slopes and the Grading, architecture and building locations are all designed to preserve as much as possible the natural aesthetic appearance of the property as well as to fit the buildings as unobtrusively as possible into the restricted slopes in conformity with existing community standards; or

41.0402 The intrusion is minor in terms of a very small area affected and no material effect on a significant landform will result; or

41.0403 The Grading is for a driveway or roadway, and the proposed alignment minimizes adverse impacts upon steep or sensitive terrain.

41.05 Existing Agreements. The foregoing §41.0401, §41.0402 and §41.0403 shall not allow Grading of restricted slopes which is in violation of any slope restriction agreement or covenant to which the Association is a party or beneficiary.

41.06 Maximum depth of cut and/or fill. No point on any finished grade shall vary in excess of ten (10) vertical feet from existing grade provided that the design is aesthetically pleasing in the opinion of the Art Jury. This provision shall apply whether or not retaining walls are to be used as a part of the proposed Grading. Retaining walls may be approved where their use, in the opinion of the Art Jury or the Board where applicable, will further the purpose and intent of this regulation.

41.0601 Exception. This provision does not prohibit basements, building foundations or similar excavations where such excavations would result in Grading or building which is aesthetically pleasing in the opinion of the Art Jury in accordance with the provisions of the Protective Covenant.

41.07 Cut Slope Ratio. In general, cut slopes should be limited in extent and have varying gradients with a natural appearance. Cut slopes shall in no case be steeper than one and one-half (1-1/2) feet horizontal to one (1) foot vertical.

41.08 Fill Slope Ratio. In general, fill slopes should be limited and have varying gradients with a natural appearance. Fill slopes shall in no case be steeper than two (2) feet horizontal to one (1) foot vertical.

41.09 Slope Treatments. Except as specifically permitted by the Art Jury or the Board, where applicable, all cut and fill slopes shall be contour graded (that is, feathered, with varying gradients, blended and/or rounded into the existing terrain) to produce a contoured transition from cut and/or fill faces to natural grade and create a natural appearance.

41.10 Grading Plan Application Submittal Requirements. The applicant must submit the following to the Art Jury for its review in connection with any application under this Chapter, and other materials as deemed appropriate by the Art Jury to assist in its determination:

41.1001 Application form. The application shall be completed and signed by the property owners of record or the owner's authorized representative.

41.1002 Processing fee. The application shall be accompanied by a fee as stated on the current "Rancho Santa Fe Building Department Schedule of Fees". This fee is non refundable.

41.1003 Sections. Multiple sections through the site shall be submitted showing the maximum differences in elevation (if any) across the property.

41.1004 Grading Plans. Grading plans shall be prepared by a registered civil engineer. The Grading plan shall include a current topographic map, depicting:

- a. Applications for new houses shall include topographic plans prepared with topographic information obtained two years prior to the date of submission of the application or an existing plan recertified by a registered civil engineer or surveyor. Additionally such

topographic plans may be required for other projects at the discretion of the Art Jury at any time.

- b. Existing restricted slopes (slopes in excess of 25 percent) colored in red; slopes between 10 and 25 percent colored in yellow and slopes between 0 and 10 percent colored in green; and
- c. All retaining walls with the top of wall (T.O.W.) and bottom of wall (B.O.W.) identified every ten (10) lineal feet.
- d. Existing and proposed contours mapped at two (2) foot intervals;
- e. All stockpiling requires prior approval by the Art Jury. Grading plans shall show (1) the size and location of stockpiles; (2) the site grades before, during and after stockpiling; and (3) the time that all stockpiles are proposed to be kept on the site. Stockpiling shall only occur in approved locations in conjunction with a valid project which has been approved by the Art Jury, has a Grading permit and which is under construction.

41.1005 Landscape Plans. The applicant shall submit a landscape plan with each Grading plan. The Association may require the landscape plan to be prepared by a licensed landscape architect. The landscape plan shall show landscape restoration of all graded areas in addition to other proposed landscaping.

41.11 Grading and Building Concurrent Review. A single, joint application is required for both Grading and building. Where separate Grading is proposed for landscaping or similar purposes a separate application for Grading may be submitted only at the discretion of the Art Jury. Speculative Grading or Grading prior to the approval of an associated building is prohibited.

#### 41.12 Grading Approvals

41.1201 Rough Grading Approvals/Certification. Where Grading is proposed, construction shall not commence on all Association approved structures, including foundation forms until all the following has been completed:

- a. A Rancho Santa Fe Association Grading permit has been issued (in addition to any necessary County of San Diego approval);
- b. Rough Grading has been completed according to the Rancho Santa Fe Association's approved Grading plans;
- c. Written certification has been provided to the Association by a registered civil engineer that rough Grading has been completed in accordance with Rancho Santa Fe Association approved Grading plans, and
- d. Such rough Grading has been inspected and approved in writing by the Building Commissioner or his/her designee.

41.1202 Finished Grading Approvals. Finished Grading shall be inspected and must be approved in writing by the Building Commissioner or his/her designee.

41.1203 Conformance with Plans. Grading shall be completed in accordance with the Rancho Santa Fe Association's approved plans, unless otherwise specifically approved in writing by the Art Jury (or the Board, as applicable).

41.13 Variance. All terms of this regulation, except as set forth in §§41.05 and 41.04 et. seq., are eligible for a variance application pursuant to Code §1.21. The variance procedures of this Code are inapplicable to Section 41.04 ("25% Restriction Exceptions") because such section is itself a variance procedure; it contains variance provisions from the restrictions in Section 41.0303 ("25% Restriction"). The variance procedures of this Code are inapplicable to Section 41.05 ("Existing Agreements") because the method of varying agreements in which the Association is a party or beneficiary is through an amendment executed by the Association rather than through the Code's variance procedures.

41.14 Effective Date. The effective date of the original version of this chapter is February 2, 1995.

41.15 Amended Date. This chapter was amended at §§41.01, 41.0301, 41.1101, 41.12 and 41.13 on January 15, 1998. This chapter was amended and restated on November 20, 2008.



## CHAPTER 42

### LANDSCAPE REGULATION

42.01 Scope, Purpose, and Intent. The following regulation is established to maintain the uniform and reasonably high standard of artistic result and attractiveness in exterior and physical appearance of property and improvements in Rancho Santa Fe. The landscape of Rancho Santa Fe is a critically important component of the community's character and amenity. As such, the preservation, maintenance and enhancement of traditional Rancho Santa Fe landscaping are carefully considered as part of the review and approval of development permits. The approval of landscape plans and the imposition of any subsequent landscaping requirements is an integral part of the building approval process. Applicants should review the recommendations contained in the landscaping section of the *Rancho Santa Fe Residential Design Guidelines* including the "Suggested Plant List" in Appendix F.

42.02 Application. This regulation applies to, and an approved landscape plan is required for, the new construction or alteration of residential or commercial buildings, swimming pools, tennis courts, fencing (whether or not it is major construction), and to all projects where landscape will be added, altered or required (for screening or otherwise) in connection with a proposed construction project.

#### 42.03 Landscape Plan Requirements.

42.0301 Approval. All landscaping plans relating to residential construction require review and approval by the Art Jury with right of appeal to the Board of Directors pursuant to the Governing Documents. All landscaping plans relating to commercial construction require Art Jury review and recommendation and Board of Directors' approval pursuant to the Governing Documents.

42.0302 Continuing Jurisdiction. The Art Jury retains continuing jurisdiction over an all approved landscape plans, both residential and commercial. Thus, upon inspection after installation, the Art Jury may require additional landscaping if, in the opinion of the Art Jury, it is necessary to fulfill in practice the intent of the approved landscape plan, specifically as it relates to landscaping for the purpose of screening structures. The Art Jury has the continuing authority to insure the installation and maintenance of:

- a. the landscaping shown on an approved landscaping plan; and
- b. any additional landscaping, including Critical View landscaping as defined herein, required as a condition of a final approval or otherwise conditioned as a requirement of any issued permit. "Critical View" landscaping shall mean existing and approved landscaping for an area or areas, as illustrated on approved plans, which installation and maintenance is considered, by the Art Jury or the Board, vital to the effective buffering and screening of improvements.

42.0303 Obligation to Maintain. Landscaping that is required in association with an issued permit shall remain under the continuing jurisdiction of the Art Jury after final inspection and approval. Such landscaping is an important and inseparable component of the related construction approval and includes ornamental and non-ornamental landscaping. All required landscape material shall be permanently maintained in a healthy condition. Required landscaping which dies or fails to flourish, and is found by the Art Jury to be a significant landscape component, may be required to be replaced with appropriate plant materials to the satisfaction of the Art Jury.

42.04 Plan Details. All landscape plans shall include the size, location, and botanical and common name of all proposed plants and existing mature trees. Landscape plans may be required to show existing plants and trees where such landscaping is deemed to provide important screening or buffering for a proposed improvement.

42.05 Time Requirements. The approved landscaping shall be completed within six (6) months of substantial completion of the construction of a new residence or commercial building.

42.06 Effective Date. The effective date of this regulation is July 21, 1994.

42.07 Amended Date. Sections 42.02, 42.0301, 42.0302, 42.0303, 42.04 and 42.05 were amended on January 15, 1998.

## CHAPTER 43

### MULTIFAMILY BUILDING REGULATION

43.01 Purpose and Intent. The purpose of this regulation is to establish minimum building standards for Multifamily Buildings (defined below) situated on property under the jurisdiction of the Protective Covenant. The intent of this regulation is to regulate appearance and intensity of use and to preserve community character.

#### 43.02 Definitions.

43.0201 "Multifamily Building" means an apartment house, flat, house court or multiple dwelling, as such terms are defined in Article IV, Section 1 [Paragraphs 72, 80, 83 and 86 respectively] of the Protective Covenant. Notwithstanding the foregoing, for purposes of this regulation, the following are excluded from the definition of Multifamily Building: hotels and dormitories.

43.0202 "Common Interest Development" means any common interest development as defined in California Civil Code section 1351, or successor statute, and affecting real property subject to the Governing Documents, but excludes a planned development as defined in California Civil Code section 1351(k)(2) and as to which California Civil Code section 1351(k)(1) is not applicable.

43.0203 "Alter" and "Altered" means any structural change to a building which consequently requires the addition of one or more parking spaces pursuant to Code §44.03.

43.03 Development Restrictions. No Multifamily Building shall hereafter be approved, constructed, Altered or converted to or from a Common Interest Development, unless such Multifamily Building complies with the following standards:

43.0301 Minimum Size Requirements. The enclosed living space in each Unit of a Multifamily Building shall not be less than 1,750 square feet. Specifically excluded from the calculation of enclosed living space shall be garages, porches, patios and breezeways. For the purposes of this paragraph, a "Unit" means a complete, independent living facility for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and having a kitchen.

43.0302 Landscape Plans. All landscape plans shall be reviewed by the Art Jury and approved by the Board of Directors pursuant to Chapter 42 of this Code.

43.0303 Parking Requirements. Parking shall be required for each Unit pursuant to Chapter 44 of this Code.

43.0304 Service and Maintenance Requirements.

43.0304.01 Storage of Vehicles. Recreational vehicles, campers, trailers, motorcycles and boats shall be parked only in enclosed garages.

43.0304.02 Building and Landscape Maintenance. Buildings, common areas and landscaping shall be adequately and properly maintained.

43.0304.03 Trash Storage and Removal. All trash containers shall be maintained and serviced from screened or enclosed service yards.

43.0304.04 Clotheslines. All clotheslines shall be screened from neighboring properties.

43.0305 Antennas. No antenna other than one master television antenna with underground wiring shall be allowed. Such antenna shall be for the purpose of providing service to all units and separate living spaces in each Multifamily Building or Common Interest Development. Prior to installation, all such antennas shall be approved by the Association.

43.0305.01 Exception: Satellite Antennas. Refer to Chapters 31 and 32 of the Regulatory Code.

43.04 Effective Date. The effective date of this chapter is October 6, 1994.

43.05 Amended Date. The original §43.0304 was rescinded and §§43.0302, 43.0303, 43.0304 and 43.0305 were amended on January 15, 1998. This chapter was amended and restated on April 17, 2008.

## **CHAPTER 44**

### **OFF-STREET PARKING REGULATION**

44.01 Purpose and Intent. The purpose of this regulation is to provide adequate, functional, aesthetically pleasing and secure off-street parking facilities and to allow for the creation of additional parking where appropriate, to serve the Village Commercial District. Additionally, the intent of this regulation is to preserve the rural character of the community and to maintain, preserve and enhance the pedestrian orientation and historic architectural character of the Village area. For properties other than Use Class Districts A or L, applicants should review the Association's Multifamily Building Regulation (Chapter 43) and Village Commercial District Design and Development Regulation (Chapter 47) to determine the applicability of these regulations to a specific property.

#### 44.02 Definitions.

44.0201 "Gross Floor Area" shall mean the area included within the surrounding walls of a building as measured from the exterior. Exempted from this definition are interior courtyards, arcades and unroofed sidewalk café areas.

44.0202 "Joint Use Parking" shall mean the sharing under recorded written agreement, as approved by the Manager as to form and content, of an off-street parking facility or facilities by two (2) or more separate non-residential uses or establishments.

44.0203 "Multifamily Building" shall mean an apartment house, flat, house court or multiple dwelling, as such terms are defined in Article IV, Section 1 [Paragraphs 72, 80, 83 and 86 respectively] of the Protective Covenant. Notwithstanding the foregoing, for the purposes of this regulation, the following are excluded from the definition of Multifamily Building: hotels and dormitories.

44.03 Applicability. This regulation applies to all properties under the jurisdiction of the Protective Covenant. All uses of property hereafter erected, constructed, altered, converted, or enlarged, shall be provided with not less than the number of parking spaces hereinafter specified; provided, however, in computing the number of spaces required for a use which was constructed prior to March 6, 1980, and which is subsequently converted, altered or enlarged, only the increased floor space or number of dwelling units shall be considered.

44.04 Historic Buildings Exemption. The Board of Directors ("the Board") may waive the parking requirements contained in this Chapter for buildings listed in the "Rancho Santa Fe Local Inventory of Historic Buildings", where it can be found that the granting of the waiver will better preserve and maintain the architectural character, pedestrian orientation, or otherwise encourage or facilitate the restoration or preservation of historic buildings.

#### 44.05 Required Parking Spaces.

44.0501 Parking Standards. Unless otherwise specified below herein, one (1) parking space shall be provided for every 300 square feet of Gross Floor Area and any remainder portion thereof which is at least 150 square feet.

44.0502 Multiple Uses. The required number of parking spaces for two (2) or more separate uses on the same lot or building site shall be the total of the parking requirements for each of the separate uses.

44.0503 Single Family Dwellings. Three (3) parking spaces per dwelling shall be provided. Each single family dwelling shall, at a minimum, have a two-car, enclosed garage. If the third parking space is not enclosed, then such parking space shall be located in a screened area, subject to the approval of the Art Jury, so that vehicles are not visible from streets or surrounding properties. Garage conversions shall, at a minimum, require the provision of a two-car enclosed garage and an additional off-street parking space pursuant to this section, where said garage conversion would result in less than two (2) remaining enclosed parking spaces and less than one (1) off-street parking space or its equivalent. Parking for recreational vehicles, campers, trailers, motorcycles and boats, shall be screened so that such vehicles are not visible from streets or surrounding properties and shall conform to Chapter 11 Visual Clutter and Vehicle Regulation.

44.0504 Guest Houses. Guest houses shall be required to provide one (1) off-street parking space. Such spaces shall be screened so that vehicles are not visible from streets or surrounding properties. An enclosed garage shall be considered an off-street parking space.

#### 44.0505 Multifamily Buildings.

44.0505.01 Each unit or separate living space in a Multifamily Building shall be provided with its own two-car, enclosed garage. There shall also be at least one (1) additional off-street parking space for every four (4) units or separate living spaces.

44.0505.02 For any building plans approved by the Art Jury after November 20, 2008, parking or storage of all recreational vehicles, campers, trailers and boats shall be prohibited in multifamily developments.

44.0506 Hotels, Motels, Residential Hotels, Apartment Hotels, Resort Hotels, Clubs, Lodges, Boarding Houses. At least one (1) parking space shall be provided for each of the guest rooms or suites. The Art Jury or the Board as appropriate may require an applicant to perform a parking demand study to assist the Association in determining the required number of parking

spaces. Accessory uses, if any, shall be included in the parking demand study pursuant to Section 44.0502 of this chapter. In no case however, shall the required parking be less than one (1) parking space for each guest room or suite.

44.0507 Auditoriums, Theaters, and Similar Places of Public Assembly. At least one (1) parking space shall be provided for every four persons based on the total occupancy of the largest assembly room as permitted by the California State Building Code. The Art Jury or the Board as appropriate may require an applicant to perform a parking demand study to assist the Association in determining the required number of parking spaces. Accessory uses, if any, shall be included in the parking demand study pursuant to Section 44.0502 of this chapter.

44.0508 Retail Business and Office Buildings. One (1) parking space shall be provided for every 300 square feet of Gross Floor Area.

44.0509 Medical Offices and Restaurants. For any building plans approved by the Art Jury after November 20, 2008, one (1) parking space shall be provided for every 200 square feet of Gross Floor Area.

44.0510 Joint Use Parking. Joint Use Parking facilities may be permitted provided all of the following requirements are met:

44.0510.01 There are adequate parking spaces to meet the requirement of the more intensive use;

44.0510.02 Joint Use Parking facilities shall be located within 500 feet of any portion of each of the facilities they serve or such greater distance as approved by the Art Jury or the Board where applicable;

44.0510.03 Where the Board finds that the business or use sharing parking exhibits hours of operation and other operating characteristics that are sufficiently divergent as to cause no concurrent demand for such facility or facilities; and,

44.0510.04 Joint Use Parking documents shall be recorded on forms provided, or approved in advance, by the Association. After all property owners have signed the document, the Association shall file the document for record in the Office of the San Diego County Recorder. Any modification to the signed document must be approved by the Association.

44.06 Location of Required Off-Street Parking. All required spaces (except Joint Use Parking) shall be located on the same lot or building site, or on an adjoining lot under the same ownership as the use they are intended to serve, and all required spaces (including Joint Use Parking) shall conform to the following provisions:

44.0601 Parking in Use Class Districts of A, B, C, H, J and L as defined in the Protective Covenant. Open parking spaces and parking areas in Residential Use Class Districts of A, B, C and L and in Business and Public Use Districts of Class H and J shall be adequately screened from view from adjacent streets and properties to the satisfaction of the Art Jury or the Board as applicable.

44.0602 Parking in Use Class Districts D, E, F, G and K. Parking spaces shall conform to the requirements of Chapter 47 of this Code, where applicable, and shall be located:

- a. Between the rear of the building and the rear lot line;
- b. In an interior side yard which is screened from any street frontage;
- c. Within the building; or
- d. In an underground structure.

44.07 Design Standards for Off-Street Parking. Off-street parking spaces and areas shall meet the following design and improvement standards:

44.0701 Size and Access. An off-street parking space shall be an unobstructed space or area other than a street or alley, not less than 9 feet wide and 20 feet long, provided with adequate ingress and egress, and which is permanently reserved and maintained for the parking of motor vehicles.

44.0702 Tandem Parking. No required parking space shall be in tandem with any other required parking space.

44.0703 Exhibits. Off-street parking spaces and areas shall also comply with the design and improvement standards on Exhibits A, B, C and D attached to this chapter.

44.08 Screening Requirements. All off-street parking spaces and areas shall be screened, to the satisfaction of the Art Jury or the Board where applicable, from view of nearby properties. Properties located within the Village Commercial District boundaries shall also conform to Chapter 47, Village Commercial District Design and Development Regulation;

44.0801 Timing and Maintenance. All required plantings shall be in place prior to use or occupancy of new buildings or structures. All required plantings shall be maintained in good condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscaping, buffering and screening requirements. All landscaping shall be maintained in a manner that will not adversely affect adjacent properties. The Art Jury maintains continuing authority over landscaping which has been required as a condition of an issued permit or a certification of completion and compliance pursuant to the Protective Covenant and Chapter 42 of this Code.



44.09 Effective Date. The effective date of this chapter is October 6, 1994.

44.10 Amended Date. This chapter was amended at §44.0202 on January 15, 1998. This chapter was amended and restated on November 20, 2008.

## CHAPTER 45

### TENNIS COURT AND RECREATION AREA REGULATION

45.01 Scope and Purpose. The following regulation is established to protect residential areas from incompatible land uses, and to ensure that Tennis Courts and other Recreation Areas are integrated into the community in an aesthetically pleasing manner while preserving the landscape features of the site in accordance with the provisions and goals of the Protective Covenant. This regulation is intended to prevent adverse effects on the visual amenity of the Rancho Santa Fe Covenant by requiring that the construction and use of Tennis Courts and other Recreation Areas be aesthetically pleasing.

45.02 Definitions.

45.0201 “Tennis Court” and/or “Recreation Area” mean a surface that is improved, constructed, graded or laid out for use, and/or intended to be used, for playing or practicing any game, including but not limited to tennis, volleyball, racquetball, baseball, paddle tennis and basketball or as determined by the Art Jury.

45.03 Permit Requirement. No one shall construct a Tennis Court and/or Recreation Area without first (1) submitting an application to the Art Jury for its review, (2) obtaining the Art Jury’s approval of such application and (3) obtaining a building permit from the Association.

45.04 Application Submittal Requirements. The applicant must submit the following to the Art Jury for its review in connection with any application under this Chapter: application form, application fee, plans, elevations, sections, fence designs, grading and landscaping plans depicting the proposed Tennis Court and/or Recreation Area, as well as surrounding properties, and other materials as deemed appropriate by the Art Jury to assist in its evaluation.

45.0401 Grading Plan Submission Standards. All grading plans shall be prepared by registered civil engineers. A grading plan shall include a topographic map (prepared within the last 2 years) of current conditions, depicting all of the following:

- a) Existing and proposed contours mapped at two (2) foot intervals in different line weights such that the existing and proposed grades are easily distinguishable;
- b) Existing slopes in excess of 10 percent colored in red;
- c) All proposed retaining walls, with the top of wall (T.O.W.) and bottom of wall (B.O.W.) identified every ten (10) lineal feet; and
- d) The locations of all neighboring residences abutting the site.

45.0402 Application form. The application shall be completed and signed by the property owners of record or the owners’ authorized representative.

45.0403 Processing fee. The application shall be accompanied by a fee as stated on the current “Rancho Santa Fe Building Department Schedule of Fees”. This fee is non refundable.

45.0404 Elevations. The application shall be accompanied by elevations depicting all improvements, buildings, fences and structures at a scale of 1/4” to one foot.

45.0405 Sections. Multiple sections through the Tennis Court or Recreation Area shall be submitted showing the maximum differences in elevation (if any) across the proposed court or recreation area by showing the existing and proposed contours and finish grade elevations.

45.0406 Landscaping plans shall be submitted showing proposed landscaping, landscaping to be retained and any landscaping to be removed.

45.0407 Site plan. The application shall be accompanied by a site plan depicting the following:

- a) All existing and proposed improvements
- b) North arrow, scale, property lines
- c) Easements
- d) Site area
- e) Setbacks

45.05 General Review Criteria. In reviewing applications for Tennis Courts and/or Recreation Areas, the Art Jury shall consider setbacks, topography, proposed grading, distance from adjacent habitable structures, existing site development, landscaping, the cumulative number of buildings and accessory uses located on the property, the appearance of the proposed improvements (including but not limited to the appearance, size and extent of fencing and retaining walls) and other criteria as deemed appropriate by the Art Jury to ensure that the proposed improvements are consistent with and comply with all of the provisions and goals of the Rancho Santa Fe Protective Covenant and Regulatory Code.

45.06 Specific Review Criteria. In reviewing applications for Tennis Courts and/or Recreation Areas, the Art Jury (and applicant, as applicable) shall comply with the following specific requirements and limitations:

45.0601 Prominence. In order to preserve the rare landscape features of the community, the Art Jury shall not approve any Tennis Court and/or Recreation Area which would be, in the Art Jury’s opinion, conspicuously visible from the street or other properties.

45.0602 Topography and Grading. Tennis Courts and/or Recreation Areas shall be integrated with natural landforms in an aesthetically pleasing manner which minimizes alteration of the natural features of the site. The more that a Tennis Court and/or Recreation Area is integrated with the landscape features of the site by minimizing grading, retaining walls and prominence, the more likely the Art Jury will approve the proposal. In particular:

45.0602.01 The amount of grading associated with Tennis Courts and/or Recreation Areas shall be limited. Tennis Courts and/or Recreation Areas shall be located on flatter topography which is more suitable for the large, flat surfaces which are characteristic of this type of use. Any proposed grading shall be minimal, with only limited use of retaining walls for fill slopes. Limited cut slopes are preferred to fill.

45.0602.02 Wherever possible, Tennis Courts and/or Recreation Areas shall be recessed into the grade to assist with screening the facilities to the maximum degree possible.

45.0602.03 If the slope is 10% or greater, the Art Jury shall review the application with greater scrutiny because of the potential for greater adverse aesthetic impacts on the landscape features of the site.

45.0603 Slope Restrictions. Tennis Courts and/or Recreation Areas are usually flat by nature. Because these facilities also often occupy a large area, the construction of these facilities in slopes could result in unsightly grading and retaining walls. Thus, there is a presumption against the location of Tennis Courts and/or Recreation Areas in sloping areas of a site in terrain with significant slopes. In order to approve a Tennis Court and/or Recreation Area, the Art Jury must make the following three findings:

45.0603.01 Where Tennis Courts and/or Recreation Areas are proposed on terrain with significant slopes, they shall be placed parallel and not perpendicular to the contours;

45.0603.02 The proposal shall be integrated with the landscape features of the site by minimizing grading, retaining walls and prominence;

45.0603.03 The proposal shall insure a uniform and reasonably high standard of artistic result, as required by the Rancho Santa Fe Protective Covenant Paragraph 46.

45.0604 Cumulative Number of Buildings and Accessory Uses. The Art Jury shall consider the proposed Tennis Court and/or Recreation Area in relation to the existing level of development already occupying the site. The Art Jury shall not approve the addition of Tennis Courts and/or Recreation Areas when it considers that the site already contains such a density or amount of buildings and accessory uses that the further extension of the developed areas would detract from the landscape features of the site, and/or that such an increased density of development would not insure a uniform and reasonably high standard of artistic result, as required by the Rancho Santa Fe Protective Covenant Paragraph 46.

45.0605 Minimum Required Lot Size. Tennis Courts are prohibited in residential districts of Class Use A and L when such property is less than two (2) gross acres in size. Minimum lot size requirements for tennis courts on Use Class properties other than Use Class A and L will be determined by the Art Jury based on site-specific criteria on a case-by-case basis pursuant to the other provisions of this Chapter.

45.0606 Surface Colors. Tennis Court and/or Recreation Area playing surfaces which can be viewed from off-site locations, shall be turf or colored forest green or other such muted colors, as approved by the Art Jury.

45.0607 Fencing. All Tennis Court and/or Recreation Area fencing shall be black vinyl chain link with flat-black painted posts. Any proposed screen fabric shall be reviewed and approved by the Art Jury. Abbreviated court fencing should also be used. No applicant shall install any new fencing or replacement fencing unless such fencing has been reviewed and expressly approved by the Art Jury.

45.0608 Landscaping. All Tennis Courts and/or Recreation Areas shall be completely screened with landscaping to the satisfaction of the Art Jury.

45.0609 Lighting. Lighting of Tennis Courts and/or Recreation Areas and related facilities is prohibited.

45.07 Burden of Proof. The burden is on the applicant to demonstrate to the satisfaction of the Art Jury that the Tennis Court and/or Recreation Area will (1) comply with the requirements of this Chapter and the Protective Covenant, (2) integrate with the landscape features of the site and (3) insure a uniform and reasonably high standard of artistic result, as required by Rancho Santa Fe Protective Covenant Paragraph 46.

45.08 Effective Date. The effective date of this chapter is July 21, 1994.

45.09 Amended Date. This chapter was amended at 45.02 on January 15, 1998. This chapter was amended and restated on November 20, 2008.

**CHAPTER 46**  
**COMMERCIAL AND PUBLIC USE DISTRICT**  
**SIGN REGULATION**

46.01 Scope and Purpose. This regulation is established to regulate commercial and public use signs and to preserve and enhance the unique aesthetic, historic and economic values of the commercial and public use areas of Rancho Santa Fe.

46.02 Activities Regulated. In the Residence Districts of Class B and C and Business and Public Use Districts D through L, no commercial or public use sign or sign structure shall be erected, placed, constructed, altered, moved, enlarged, installed, displayed or maintained except upon permit issued by the Board of Directors. Nothing herein is intended to limit the Board of Directors authority under the Governing Documents to regulate private signs in these use districts, or commercial or private signs in the Class Use A districts.

46.03 Application. Applications for sign permits shall at minimum include drawings to scale indicating all sign and lettering dimensions, proposed materials, proposed locations, method of attachment, and color samples. The Art Jury and the Board of Directors may require the subsequent submittal of additional information for the purpose of fully understanding the proposed sign and its means of installation.

46.04 Art Jury Review. Before the Board of Directors issues any sign permit, it shall obtain advice from the Art Jury.

46.05 Standards and Objectives. The objective of the Art Jury and Board of Directors in reviewing applications for signs is to keep a moderate, attractive and compatible styling so as not to cause disturbing distractions from the architecture of the commercial and public use districts; therefore, design, lettering style, size, quantity, material, location and color of proposed signs will be carefully reviewed. Sign applications will be evaluated by the following criteria:

- a. Sign copy area, including letters, characters and logos.
- b. Number of proposed and existing signs.
- c. Sign surface area.
- d. Artistic result.
- e. Relationship to street frontages.
- f. Interrelationship among proposed and existing signs.
- g. Illumination.
- h. Location and compatibility to its area.

#### 46.06 Types of Signs Permitted.

46.0601 Colors. Unless otherwise permitted herein, all signs must utilize the Association's preferred white-on-green color scheme (Pantone 626 green). The use of a white-on-brown color scheme (Pantone 469 brown) may be approved for areas not readily visible from street frontages, such as interior courtyards (see Appendix A to Chapter 46, "Signs – White-On-Brown Approved Areas").

46.0602 Wall Signs. "Wall Signs" are commercial signs attached parallel to exterior walls. Acceptable Wall Signs shall be limited to:

- a. Signs made of metal or materials indistinguishable from metal when painted or, preferably, metal cutout with colors as limited by §46.0601; or
- b. Individual, wall-mounted metal (or materials indistinguishable from metal when painted) letters, logos or characters with dark, antiqued, anodized or similar non-reflective treatments, or painted in dark green, black or brown; or
- c. Wall-mounted decorative ceramic tiles which may be of any color combination approved by the Board of Directors.

46.0602.01 Wall Signs shall not extend more than six (6) perpendicular inches beyond the surface of which they are mounted.

46.0602.02 No part of a Wall Sign shall be attached to a wall at a height greater than fifteen (15) feet above the adjoining sidewalk or ground.

46.0602.03 Wall Signs shall contain no more than eight (8) square feet of sign area.

46.0603 Ground Signs. "Ground Signs" are signs supported by uprights, in or upon the ground, and signs on rocks or structures other than buildings and/or canopies. Ground Signs shall be limited as follows:

46.0603.01 A maximum of eight (8) square feet per face.

46.0603.02 A maximum height of six (6) feet from the ground.

46.0603.03 Wood, metal or materials indistinguishable from metal when painted, with colors as limited by §46.0601.

46.0604 Hanging Signs. A "Hanging Sign" shall include any sign which hangs from a building and extends from the face of a building. Hanging Signs shall be limited to:

46.0604.01 Metal or materials indistinguishable from metal when painted or, preferably, metal cutout with colors as limited by §46.0601.

46.0604.02 A maximum of four (4) feet projection from the wall of the building.

46.0604.03 A maximum of six (6) square feet sign space on each of its two sides.

46.0604.04 A maximum thickness of not more than two (2) inches.

46.0604.05 A minimum clearance of no less than seven (7) feet above a pedestrian path.

46.0605 Standard Sign. A "Standard Sign" is defined as a sign which is either a "Wall Sign" meeting the criteria listed in §46.0602 or a "Hanging Sign" meeting the criteria listed in §46.0604, and which also meets all of the following criteria:

- a. Rectangular shaped and no greater in size than two feet by three feet (2' x 3');
- b. Metal cutout or cutout materials indistinguishable from metal when painted, painted white-on-green, with colors as limited by §46.0601;
- c. Directly attached to the tenant space;
- d. Located on a street-facing facade at a height no less than four (4) feet nor greater than ten (10) feet above the ground;
- e. Containing sign copy and decorative cutouts only.

46.0605.01 Processing Exemption for Standard Signs. One (1) Standard Sign per tenant street frontage, as limited by this article, may be approved by the Board of Directors, with the processing exemptions listed below:

- a. No application fee shall be required.
- b. No notice of application shall be required.
- c. No Art Jury advice shall be required, §46.04 of this Article notwithstanding, excepting that the Board of Directors may refer the requested Standard Sign to the Art Jury for review if a substantial aesthetic issue is found to exist.

46.0606 Multiple Tenant Signs. "Multiple Tenant Signs" includes signs that represent two (2) or more separate and independent business or commercial users, and that are attached to a common post, frame, chain or other support structure. Multiple Tenant Signs may be permitted where the following findings can be made:

- a. The property upon which the sign(s) will be placed contains multiple tenants;



- b. Individual tenant signs would inadequately identify individual businesses and/or Multiple Tenant Signs will reduce the clutter of individual signs; and,
- c. The approval of Multiple Tenant Signs will not detract from the character of its surroundings.

46.0606.01 Multiple Tenant Signs shall be constructed of wood, metal or materials indistinguishable from metal when painted, with colors as limited by §46.0601. Individual sign panels in a Multiple Tenant Sign shall maintain an appearance indistinguishable from each other in terms of material and color.

46.0606.02 Replacement of individual sign panels on established multiple tenant sign displays shall not be subject to application and permit requirements, §46.02 notwithstanding where:

- a. The replacement sign is the same size, color and style as the sign which it replaces; and,
- b. The replacement does not exceed fifty (50) percent of the number of signs contained on the multiple tenant signs.

46.0607 Lettering on Glazing. Gold lettering on glazing may be approved when the lettering is subordinate to the glazing and is utilized in an understated fashion.

46.0608 Interior Signs. Interior signs that are primarily intended to be viewed from the streets, sidewalks and/or courtyards, and are incapable of being read correctly from the interior of the building, shall require Association review, approval and permit. Specifically excluded from this requirement are interior displays that feature the goods or products associated with the commercial use, or displays that depict services offered.

46.0609 Illumination. Lights may be permitted on signs, provided that the light be equipped with a shield such that only the sign surface is illuminated and glare on the street or adjacent property is prevented.

46.07 Types of Signs Not Permitted. Prohibited sign types include, but are not limited to:

- a. Sandwich board or other temporary commercial signs placed on public or private walkways or areas.
- b. Rear-illuminated, interior-lit or neon signs.
- c. Roof signs.
- d. Balloons, inflatables or tethered aerals.
- e. Signs with any moving parts or lights which create the appearance of movement.

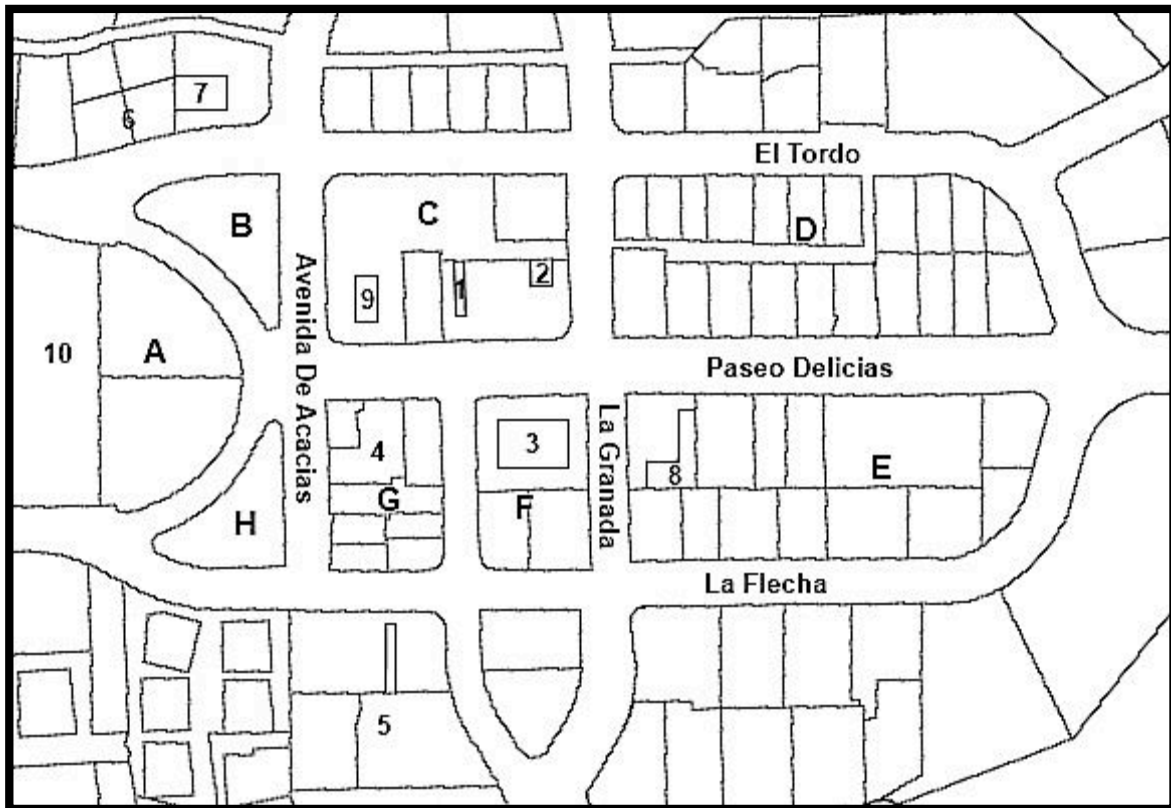
- f. Signs or sign installations that incorporate blinking or tracing lights.
- g. Tenant signs on unoccupied buildings or spaces.
- h. Signs and lettering on awnings, valences, canopies and other similar exterior accessories.

46.08 Effective Date. The effective date of this regulation is July 21, 1994.

46.09 Amended Date. This regulation was amended at §§46.0601, 46.0602(a), 46.0602.01, 46.0603, 46.0603.03, 46.0604.01, 46.0605(a, b & e), and 46.0606.01 on May 2, 1996. This regulation was amended at §§46.03, 46.05, 46.0601, and 46.0602(a and b) on January 15, 1998.

**Appendix A to Chapter 46**  
**Signs – White-On-Brown Approved Areas**

The use of a white-on-brown color scheme (Pantone 469 Brown) may be approved for areas not readily visible from street frontages, such as interior courtyards (Section 46.0601)



**Key**

- 1. Block C- Jane Palmer, Fino, Parrot Press, Cleaners
- 2. Pantry – West Wall

3. Block F Interior- Ayres Building Breezeways
4. Block G – Country Squire Interior Courtyards & Breezeways
5. The Village Market & Post Office
6. Inn Office Complex
7. North Side Office Complex
8. Quimby's Breezeway
9. Ewing Breezeway – Wall Signs Only
10. The Inn – Internal Areas

**CHAPTER 47**  
**VILLAGE COMMERCIAL DISTRICT (VCD)**  
**DESIGN AND DEVELOPMENT REGULATION**

47.01 Purpose and Intent. The purpose of this regulation is to provide for the protection and preservation of the distinctive, historic Architectural Character (defined below) of new and existing structures and facilities located within the Village Commercial District. The objective is to enhance and preserve the existing character of the area by requiring development and alteration which will be compatible and harmonious with the existing small scale, rural atmosphere of the Village. This development and design regulation is intended to encourage the use of preferred architectural design standards and to regulate the bulk and mass of structures.

47.02 Definitions. The following definitions are applied to terms which occur in the Village Commercial District Regulation. Terms are included in this list to make them clear for the purpose of regulatory interpretation and to illuminate concepts upon which this regulation is based.

Alteration (The infinitive form is to Alter) - Any exterior change or modification in appearance, including painting.

Architectural Character - The prevailing and preferred historic architectural standards existing within the Village Commercial District, typified by pedestrian-oriented and pedestrian-scaled single story or partial second-story structures which are compatible with the predominate Spanish Colonial Revival design type that has established the architectural thematic unity within the Village area (see Village Commercial District Design Guidelines).

Community Character - Particular combination of community resources which are associated with the community and collectively establish the sense of time, place and uniqueness associated with Rancho Santa Fe.

Community Serving Use - A walk-in, Retail (defined below) or service establishment which primarily serves the needs of the residential population.

Drive-Thru Facility - Any facility requiring a vehicular crossing of a public sidewalk for the purpose of entering the premises, and performing a business transaction from the vehicle. Examples of drive-thru facilities are service stations, bank drive-thrus, drive-in restaurants, drive-thru cleaners, and other similar businesses, but excluding Parking Lots.

Espalier - A plant or tree trained to grow flat against a support such as a wall or trellis.

Finished Ceiling - A ceiling of any material other than unstuccoed concrete or construction grade lumber.

Finished Grade - Ground level at any point adjacent to or five (5) feet out from any building wall (or at property line, whichever occurs first), whichever is lower in elevation, exclusive of retaining walls and/or slope rights on adjacent Property or Properties which walls and/or rights may be used to Alter Pre-existing Grade (defined below).

Floor Area Ratio - The numerical value obtained by dividing the Gross Floor Area (defined below) of a building or buildings located upon a Property (defined below) by the Net Site Area (defined below) of such lot or building site.

Gross Floor Area - The total horizontal area expressed in square feet, of all the floors of a building included within the surrounding walls, including shafts, enclosed exterior stairwells, and ground level and above ground Parking Structures.

Joint Use Parking - The sharing under written agreement, in form and content approved by the Manager, of an off-street parking facility or facilities by two (2) or more separate commercial uses or establishments whose hours of operation are sufficiently divergent as to cause no concurrent demand for such facility or facilities.

Lot Coverage - The percentage of Net Site Area occupied by buildings or structures as measured pursuant to Article IV of the Protective Covenant.

Net Site Area - The net site area of a lot or parcel consists of the gross site area minus the area of the following: (a) street right-of-ways; (b) recorded road and driveway easements encumbering the parcel; and (c) panhandles less than thirty-five (35) feet wide.

Office - Any enterprise, organization or a component thereof engaged in business, professional or administrative activities including but not limited to corporate headquarters; governmental agencies; professional services such as physicians, attorneys, architects, and accountants; banks and financial institutions such as savings and loans, insurance firms, brokerage firms, and investment companies; real estate offices; and advertising agencies.

Parking Lot - An open area, other than a street or alley, which contains four (4) or more Parking Spaces.

Parking Space - A clear area not located in public street or alley, maintained for the parking of one (1) standard passenger vehicle, and usable without moving another vehicle.

Parking Structure (Ground Level or Above Ground) - Any structure, other than a Parking Lot, located at or above grade and containing four (4) or more Parking Spaces.

Parking Structure (Underground) - A structure containing Parking Spaces constructed so that no portion of the structure (except the entrance) extends more than 3.5 feet above adjacent Finished Grade.

Penthouse - A structure occupying usually less than half the roof area of a building, with a flat roof and used to house equipment for elevator, ventilation or air conditioning, or other mechanical or electrical systems serving the building.

Pre-existing Grade - The ground level elevation which exists prior to any site preparation related to, or to be incorporated into, the proposed new development or Alteration.

Property and Properties - For the limited purposes of this Chapter, buildings, sites, structures and Improvements located within the boundaries of the Village Commercial District (described in §47.03).

Retail - An enterprise, organization or component thereof engaged in the dispensing of consumer goods, prepared food, or services to the general public.

Story - That portion of a building included between the surface of any floor and the Finished Ceiling above it as defined in Article IV, Section 1(p) [Paragraph 89] of the Protective Covenant.

Street Wall - The wall of that part of the building nearest to the street line, as defined in Article IV, Section 1(q) [Paragraph 90] of the Protective Covenant.

47.03 Boundaries. The boundaries of the Village Commercial District, to which this regulation shall apply, are set forth in the Village Commercial District map contained in the Appendix of this Code as Exhibit A to Chapter 47.

47.04 Residential Exclusions. A number of residential class use Properties are included within the boundaries of the Village Commercial District in recognition that their location and character makes them integral and important components of the Village. It is intended that any Alteration of these buildings or redevelopment of these Properties comply with the provisions of this regulation excluding the provisions listed in §47.08, §47.09 and §47.10.

47.05 Activities Regulated. Except to the extent provided in Code §47.0501 and 47.0502, no Property or portion thereof shall be erected, constructed, converted, established, Altered, rehabilitated, remodeled or enlarged unless it shall comply with this regulation.

47.0501 Exclusions. This regulation shall not apply to: (1) interior modifications or repairs, or (2) any exterior repairs or maintenance for which Association approval is not otherwise required.

47.0502 Alterations. Alterations which do not increase the degree of nonconformity of a building which does not comply with this regulation, may be made provided that the aggregate square footage of such Alterations shall not exceed 50 percent of the building's pre-existing area. Multiple Alterations totaling greater than 50 percent of the building's pre-existing area occurring within any three (3) years shall require that the entire building be brought into conformance with this regulation.

47.06 Administrative Regulations. Applicants shall comply with all existing Rancho Santa Fe Building Permit Application Procedures contained in Chapter 30 of the Code.

47.07 Multi-Story Developments. Development or Alteration that results in a multi-story building shall conform to the existing and prevailing historical standards and the Architectural Character established in the Village Commercial District. The Association shall only approve those building permits which include multi-story development where the determination has been made that:

47.0701 Compatibility. The proposed development conforms to the prevailing parameters of limited use of multi-story developments in the Village Commercial District in bulk, coverage and location of the multi-story in relation to its proximity to the frontage; and

47.0702 Historic Character. The proposed development harmonizes and is compatible with the historic Architectural Character of the Village Commercial District generally, and specifically with the prevailing Architectural Character of surrounding and adjacent properties.

47.08 Floor Area Ratio - Base Provision. The maximum Floor Area Ratio for buildings situated within Class D, E, F or G use districts of the Village Commercial District, or which become situated in such districts, shall be six tenths (.6).

47.09 Floor Area Ratio Bonus Merit System. A Floor Area Ratio bonus of up to 25%, to a maximum of .75 Floor Area Ratio, may be granted to those applicants who apply and qualify with the provisions of this Article (47.09 et. seq.). Applicants must comply fully with all the requirements of these provisions to qualify for any Floor Area Ratio greater than .6

47.0901 Purpose and Intent. The purpose of the Floor Area Ratio bonus is to provide increased allowances for commercial buildings which uphold the quality of all future architecture and improvements. The Floor Area Ratio bonus is optional with the Association and is intended to provide incentive for redevelopment, restoration, Alteration and new developments which will preserve and enhance the historic and Architectural Character of the community and encourage developments, Alterations and restorations which will be compatible and harmonize with the scale and ambiance of the Village.

47.0902 Procedures for Application and Review. Floor Area Ratio bonus applications shall be filed concurrently with applications for permits, and shall state the circumstances and conditions relied upon as grounds for application. Application may be made by the owner or owners of the Property affected and shall be filed with the Art Jury. The Art Jury shall provide written recommendations to the Board of Directors, which shall have final authority on all approvals or denials.

47.0903 Application. The application shall include the following:

47.0903.01 Complete plans and specifications for the site and building or structure indicating how the applicable provisions of the Floor Area Ratio Bonus shall be met; and

47.0903.02 Any other information deemed necessary by the Building Commissioner, the Art Jury or Board of Directors to judge compliance with the requirements for the Floor Area Ratio Bonus.

47.0904 Conformance. The Art Jury may recommend approval or denial of any application for the Floor Area Ratio Bonus. Action by the Art Jury shall include a statement that the Floor Area Ratio Bonus application does or does not conform to the provisions contained herein. In the event the Art Jury determines that the proposed development does not conform, the facts on which that determination is based shall be included in the written decision. Properties granted the Floor Area Ratio Bonus may be subject to such conditions or restrictions, including use restrictions, appropriate to insuring that the Floor Area Ratio Bonus requirements are fulfilled.

47.0905 Approvals. Within thirty (30) days after the submission of a complete application for the Floor Area Ratio Bonus, the Art Jury's decision shall be sent in writing to the applicant. If the Floor Area Ratio Bonus application is approved, the Art Jury shall include the recommendation for approval with the building permit application and the building permit application shall be processed normally, or the building permit may be reviewed concurrently with the Floor Area Ratio Bonus application. All applications shall be forwarded by the Art Jury to the Board of Directors with recommendations for approval or denial by the Board of Directors.

47.0906 Criteria for Approval of Floor Area Ratio Bonus. In order to qualify for the Floor Area Ratio Bonus, the design must meet at least three of the following four criteria:

47.0906.01 Spanish Colonial Revival "Lilian Rice"-type design, in accordance with the "Village Architectural Design Guidelines";

47.0906.02 A total of not less than 10% of the Net Site Area be used for courtyards and/or arcades (this 10% requirement will not be satisfied by any arcade or courtyard development used to obtain the setback exception pursuant to Article VI, Section 4 [Paragraphs 204 and 205] of the Protective Covenant);

47.0906.03 No portion of any building on the site is to exceed one (1) Story nor contain roof types that may be used for any purpose other than as a roof; and

47.0906.04 At least 25% of the total ground floor area and 25% of the total ground floor leasable frontage shall be used for Retail uses, specifically excluding Office uses as defined herein. This provision may only be used where the total square footage of the ground floor exceeds 50% of the total square footage of the building. The Association may record deed restrictions or other appropriate legal instruments on the Property to insure the continued existence of the required Retail spaces.



47.10 Pedestrian Design Regulations. In order to provide for a pedestrian character facade treatment, which will preserve existing Community Character, the following transparency requirements shall be applied to all commercial buildings:

47.1001 Window Requirements. A minimum of 40% of the portion of any commercial building wall, between 3.5 feet and 10.5 feet above the sidewalk, and facing a dedicated street, shall be transparent, either by open archways or windows of a light transmittance of no less than 40%.

47.1002 Blank Walls. Blank walls shall be limited to segments of fifteen (15) feet in width. Excepted from this requirement shall be garage doors, where wall width shall be limited to the width of the garage door plus five (5) feet.

47.1003 Entrances. Buildings in excess of 3,000 square feet shall provide at least one (1) pedestrian entrance into or through the structure from each frontage.

47.1004 Signs. Signs must conform with the requirements contained in Chapter 46 of this Code.

47.1005 Screening. All external mechanical equipment, tanks, ducts, elevator enclosures, cooling towers, or mechanical ventilators shall be contained within a completely enclosed Penthouse or be contained by walls or visual screening with construction and appearance similar to the main building.

47.1006 Trash Enclosures. A minimum of seventy (70) square feet of on-site refuse collection area shall be provided on each lot or premises, and shall not be located in front of a Street Wall. Said area shall be screened by a solid fence or wall with a minimum height above finished grade of six (6) feet. In all cases where a lot or premises is served by an alley, refuse collection areas shall be directly accessible to such alley. In all cases, the size of refuse collection areas shall be adequate to serve the size and function of the building(s) it services.

47.1007 Facade Articulation. Street Walls built with setbacks of less than two (2) feet from the public right-of-way shall provide for recessed facade offsets, either below windows or at other suitable locations, for the placement of planter boxes with appropriate plantings. Said recesses shall have a horizontal depth of not less than one (1) foot, a horizontal width of not less than three (3) feet, and a vertical height of not less than five (5) feet. A minimum of one (1) such offset per every fifteen (15) feet of street frontage shall be provided. These offset requirements shall be waived where a development utilizes an arcade frontage (pursuant to Article VI, Section 4 [Paragraph 205] of the Protective Covenant).

47.1008 Landscaping. Prior to the use of any premises, the required front yard setback within said premises and abutting public street rights-of-way (except for approved ways of ingress and

egress) shall be suitably landscaped with shrubs, trees, planters, planter boxes, or ornamental ground cover. These requirements shall be supplemental to the applicable provisions of the Landscape Regulation contained in Chapter 42 of the Code.

47.1009 Special Landscaping Requirements. Courtyards, arcades and colonnades shall be landscaped with trees, shrubs, hanging plants, vines, planters and planter boxes as deemed appropriate by the Association in addition to the Landscape Regulation contained in Chapter 42 of the Code.

47.1010 Lighting. Lighting must be generally understated and muted in keeping with the Association's "Dark Sky Policy" and the other requirements contained in Chapter 14 of the Code.

47.1011 Drive-Thru Facilities. Drive-Thru Facilities, except for automobile service stations, shall not be allowed.

#### 47.11 Parking Regulations.

47.1101 Scope and Purpose. The purpose of these provisions is to provide functional, aesthetically pleasing and secure off-street parking which will encourage design compatible and harmonious with the scale and existing architecture of the Village.

47.1102 Application. These regulations apply to the Village Commercial District and are intended to be supplemental to the existing Rancho Santa Fe Off-Street Parking Regulations contained in Chapter 44 of the Code.

47.1103 Off-Street Parking Design Regulations. In addition to the parking requirements contained in Chapter 44 of this Code:

47.1103.01 No above ground or ground level Parking Structures shall be allowed within the boundaries of the Village Commercial District. This provision does not apply to surface Parking Lots.

47.1103.02 A parking level, or levels, which is not a Story may be constructed, provided no portion of the unfinished ceiling thereof is more than 3.5 feet above adjacent Finished Grade. In the cases where retaining walls or slope rights are utilized to create Finished Grade higher in elevation than Pre-existing Grade, then Pre-existing Grade shall be used in the determination of the 3.5 feet Height limitation. Solely to accommodate vehicular down-ramps, and notwithstanding the foregoing, one (1) garage access-way shall be permitted provided: (1) the width of such access-way shall not exceed the greater of twenty-four (24) feet or 25% of the length of the building wall in which such access-way is located, and (2) the Height of such access-way at its exterior opening shall not exceed eight (8) feet, two (2) inches above the lowest elevation of the ramp leading into the access-way.

47.1103.03 Joint Use Parking facilities may be permitted pursuant to §44.0508 et. seq. of the Code.

47.1103.04 On corner lots, outside parking shall not be permitted within twenty-five (25) feet of the lot corner.

47.1103.05 Parking area layouts shall be arranged so that vehicles do not exit by backing into a public street.

47.1103.06 Access to all parking areas shall be from the alley exclusively except where no alley access is available or where it is unsafe to access the lot from the alley.

47.1103.07 Ground level parking areas shall not be located between a Street Wall and a public right-of-way.

47.1103.08 No parking areas shall be permitted to front, nor shall parking access be permitted from, Paseo Delicias.

47.1103.09 A one-way driveway shall be a maximum of twelve (12) feet in width; two-way driveways shall be a maximum of twenty-four (24) feet.

47.1103.10 No encroachment into the public right-of-way for parking access ramps for underground Parking Structures or surface Parking Lots shall be permitted.

47.1103.11 The design of all entrances and exits must minimize conflicts with pedestrians. Any access from underground Parking Structures to the street shall give the pedestrian the right-of-way at all times.

47.1103.12 Surface Parking Lots shall be sited two (2) feet below adjacent Finished Grade, or be suitably screened by landscaping or landscaped berms.

47.1103.13 Driveway entrances across the sidewalk shall continue the paving pattern utilized in the adjacent sidewalk areas.

47.1103.14 Underground parking entrances shall require eaves treatments or over-entrance landscaping treatments to soften the entrance and to mitigate the visual impact of the opening.

47.1103.15 All Underground Parking Structures must adhere to all existing setback requirements except where variance provisions (Article VI, Section 4(f) [Paragraph 209] of the Protective Covenant) apply.

47.1103.16 Driveway access to Parking Lots and all Parking Structures shall be perpendicular to the right-of-way from which access is taken.

47.12 Parking Lot and Parking Structure Landscaping Requirements.

47.1201 Scope and Purpose. Parking Lot landscaping required by this section is intended to promote the comfort, convenience and general welfare of the citizenry by providing minimum requirements for installation and maintenance of landscaped areas in connection with Parking Lots and other vehicular use areas; to protect the character and stability of the existing commercial and residential uses, and to conserve the value of land and buildings on surrounding Properties and neighborhoods.

47.1202 General Requirements. These provisions shall apply to: (1) all new commercial-serving Parking Lots and Parking Structures; (2) those Parking Lots and Parking Structures Altered or improved subsequent to the adoption of this regulation; and, (3) whenever a commercial structure is enlarged or a change of use occurs so that an increase in required parking results.

47.1203 Applicable Regulations. This regulation is intended to be supplemental to the existing Landscape Regulation (Chapter 42) of this Code.

47.1204 Landscaping Requirements.

47.1204.01 All edges of surface Parking Lots shall be landscaped with a three (3) foot landscaping buffer. Wheel stops shall be placed two (2) feet away from the landscaped buffer.

47.1204.02 Surface Parking Lots with more than two (2) rows of parking shall include three (3) foot wide landscaping islands between rows, and wheel stops at two (2) feet from this landscaped area. Canopied trees of low water consumption shall be planted within this landscaped strip. One (1) tree of a minimum fifteen (15) gallon size and a minimum eight (8) feet in Height at the time of installation shall be required per 2,000 square feet of Parking Lot area. Where a three (3) foot wide landscaped island is not feasible, patterned paving shall be required with one (1) tree of minimum fifteen (15) gallon size and a minimum eight (8) feet in height at the time of installation for every 1,000 square feet of Parking Lot area. Landscaping that is required in association with an issued permit shall remain under the continuing jurisdiction of the Association after final inspection and approval. Required landscaping which dies or fails to flourish may be required to be replaced with the same or similar plant materials to the satisfaction of the Association.

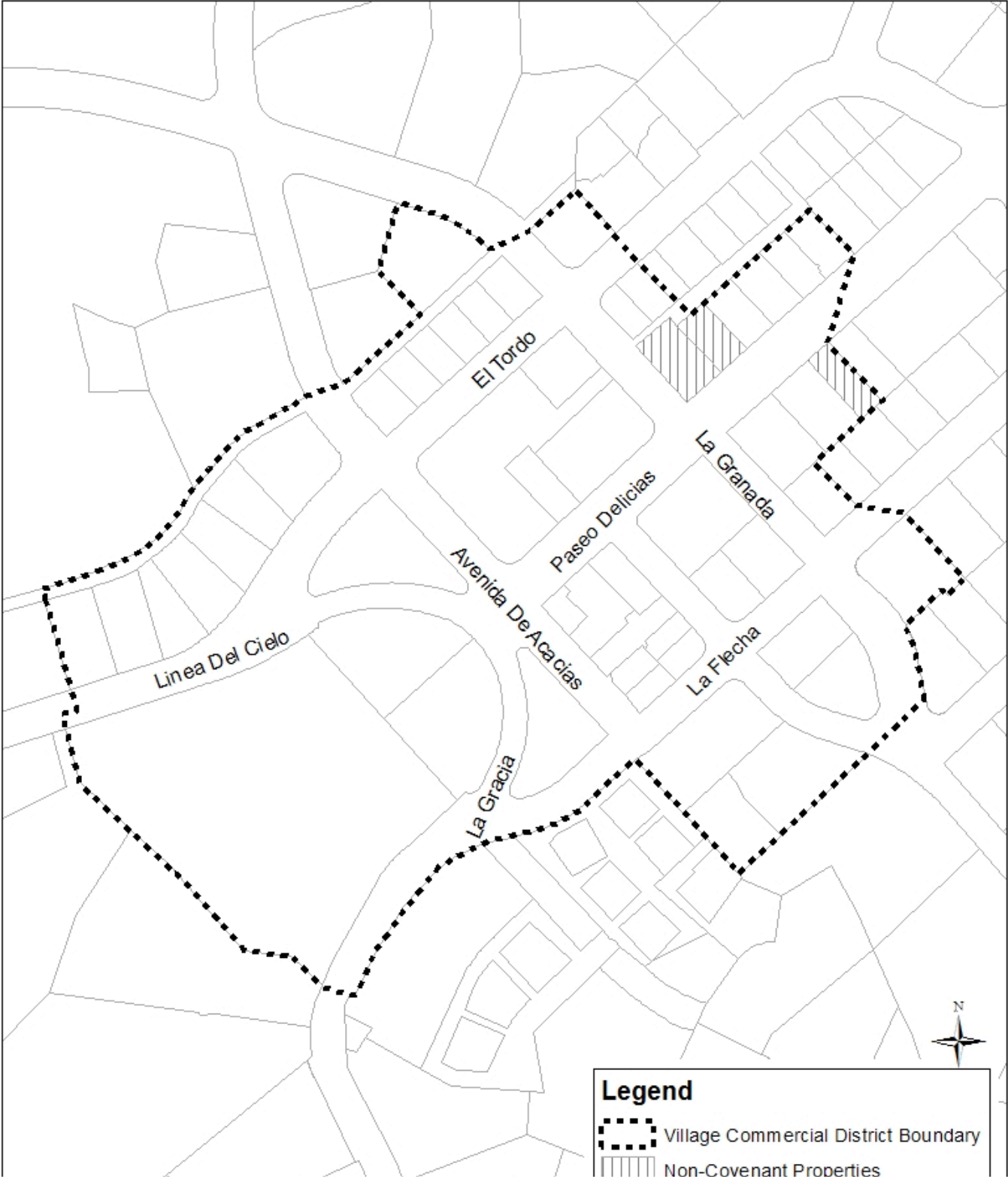
47.1204.03 Where feasible and not obstructive of safe vehicular visibility requirements, trellis plantings (vines, etc.) or Espaliers shall be placed within five (5) feet and on both sides of Underground Parking Structure entrances.

47.1204.04 Existing street trees shall be preserved to enhance the character of the street.

47.13 Effective Date. The effective date of this regulation is July 21, 1994.

47.14 Amended Date. This regulation was amended at §§47.02, 47.1103.03 and 47.1201 on January 15, 1998.

**Exhibit A to Chapter 47**  
**Rancho Santa Fe Village Commercial District**



**CHAPTER 48 RESERVED**

## CHAPTER 49

### EXTERIOR MATERIALS

49.01 Purpose and Intent. The provisions of this regulation apply to the exterior finishes of buildings and structures associated with any property within the jurisdiction of the Protective Covenant. This regulation is established pursuant to the authority established in the Governing Documents, including: The Preamble; Article III, Section 1 [Paragraphs 46 through 50]; Article IV, Section 28 [Paragraphs 153 through 160] of the Protective Covenant.

49.02 Definitions.

49.0201 Exterior Materials.

49.03 Exterior Wall. The Protective Covenant, par. 159. states that, materials: plaster, adobe or stucco exterior wall surfaces of a durable construction or concrete, stone or an approved artificial stone are to be preferred. Wood is not a preferred material.

49.0301 Wood (board and batten or shiplap) will be allowed in the remodel or addition to an existing residence where wood has been used as the primary exterior wall surface in the existing main residence for:

- a) Additions to the residence limited to no more than 25% of the square footage of the original residence;
- b) Additional structures on the same building site as the main residence limited to no more than 25% of the square footage of the original residence;
- c) For any remodel, addition or additional new structures that will exceed 25% of the square footage of the original residence, where wood has been used as the primary exterior wall surface in the main residence, the remodel, addition or additional new structure shall include at least 50% of a preferred material. Moreover, in such case, the existing structure shall also be required to have 50% of a preferred material.

49.0301.1 Wood exterior wall cladding (board and batten) will be allowed in the case of new construction up to a maximum of 25% of the square footage of the exterior wall surface of the main residence structure.

49.0301.2 In all cases, aesthetics will not be considered as a reason to justify the use of wood as an exterior building material.



**CHAPTERS 50 THROUGH 59 RESERVED**

## **Division V**

# **Subdivision and Boundary Adjustment Regulations**

## CHAPTER 60

### SUBDIVISION AND BOUNDARY ADJUSTMENT REGULATION

60.01 Purpose and Intent. The purpose of this regulation is to provide standards and procedures for the review and approval of subdivision, boundary adjustment and change of condition applications. The intent of this regulation is to (1) protect and preserve the rural character, landscape features and ambiance of the community pursuant to the provisions of the Governing Documents, Association policies and procedures and (2) ensure the development of appropriately sized, separated and located lots and Building Sites (defined below) that meet the standard of "high artistic result," are compatible with community standards and character, and give due consideration to neighborhood and site characteristics.

60.02 Authority. This regulation is established pursuant to the authority established in the Governing Documents including: the Preamble, Article I, Section 13 [Paragraph 14]; Article II, Section 2 [Paragraph 20], and Section 4 [Paragraphs 36 and 37]; and Article III, Section 1 [Paragraph 46] of the Protective Covenant.

60.03 Applicability. This regulation applies to any property for which a subdivision application, boundary adjustment application, or application to change a condition of approval for an approved tentative or final subdivision or boundary adjustment map is under consideration or reconsideration by the Association. Such actions are found by the Board of Directors ("the Board") to constitute the subdivision of property as that term is used in the Governing Documents, pursuant to the authority of the Board to make such determinations in Article V, Section 10 [Paragraph 180] of the Protective Covenant. Each of such actions is hereinafter referred to as a "Subdivision" for the purposes of this chapter. Approval of a subdivision by the County of San Diego does not constitute approval of a Subdivision by the Association.

#### 60.04 Definitions.

60.0401 "Building Pad" shall mean the area in which future buildings, structures, graded areas and accessory uses (other than perimeter fencing) are to be constructed on a proposed parcel.

60.0402 "Building Site" shall mean land defined as a "building site" in Article IV, Section 1(c) (Paragraphs 73-76) of the Protective Covenant.

60.0403 "Restricted Slopes" are slopes in excess of 25 percent which are generally prohibited from development pursuant to Chapters 41 and 64 of the Code.

60.0404 "Revised Map" shall mean a revised version of the originally submitted Subdivision map which may illustrate parcel configurations, Building Pads, driveway locations, etc. which

vary from the original map, but overall, in the opinion of the Manager, substantially illustrate the same proposed Subdivision in terms of total acreage and location of subject property.

60.0405 “Stacking” shall mean the placement of buildings and/or structures on a sloping terrain such that they appear at a distance to be set one on top of another with little vertical or horizontal separation in between (though the actual distance between said buildings and structures may be quite large).

60.0406 “Submittal Date” shall mean the date the Manager deems the applicant’s submittal to be complete; the Manager shall only make such determination after the Manager is satisfied that the applicant has submitted to the Association all materials required by §60.05 below.

60.0407 “Expiration Date” shall be nine months after the Submittal Date.

60.05 Application Submittal Requirements. Subdivision applications shall be submitted with such documentation as is necessary for the Manager, the Art Jury and the Board to process and understand the proposal. Such submittals shall include:

60.0501 Application Form. A properly and fully completed application form, signed by all property owner(s) of record and the applicants’ representative, if applicable.

60.0502 Proof of Ownership. A current copy of a recorded vesting deed, title policy, or other proof of ownership of the subject property in a form acceptable to the Manager to verify that all owners of record have signed the application.

60.0503 Processing Fee. A fee as stated on the current “Rancho Santa Fe Planning Department Schedule of Fees for Land Use Applications”. This fee is non-refundable.

60.0504 Subdivision or Plat Map. A map showing the Subdivision at a readable scale and in a form acceptable to the Manager. Three copies of this map shall accompany the application. All map features required below shall extend at least 50 feet beyond the proposed Subdivision boundaries. The map shall depict the following:

- a. The external boundary of the Subdivision.
- b. The complete boundaries and size (net and gross acreage) of proposed parcels and existing parcels under the jurisdiction of the Protective Covenant.
- c. The location of all existing and proposed roads, driveways, and easements, drawn to scale with dimensions clearly shown. (Note that applicants will be required to submit copies of recorded easement documents if any easements are located on the subject property.)
- d. The boundaries, location and size (in square feet) of all existing buildings, accessory structures and other improvements.

- e. The boundaries, location and size (in square feet) of all proposed Building Pads and any adjoining areas that will require grading to create the proposed Building Pads. Building Pads must conceptually illustrate that a viable area (pursuant to §60.01 and §60.0707 et. seq.) exists to develop a residence (or other applicable improvements) including accessory uses and structures that are typically associated with Rancho Santa Fe Covenant residential site development (or commercial site development as applicable), and indicate the amount of grading which will be required to create a future residence (or other applicable improvements) and associated amenities.
- f. North arrow, written scale, graphic scale, vicinity map, legal description, tax assessor parcel number(s), county zoning, community plan designations, gross acreage, net acreage (based on the criteria in §60.0705 below), information regarding proposed grading, including cut and fill volumes, number of lots, minimum acreage required per parcel, signature, address and telephone number of map preparer, pursuant to §60.0510, and signature(s), address(es) and telephone number(s) of property owner(s).

60.0505 Topographic Map. A current topographic map depicting all items listed in § 60.0504 (a) through (f), and:

- a. Existing and proposed contours mapped at two foot intervals;
- b. Slopes of 15-25 percent, colored in a solid yellow; and
- c. Restricted Slopes colored in a solid red.

60.0505.01 Exception. Topographical maps shall not be required for boundary adjustment applications that do not exceed an adjustment of one-half acre and do not result in the creation of an additional Building Site. This exception shall not apply where, in the opinion of the Manager, Art Jury or the Board, (1) such information is deemed necessary to the understanding and review of the application or (2) there will be a substantial reconfiguration of the parcel(s).

60.0506 Notice Map. A map delineating a distance of 300 feet outward from all external boundaries of the Subdivision shall be provided for the purpose of noticing. This notice map must depict all parcels (including parcel portions) and the names of all property owners whose properties are encumbered by the Protective Covenant (herein referred to as “Covenant Property” or “Covenant Ownerships”) within the distance of 300 feet.

60.0506.01 Exception: Minimum Number of Notices. The 300 foot distance from the subject property must include no fewer than 20 separate Covenant Ownerships. Multiple ownerships of the same parcel or parcels shall be considered as a single ownership. In cases where a distance of 300 feet would include fewer than 20 separate Covenant Ownerships, the distance shall be extended further outward from the subject property until it encompasses no fewer than 20 separate Covenant Ownerships. In no case, however, shall a

distance of greater than 500 feet be required, the number of separate ownerships notwithstanding. In cases where the distance must be extended beyond 300 feet, a line delineating a distance of 500 feet from all external boundaries of the subject property shall be clearly depicted on the notice map.

60.0506.02 Exception: Boundary Adjustments. For boundary adjustments applications of not more than one-half gross acre, the notice map need only show the parcels and Covenant property owner names of parcels abutting the properties subject to such application. For purposes of determining whether this exception applies, the gross acreage calculation shall include the cumulative amount of acreage proposed for transfer on each parcel.

60.0507 Site Preparation. The proposed Subdivision site, as illustrated on the Subdivision map, shall be marked with labels and color-coded stakes delineating existing and proposed lot lines, Building Pads, and easements, where applicable. The site shall be staked prior to submission of the application. staking poles up to 20 feet high may be required on sites with vegetation or terrain which make viewing of low-lying staking difficult. All staking shall remain until the Board has made its final decision. The foregoing notwithstanding, the owner or owner's designated representative may request of the Manager a total or partial waiver of this requirement where the required marking would not further the understanding of the application. In any event, the Art Jury and the Board retain the future right to require whatever marking they deem necessary to assist in their complete understanding of the application.

60.0507.01 Story Poles. Story poles shall be required if, in the opinion of the Manager, Art Jury or Board, they will help determine if the future development of the proposed parcel(s) will result in adequately sized and physically suitable Building Pads. The story poles shall be constructed in a manner acceptable to the Manager.

60.0508 Staking Map. One copy of the proposed Subdivision map (in addition to those required in §60.0504) shall be submitted at the time of application indicating all color-coded staking as required in §60.0507 et. seq.

60.0509 Additional Information. Where it is found by the Manager, the Art Jury or the Board that site specific conditions exist on the subject property (such as topographic constraints, unique natural features or prominent or sensitive site location), applicants may be required to provide one or more of the following before the Manager will accept the application as complete:

- a. Conceptual plans indicating building footprints;
- b. Conceptual section and/or elevations indicating grading, Building Pads and the height of structures;
- c. Conceptual plans indicating space allotment for a main residence, garage required turnarounds/parking areas, and accessory building/uses;

- d. Preliminary grading identifying extent of cut/fill required for the conceptually proposed development; and,
- e. Other information as may be requested by the Association to assist in understanding the proposal.

60.0510 Preparer of Maps. All maps must be prepared, stamped and signed by a California registered civil engineer or California licensed land surveyor.

60.0511 Reduced Maps. One reduced copy of each map required to be submitted in §60.0504, §60.0506 and §60.0507 (Subdivision, topographic and notice maps) shall be submitted at the time of application. The reduced size maps shall be scaled to fit on an 8.5 x 11 inch sheet of paper and be legible and reproducible in black and white.

60.0512 Digital Files. Digital computer files of each map required to be submitted in §60.0504, §60.0506 and §60.0507 (Subdivision, topographic and notice maps) shall be submitted at the time of application. Digital map files shall be submitted in a form acceptable to the Manager and shall be consistent in every detail with submitted paper plans. In the case of inconsistencies between digital and paper plans, the duly stamped and ink-signed paper plans shall prevail.

60.0513 Change of Condition Exception. Applications for change of condition to an approved plat, tentative or final map shall not be required to comply with §60.0504, §60.0505, §60.0507, §60.0508, §60.0510, §60.0511, or §60.0512 unless in the opinion of the Manager, Art Jury or the Board, such information is deemed necessary to understand and review the condition change being sought.

#### 60.06 Application Review Process.

60.0601 Notification. After the Manager determines the applicant's Subdivision application package is complete, the Manager shall establish the Submittal Date and notify the applicant in writing of the Submittal Date. The Association will then post a notice of the proposed Subdivision on the Association bulletin board and mail such notice to all Covenant property owners indicated within the required distance on the notice map prepared pursuant to §60.0506 above. The bulletin board posting and the postmark of the notice shall be at least 15 days prior to the Art Jury's initial consideration of the application. Additional noticing may be required at the discretion of the Manager.

#### 60.0602 Art Jury Review and Board Approval.

60.0602.01 Art Jury Review. The Art Jury will schedule the member's application for review at an Art Jury meeting pursuant to the applicable application submittal deadline set forth in the Art Jury's then current submittal schedule. A copy of the submittal schedule is available at the Association office. As prescribed by the Protective Covenant and the Association Bylaws, the Art Jury shall review and provide written recommendation on the

proposed application to the Board. The applicant should be advised that the Art Jury may request other Association committees (e.g. Trails) to review and provide input on the application prior to providing a recommendation to the Board.

60.0602.02 Public Hearing and Board Approval. The Board shall consider the Art Jury recommendation and hold a public hearing on said application prior to taking action on the proposal pursuant to Article IV Section 6 (b) the Association Bylaws.

60.0602.03 Approval or Denial. Pursuant to Article IV Section 6(b) of the Association Bylaws, approval of a Subdivision requires an affirmative vote of at least four members of the Board if the Art Jury has recommended approval of the application. Approval of a Subdivision requires an affirmative vote of at least five members of the Board if the Art Jury has recommended denial of the application.

60.0602.04 Effect of Art Jury's Conditional Approval. If upon Board consideration and review, any or all of the recommended conditions of approval of the Art Jury are not to be adopted or if they are in any way made less stringent, then the Art Jury's recommendation is considered to be one of denial and the Subdivision can only be approved by the affirmative vote of at least five members of the Board as described in §60.0602.03 above. Should the Board determine to make the Art Jury's recommended conditions more stringent or add additional conditions to an approval, such action would only require an affirmative vote of four members of the Board.

#### 60.0603 Processing Time Limitations.

60.0603.01 Applicant Consent for Deferred or Continued Applications. The Art Jury or the Board, during their respective reviews, may determine to defer or continue the consideration of an application at the request of, or with the consent of, the applicant (but not beyond the Expiration Date, as it may be extended pursuant to §60.0603.02). The applicant shall have no more than seven days from the meeting date at which the deferral or continuance is offered to accept such offer. If the applicant does not accept the deferral or continuance within the allotted seven day timeframe, the Art Jury or the Board shall make a determination on the application at their next regularly scheduled meeting.

60.0603.02 Extension of Processing Time Limitations. Prior to the Expiration Date the property owner may request the Board to extend the original Expiration Date by an additional nine months. A request for a time extension must be submitted to the Board in writing at least two weeks prior to the date of the Board meeting at which the applicant desires their request to be heard and in no case later than two weeks prior to a regularly scheduled Board meeting that is immediately prior to the original Expiration Date. A processing time extension may be granted once by the Board.

60.0603.03 File Closed on Expiration Date. If the Board fails to approve or conditionally approve the Subdivision application by the Expiration Date, or the extended Expiration



Date, as applicable, the application shall be deemed expired and the Association shall close its file, with no refund or credit of fees to the applicant.

60.0603.04 Notification of Processing Time Limitations. The Manager will endeavor to notify the applicant no less than 60 days prior to the original Expiration Date (and the extended Expiration Date, as applicable). This paragraph notwithstanding, it is the applicant's responsibility to keep track of the Expiration Date of the application and to make timely submissions and revisions in order to ensure that the Association can adequately review and consider the application prior to its expiration. Prudent time management is the responsibility of the applicant.

60.0604 Submission of Revised Map. An applicant may submit a Revised Map under the following circumstances and subject to the following procedures:

60.0604.01 Deferred or Continued Applications. If the Art Jury or the Board determines to defer or continue the consideration of the application at the request or with the consent of the applicant.

60.0604.02 Denial or Conditional Approval. If the Art Jury recommends denial or conditional approval of the Subdivision, for a period of 60 days from such date and prior to the Board's consideration of the application, the applicant shall have the right to submit a Revised Map to the Art Jury. If the Board denies or conditionally approves the application, for a period of 30 days from such date the applicant shall have the right to submit a Revised Map to the Art Jury, which shall then make a new written recommendation to the Board before the Board acts on the Subdivision application. After the 30 day period subsequent to the Board's action (denial or conditional approval), the applicant's submittal of any new map, modified map or Revised Map will be considered a new application, subject to a new application fee and processing procedures and timeline.

60.0604.03 All Revised Maps must be reviewed by the Art Jury prior to Board review, pursuant to §60.0602.01.

60.0604.04 The applicant's submittal of a Revised Map shall not affect or extend the Expiration Date. Therefore, notwithstanding anything in this §60.0604 to the contrary, the Art Jury's and Board of Director's consideration of any Revised Map remains subject to the time limitations outlined in §60.0603 et. seq.

60.0604.05 Fees. The Board finds the following fees reasonably reflect the Association's costs to process Revised Maps for Subdivision applications:

- a. Revised Map Submitted Following Art Jury Review. Submission of a Revised Map following Art Jury review shall be subject to the payment of a fee equaling 25 percent of the normal initial application fee.

- b. Revised Map Submitted Following Board Review. Submission of a Revised Map following Board review shall be subject to the payment of a fee equaling 50 percent of the normal initial application fee.

60.0604.06 Subject to the determination of the Manager, submission of a Revised Map with minor revisions at the request of the Art Jury or the Board shall not be subject to the fee requirement described in §60.0604.05 and noticing requirements described in §60.0605.

60.0605 Renotification. Where applications are continued, deferred or resubmitted, the Manager may require the Notice Map and mailing list to be updated and new notices to be issued in accordance with §60.0506, §60.0506.01 and §60.0601.

60.0606 Updated Information. Where applications are continued, deferred or resubmitted, the Manager may require new or additional staking and flagging of the proposed Subdivision site and submission of a new or revised staking map pursuant to §60.0507 and 60.0508. The Manager may determine that new story poles or other information may be required pursuant to §60.0507.01 and §60.0509.

#### 60.07 Subdivision Approval.

60.0701 Board Action. The Board may approve, deny or approve with reasonable conditions any application for a Subdivision. The determination of the Board to approve or approve with conditions shall be in the form of a resolution which shall contain the findings relied upon and the conditions imposed. All approvals and conditional approvals shall be subject to the conditions subsequent in §60.08, titled "Final Subdivision." The applicant shall be notified in writing of the Board's decision and shall receive a copy of the Board resolution of approval.

60.0702 Conditional Approval. In approving a Subdivision, the Board may require reasonable conditions to ensure that the Subdivision conforms to the Board's criteria, findings and the statement of the purpose and intent contained in this chapter at §60.01.

60.0703 Standard Conditions. Unless otherwise determined by the Board, the following standard conditions are applicable to each Subdivision application:

60.0703.01 Where Subdivisions include internal streets or roads, the applicant shall:

- a. Provide an indemnification of the Association from liability arising out of any use of this street including, but not limited to, road repairs and maintenance or landscape maintenance, recorded as a Civil Code section 1468 covenant, in a form acceptable to the Manager;
- b. Give the Association the right to reasonably approve or deny any name that may be chosen for the internal street;

- c. Be responsible for petitioning the County Board of Supervisors for a waiver of the street light requirement, in the event street lights are required by the County; and,
- d. Be responsible for obtaining a County waiver to any road widening requirement.

60.0703.02 Where Subdivisions create a new Building Site or sites, the applicant shall:

- a. Record, in a form acceptable to the Manager, a Civil Code section 1468 Restrictive Covenant with the County Recorder of the County of San Diego to prohibit development on Restricted Slopes and grading for any purpose (other than driveways, roadways and approved minor incursions) within such slopes pursuant to §64.04 of Chapter 64 of the Code; and,
- b. Record, in a form acceptable to the Manager, a Civil Code section 1468 Restrictive Covenant with the County Recorder of the County of San Diego requiring that all utilities proposed to serve future residences be placed underground at owner's expense.

60.0703.03 Where Subdivisions alter the size or configuration of existing parcels which have been granted permits for animal keeping, existing animal keeping permits shall become null and void upon separate sale or transfer of any of the parcels and the property owner must reapply for a new animal keeping permit pursuant to Chapter 40 of the Code.

60.0703.04 Unless specifically required as a condition of approval, the approved Subdivision map is in no way to be interpreted as approval of the depicted Building Pads or driveway locations on the proposed parcels.

60.0703.05 Unless specifically required as a conditions of approval, the approved Subdivision map does not constitute approval of any grading, buildings or landscaping, all of which require separate Art Jury approval pursuant to the Governing Documents.

60.0703.06 Should the County of San Diego or another agency require the property owner to remove existing mature trees, the property owner shall be responsible for obtaining a waiver to such requirements to the satisfaction of the Manager.

60.0703.07 Should the County of San Diego require the property owner to dedicate open space easements on the subject property, easements in a form and content acceptable to the Association shall also be dedicated to the Rancho Santa Fe Association. Such easement dedications will ensure that the unique natural areas of the property will be preserved.

60.0703.08 If the Board conditionally approves a Subdivision, the Board resolution containing the conditions of acceptance shall be a part of a restrictive covenant which shall be recorded as a covenant running with the land for the benefit of the Association.

60.0704 Criteria. In addition to the general findings and criteria contained in the Governing Documents, the following specific criteria must be met by the Subdivision prior to the Board's approval or conditional approval:

60.0704.01 Compliance with all relevant Covenant Acceptance Agreements (defined in Code Chapter 61) and specific Protective Covenant provisions as to minimum parcel sizes and/or number of Building Sites.

60.0704.02 Conformity of Covenant Acceptance Agreement boundaries with Subdivision boundaries. Chapter 61, "Regulation for the Realignment of Covenant Acceptance Agreement Area Boundaries Concurrent with Subdivision and Boundary Adjustment," shall apply to Subdivision proposals where existing Covenant Acceptance Agreement boundaries internal to the subject property do not coincide with the proposed lot lines; and,

60.0704.03 Compliance with the minimum net lot or parcel size requirements in the standards established in §60.0706 et. seq. Further, pursuant to Protective Covenant Article I, Section 7 [Paragraph 7], in no case shall a Building Site of less than 5,000 square feet be created by Subdivision.

- a. Exception to Minimum Lot Size. For boundary adjustment applications, compliance with the minimum lot or parcel size requirements as established in §60.0706, need not be met for existing Association approved lots which are smaller than current minimum standards, except that existing substandard-sized lots may not be made smaller as a result of a boundary adjustment.

60.0705 Net Lot Size. The net size of a lot or parcel, expressed in acres or in square feet, shall consist of the gross area from which is subtracted the following areas:

- a. Street rights-of-way;
- b. Road and driveway easements encumbering the parcel; and
- c. Property appendages (e.g. "panhandles") which are less than 35 feet wide.

60.0706 Minimum Lot Size Areas Established. Where otherwise not specified in applicable Covenant Acceptance Agreements or the Protective Covenant, the lot size areas stated in subsequent §§60.0706.01, 60.0706.02, 60.0706.03, 60.0706.04, 60.0706.05, 60.0706.06 and 60.0706.07 have been established and shall be used to determine the minimum net lot or parcel size criteria applied in §60.0704.03 for properties located within the Residence Districts of Class "A," "B," "C," and the Public Use Districts of Class "L". As a practical matter, applications shall conform with the more stringent of the requirements of the County of San Diego, the Protective Covenant, the applicable Covenant Acceptance Agreement or the requirements of this chapter of the Code.

60.0706.01 Residence Area 1: a minimum lot size of 2.86 net acres.

60.0706.02 Residence Area 2: a minimum lot size of 2.0 net acres.

60.0706.03 Residence Area 3A: a minimum lot size of 1.0 net acres.

60.0706.04 Residence Area 3B: a minimum lot size of .5 net acres.

60.0706.05 Residence Area 3C: a minimum lot size of .3333 net acres.

60.0706.06 Residence Area 3D: a minimum lot size of .25 net acres.

60.0706.07 Residence Area 4: a minimum lot size of .20 net acres.

60.0706.08 Minimum Lot Size Maps. The boundaries of Residence Areas 1 and 2 as set out herein, are delineated upon the Rancho Santa Fe Covenant Area Minimum Lot Size Map which is incorporated herein by this reference. A copy of the map is included herein as Appendix A to Chapter 60. The boundaries of Residence Areas 3A through 3D and residence area 4 set out herein, are delineated upon the Rancho Santa Fe Covenant Village Area Minimum Lot Size Map which is incorporated herein by this reference. A copy of the village area map is included herein as Appendix B to Chapter 60.

60.0707 Findings. In addition to the criteria listed in §60.0704 et. seq., the following findings shall be considered by the Art Jury and made by the Board in the approval or conditioned approval of any Subdivision:

60.0707.01 The proposed Subdivision complies with the applicable requirements set forth in §60.0706 et. seq.;

60.0707.02 The proposed Subdivision ensures a uniform and reasonably high standard of artistic result in attractiveness in the exterior and physical appearance of said property as referred to in Article III, Section 1 [Paragraph 46] of the Protective Covenant;

60.0707.03 The proposed Subdivision preserves, continues and maintains the character of the community and rare and unique landscape features and upholds the quality of all future architecture and improvements as referred to in the Protective Covenant Preamble;

60.0707.04 The proposed Subdivision results in a physically suitable and adequately sized and separated Building Pad (for both residences and accessory uses and structures) on each legally created lot or parcel, as lot and parcel are defined in Article IV, Section 1 [Paragraphs 73 through 76] of the Protective Covenant;

60.0707.05 The proposed Subdivision maintains the comfort, convenience and general welfare of existing and future Rancho Santa Fe residents as referred to in Article I, Section 13 [Paragraph 14] of the Protective Covenant;

60.0707.06 The proposed Subdivision does not create non-conforming lots, make adjacent lots non-conforming or result in contrived or irregularly shaped parcels;

60.0707.07 The proposed Subdivision preserves natural landforms and features to the extent that development remains subordinated to the natural character of the site and the neighborhood;

60.0707.08 The proposed Subdivision is compatible with, and complementary to, the established rural character of the neighborhood and the community and avoids visually invasive suburban development patterns, including, but not limited to, Stacking on hillsides; and,

60.0707.09 The conditions applied to the approval are reasonable and necessary in the aggregate to respond to the specific Subdivision and to the general incremental effect of the Subdivision on the community.

#### 60.08 Final Subdivision.

60.0801 Subdivision Considered Final. No Subdivision approved or conditionally approved by the Board shall be considered final until:

60.0801.01 A Subdivision is recorded as final, pursuant to the Subdivision Map Act or other applicable law, by the County of San Diego and such Subdivision is found by the Manager to be in substantial conformance with the approval or conditioned approval granted by the Board;

60.0801.02 The applicant either provides to the Rancho Santa Fe Association a Health Department certificate for the lots or documentation that the lots will be serviced by sewer;

60.0801.03 Where a condition of approval is to be performed prior to the Association accepting the Subdivision as final, such condition has been fulfilled; and,

60.0801.04 Where trail easements are to be dedicated pursuant to Chapter 16, "Trail Easement Regulation," of this Code, such trails are dedicated and recorded in a manner acceptable to the Manager.

60.0802 Recordation Requirements. The recording of any form of restrictive covenant, pursuant to the approval or conditioned approval of a Subdivision, shall include the following paragraph:

"The following portions of the Rancho Santa Fe Protective Covenant are inapplicable to this instrument: Paragraph 165 (Article V, Section 3 of Declaration No. 1), Paragraph 230 (Article I, Section 11 of Declaration No. 2), and Paragraph 258 (Article I, Section 11 of Declaration No. 3)."

60.0802.01 The applicant shall be responsible for recording and the recording costs of required documents. Drafts of documents to be recorded shall be submitted to the Association prior to recordation to ensure their acceptability. The applicant shall deliver to the Association copies of required recorded documents in a form acceptable to the Manager prior to expiration of the tentative approval.

60.0803 Time Requirements for Finalization. The property owner will have four years from the date that the Board grants conditional approval to satisfy all of the Board's conditions of approval of the Subdivision.

60.0804 Extension and Expiration. Prior to the four year expiration date described in §60.0803 above, the property owner may request a two year time extension from the Board. A request for a time extension must be submitted to the Board in writing at least two weeks prior to the date of the Board meeting at which the applicant desires their request to be heard and in no case later than four weeks prior to a regularly scheduled Board meeting that is immediately prior to the expiration of the deadline in §60.0803. The applicant shall submit a time extension processing fee as stated on the a current "Rancho Santa Fe Planning Department Schedule of Fees for Land Use Applications" with the letter of request. The Board may only grant such a time extension once (subject to the provisions in §60.0804.01 below). If the applicant has not satisfied all of the Board's conditions of approval within the four year period or within the two year extension period, if applicable, the Subdivision application will automatically expire.

60.0804.01 Extension and Expiration Exception. The Board may approve an extension of the deadline in §60.0803 to coincide with the County of San Diego expiration date for the Subdivision, if the applicant can demonstrate that (a) the County of San Diego has approved an extended expiration period for the map pursuant to Government Code §66452.6 which is in excess of six years from the initial Association approval date, or (b) the County of San Diego has approved an extended expiration period for the map pursuant to extensions granted through State law which is in excess of six years from the initial Association approval date. Such an extension may be granted once.

60.0805 Notification of Expiration. The Manager will endeavor to notify the applicant no less than 60 days prior to the deadlines described in §§60.0803 and 60.0804 above. This paragraph notwithstanding, it is the applicant's responsibility to keep track of the expiration date of their conditional approval and to ensure that adequate time is allotted for the applicant to meet all conditions required to finalize the Subdivision and for the Association to confirm

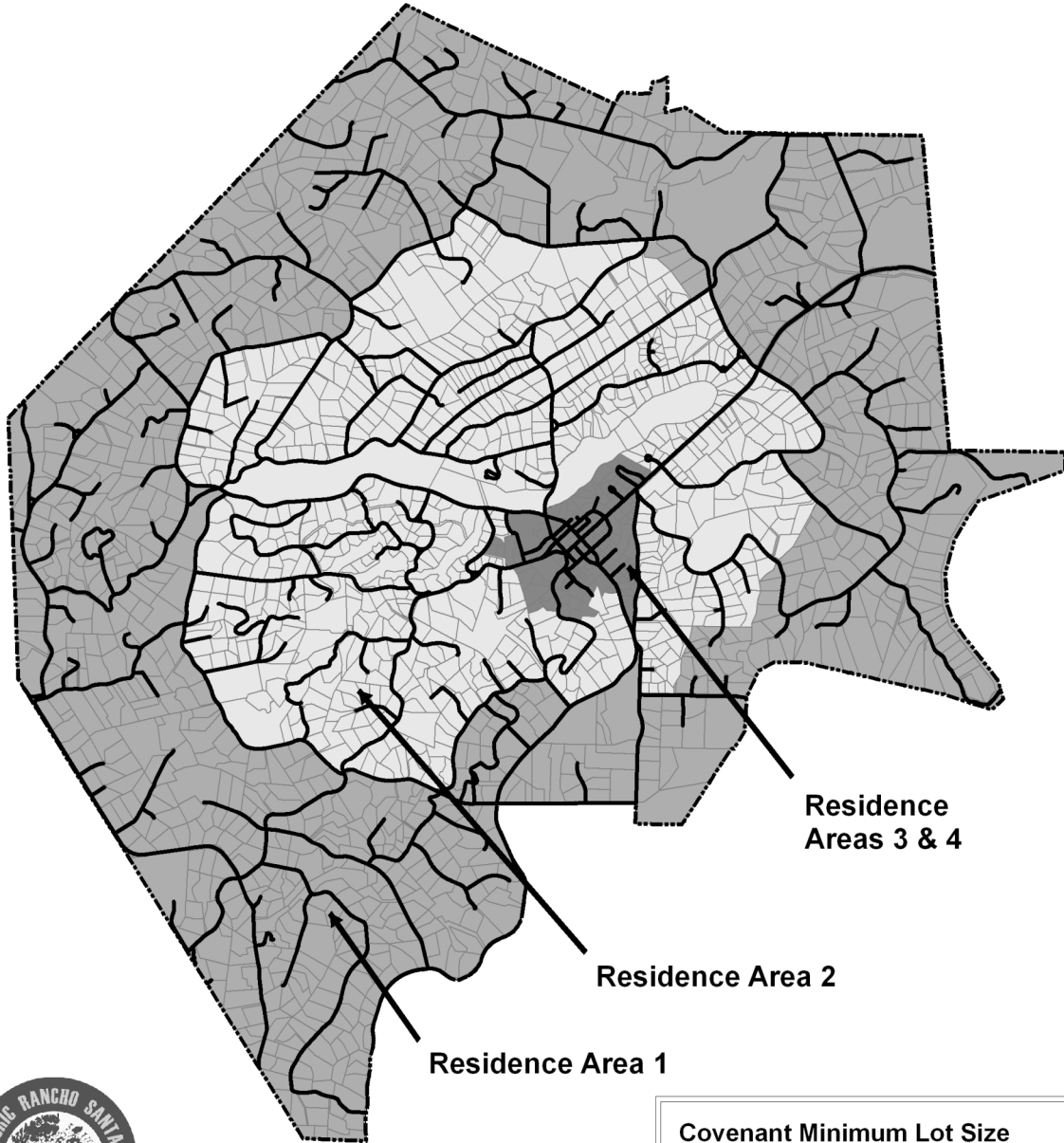
that all the conditions have been completed in an acceptable manner prior to the deadline in §60.0803.

60.09 Effective Date. The effective date of this chapter is April 20, 1995.

60.10 Amended Date. This chapter was amended on April 17, 1997 and on January 15, 1998. This chapter was amended and restated on November 1, 2007.



# Rancho Santa Fe Covenant Area Minimum Lot Size Map for Subdivisions and Boundary Adjustments



Residence  
Areas 3 & 4

Residence Area 2

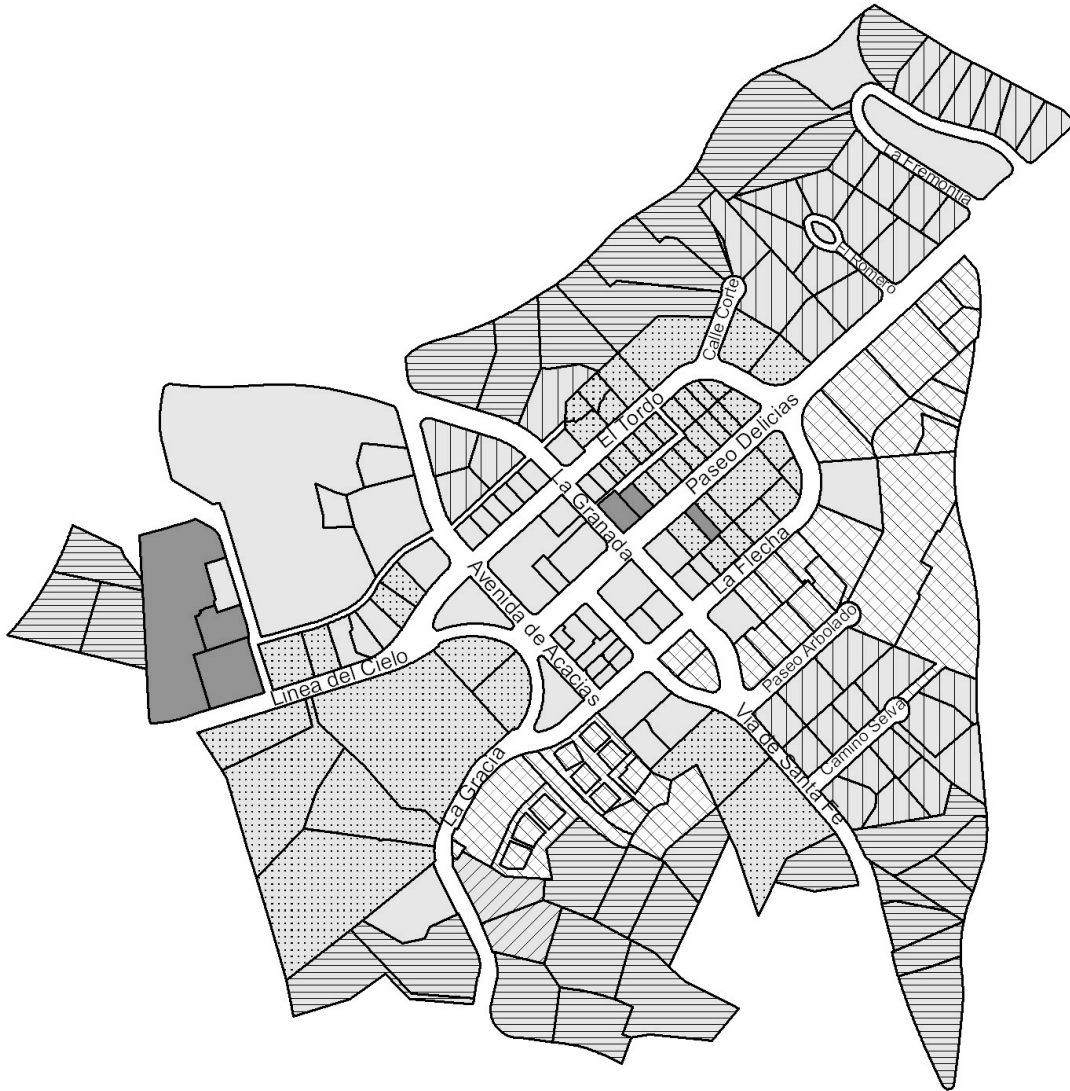
Residence Area 1



November 1, 2007

Covenant Minimum Lot Size	
	Residence Area 1 (2.86 net acres)
	Residence Area 2 (2.00 net acres)
	Residence Areas 3 & 4 (variable)

# Rancho Santa Fe Covenant Village Minimum Lot Size Map for Subdivisions and Boundary Adjustments



November 1, 2007

### Village Minimum Lot Size

- |                                   |                                  |
|-----------------------------------|----------------------------------|
| Residence Area 3A (1.0 net acres) | Residence Area 4 (.20 net acres) |
| Residence Area 3B (.50 net acres) | Non-Residential                  |
| Residence Area 3C (.33 net acres) | Non-Covenant                     |
| Residence Area 3D (.25 net acres) |                                  |

**CHAPTER 61**  
**REGULATION FOR THE REALIGNMENT**  
**OF COVENANT ACCEPTANCE AGREEMENT AREA BOUNDARIES**  
**CONCURRENT WITH SUBDIVISIONS AND BOUNDARY**  
**ADJUSTMENTS**

61.01 Purpose and Intent. Association members periodically desire to remove or adjust their properties' boundary lines, or create new property lines through subdivision. The purpose of this regulation is to preserve and maintain the validity, authority and applicability of Covenant Acceptance Agreements (defined below) when property owner's request to modify the boundaries of those properties subject to such Covenant Acceptance Agreements. The intent of this regulation is to provide a method by which Covenant Acceptance Agreement Areas (defined below) can be realigned to coincide with the proposed new lots or property boundary lines. This coincidence of boundaries may be necessary to assure that the entirety of the resulting lots or parcels comply with the applicable Covenant Acceptance Agreement in terms of minimum lot size, number of building sites allowed, allowed uses of property and in other respects.

61.02 Authority. This regulation is established pursuant to the Association's authority in Article II, Section 4 [Paragraphs 36 and 37] of the Protective Covenant.

61.03 Definitions.

61.0301 The term "Covenant Acceptance Agreement Area" shall mean any of the following:

- a. That area subject to an agreement to annex property, as described in Article V, Section 5 [Paragraph 171] of Declaration No. 1; Article I, Section 12 [Paragraph 231] of Declaration No. 2; and Article I, Section 12 [Paragraph 259] of Declaration No. 3 of the Protective Covenant.
- b. That area subject to a common use district class, as those classes are established in Article IV, Section 2 [Paragraphs 92-95] of Declaration No. 1 of the Protective Covenant.
- c. Those areas subject to agreements to annex property or subject to a common class of use district, as herein described, which may be subsequently modified in the manner set forth in Article V, Section 3 [Paragraph 165] of Declaration No. 1; Article I, Section 11 [Paragraph 230] of Declaration No. 2; and Article I, Section 11 [Paragraph 258] of Declaration No. 3 of the Protective Covenant.

61.0302 The term "Covenant Acceptance Agreement" shall mean the Protective Covenant, and any other instrument filed for record with the Office of the San Diego County Recorder which regulates the applicable Covenant Acceptance Agreement Area.

61.0302.01 Specific Exception. Specifically omitted from the definition of Covenant Acceptance Agreements are restrictive covenants recorded pursuant to Civil Code Section 1468, which are not of a kind listed in the preceding definitions.

61.04 Applicability. This regulation applies to members' subdivision proposals and boundary adjustment proposals where existing Covenant Acceptance Agreement Area boundaries do not coincide with the proposed lot lines.

61.05 Methods to Align Covenant Acceptance Agreement Area Boundaries with Proposed Lot Lines. The Association finds that Covenant Acceptance Agreement Area boundaries should coincide with the members' proposed subdivision lot lines or boundary adjustment lot lines. One of the following methods shall be used to align Covenant Acceptance Agreement boundaries with lot lines:

61.0501 Land Adjustment Process. The member may realign the Covenant Acceptance Agreement Area boundaries as part of the members' subdivision or boundary adjustment process if, in the opinion of the Manager, (1) the intent of the pertinent Covenant Acceptance Agreement is not changed and (2) the members' development rights and land use restrictions applicable to the affected property after completion of the subdivision or boundary adjustment are equal to or more stringent than before the subdivision or boundary adjustment; or,

61.0502 Covenant Modification Process. If the member is unable to comply with the land adjustment process described in §61.0501 above, the member shall utilize the covenant modification procedures set forth in Article V, Section 3 [Paragraph 165] of Declaration No. 1; Article I, Section 11 [Paragraph 230] of Declaration No. 2; and Article I, Section 11 [Paragraph 258] of Declaration No. 3 of the Protective Covenant and Chapter 80 of the Code.

61.06 Exception. The Board of Directors in its sole and absolute discretion may waive the requirement to align Covenant Acceptance Agreement Area boundaries with lot lines where it determines that doing so would create an extreme hardship to the member and would not serve to maintain or enhance the character of the property.

61.07 Effective Date. The effective date of this chapter is April 20, 1995.

61.08 Amended Date. This chapter was amended and restated on November 1, 2007.

## **CHAPTER 62**

### **COMMON INTEREST DEVELOPMENTS REGULATION**

62.01 Purpose and Intent. The purpose of this regulation is to provide standards and procedures for the review and approval of subdivisions which include Common Interest Developments (defined below), or the creation of Common Interest Developments without a formal subdivision of land. The intent of this regulation is to protect and preserve the rural character, landscape features and ambiance of the community pursuant to the Governing Documents, Association policies and procedures, and to ensure the development of appropriately sized, separated and located lots and building sites and building pads of contiguous residence structures in a proposed Common Interest Development, as applicable, that meet the standard of "high artistic result," are compatible with community standards and character, and give due consideration to neighborhood and site characteristics, and to enhance compliance with the Governing Documents, particularly the Articles of Incorporation and Bylaws of the Association.

62.02 Authority. This regulation is established pursuant to the authority established in the Governing Documents including: the Preamble, Article I, Section 13 [Paragraph 14]; Article II, Section 2 [Paragraph 20], and Section 4 [Paragraphs 36 and 37]; and Article III, Section 1 [Paragraph 46] of the Protective Covenant; Article VI (a)(4) and (b) of the Articles of Incorporation; and Article II, Sections 1(b)(3)(iii) and 1(c) of the Bylaws.

62.03 Applicability. This chapter applies to any property for which a subdivision application or application to change a condition of an approved tentative or final subdivision map which includes a Common Interest Development, and to any property with respect to which a Common Interest Development is intended to be created but would not be subject to the California Subdivided Lands Act or the California Subdivision Map Act. Such actions are found by the Board of Directors ("the Board") to constitute the subdivision of property as that term is used in the Governing Documents, pursuant to the authority of the Board to make such determinations in Article V, Section 10 [Paragraph 180] of the Protective Covenant.

62.04 Definitions. In addition to the definitions provided in §60.04 of the Code, the following terms shall have the meanings provided below:

62.04.01 "Common Interest Development" means any Common Interest Development as defined in California Civil Code section 1351, or successor statute, and affecting real property subject to the Governing Documents, but excludes a planned development as defined in California Civil Code section 1351(k)(2) and as to which California Civil Code section 1351(k)(1) is not applicable.

62.04.02 "Declaration" means a declaration of conditions, covenants and restrictions upon the use or enjoyment of any portion of a Common Interest Development that are intended to be enforceable equitable servitudes.

62.04.03 "Unit" means any separate interest as defined in California Civil Code section 1351(l).

62.05 Common Interest Developments as Subdivisions. Each Common Interest Development shall be deemed a Subdivision and shall be subject to Chapter 60 of the Code.

62.06 Required Submittals. In addition to the materials required pursuant to Section 60.05 of the Code, an application for a Subdivision which includes a Common Interest Development, and for

approval of a Common Interest Development not otherwise subject to the California Subdivided Lands Act or the California Subdivision Map Act, shall include the following:

62.06.01 Charter Instrument. The proposed articles of incorporation of the corporation which will serve as the association of the Common Interest Development or, if no corporation is proposed to serve as an association, the charter document of the unincorporated association which will serve as the association of the Common Interest Development.

62.06.02 Bylaws. The proposed bylaws of the corporation or unincorporated association which will serve as the association of the Common Interest Development.

62.06.03 Declaration. In addition to the provisions required by California Civil Code section 1353, the Declaration shall contain the following, in form satisfactory to the Manager:

- a. A method for selecting Units, or the identification of the Units, the owners of which will have the right to register as voting members of the Association, consistent with the Bylaws of the Association.
- b. A provision that owners of Units other than those selected in accordance with the provisions described pursuant to §62.06.03.a shall have no voting rights in the Association.
- c. A provision that the association of the Common Interest Development shall be deemed the sole person holding title to any and all building sites, as defined in the Articles of Incorporation of the Rancho Santa Fe Association, as amended, and that no person holding title to any Unit shall be deemed a member of the Association or entitled to the rights and privileges of membership in the Association except those owners of Units selected in accordance with the provisions described pursuant to §62.06.03.a.
- d. A provision that the Declaration may not be amended or restated without the written consent of the Association and recorded with the amendment or restatement of the Declaration.

62.07 Findings. In addition to the findings required pursuant to §60.0707 of the Code, the following findings shall be considered by the Art Jury and made by the Board in the approval or conditioned approval of any subdivision including a Common Interest Development or of any Common Interest Development otherwise requiring approval:

62.07.01 The Declaration complies with the standards of §62.06.03 of the Code.

62.07.02 In addition to the findings required pursuant to §60.0707.04, the proposed Common Interest Development, if it is a planned development, results in a physically suitable and adequately sized and separated building pad (for both residences and accessory uses and structures) on each legally created lot or parcel, as lot and parcel are defined in Article IV, Section 1 [Paragraphs 73 through 76] of the Protective Covenant, or if the proposed Common Interest Development is other than a planned development, the proposed Common Interest Development results in a physically suitable and adequately sized and separated building pad (for both residences and accessory uses and structures) for each contiguous structure on each

legally created lot or parcel, as lot and parcel are defined in Article IV, Section 1 [Paragraphs 73 through 76] of the Protective Covenant.

62.08 Common Interest Development Considered Final. In addition to the requirements of §60.0801, no subdivision including a Common Interest Development or any Common Interest Development otherwise requiring approval, approved or conditionally approved by the Board shall be considered final unless and until the California Department of Real Estate has issued a final public report with respect to the Common Interest Development pursuant to California Business & Professions Code section 11010.2, if applicable.

62.09 Records. The Applicant shall file the following information with the Manager:

62.09.01 Following the incorporation of the association, or organization of the unincorporated association, that is intended to serve as the association of the Common Interest Development, the applicant shall file a copy of the articles of incorporation certified by the California Secretary of State, or a copy of the charter documents of an unincorporated association certified by the chief executive officer and secretary of the same.

62.09.02 Following the adoption of bylaws of the association, or organization of the unincorporated association, that is intended to serve as the association of the Common Interest Development, the applicant shall file a copy of the bylaws certified by the secretary of the association.

62.09.03 Following the recordation of the Declaration, a copy of the Declaration certified by the Recorder of the County of San Diego.

62.10 Effective Date. The effective date of this chapter is November 1, 2007.

**CHAPTER 63 RESERVED**



**CHAPTER 64**  
**SLOPE PROTECTION REGULATION**  
**FOR SUBDIVISION AND BOUNDARY ADJUSTMENT APPLICATIONS**

64.01 Authority. This regulation is adopted pursuant to the authority in Articles I, Section 13; Article II, Section 4; and, Article III, Section 1 [Paragraphs 14, 37 and 46 respectively] of the Protective Covenant.

64.02 Applicability and Definition. This regulation provides for the protection of slopes and applies to any property for which an application for subdivision, boundary adjustment which creates a new building site, or change to a condition of a tentative or final parcel or subdivision map is under consideration or reconsideration by the Association. Slopes greater than 25 percent gradient are herein referred to as "restricted slopes."

64.03 Restrictions for Slope Protection. No application for any land division, boundary adjustment which creates a new building site, or map amendment shall be approved unless in the judgment of the Board of Directors:

64.0301 Each of the proposed lots or parcels has sufficient area in locations other than restricted slopes to accommodate customary buildings and accessory uses, landscaping, yard area and access; and,

64.0302 The topography of each of the proposed lots or parcels is suitable for a building site which complies with the "high standards of artistic result" criterion set forth in Article III, Section 1 [Paragraph 46] of the Protective Covenant and with the provisions of Chapter 41 of the Code.

64.04 Restrictive Covenant. At the Board of Directors' option, its approval of an application for land division or boundary adjustment which creates a new building site may be conditioned upon the recordation of a restrictive covenant by the property owner against each lot or parcel containing restricted slopes which prohibits grading for any purpose (except approved driveways or roadways) within such slopes. The Board may exempt small and isolated restricted slopes of a parcel in the restrictive covenant.

64.05 Effective Date. The effective date of this regulation is February 2, 1995.

**CHAPTERS 65 THROUGH 79 RESERVED**

## **Division VI**

# **Covenant Modification and Annexation Regulations**

**CHAPTER 80**

**REGULATION FOR THE MODIFICATION OF LOCAL PROTECTIVE RESTRICTIONS**

80.01 Scope and Purpose. The purpose of this regulation is to provide a procedure whereby members may apply for, and the Board of Directors (“the Board”) may consider, the modification of covenants, conditions, restrictions and other recorded instruments described in Declarations 1, 2 and 3 [Paragraphs 165, 230 and 258 respectively] of the Protective Covenant, pursuant to the requirements of the Governing Documents. This regulation is applicable to the covenants, conditions and restrictions described in Article VI of Declaration No. 1 and the applicable provisions in Declarations 2 and 3 of the Protective Covenant. Such changes are referred to in this chapter as "Modification of Local Protective Restrictions."

80.02 Authority. This procedure is authorized by the Governing Documents, and is intended to be consistent with Declarations 1, 2 and 3 [Paragraphs 165, 170, 230 and 258 respectively] of the Protective Covenant, and Article IV, Section 6(b) and (d) of the Bylaws.

80.03 Definitions.

80.0301 “Certification Date” shall mean the date inserted by the Manager on the Document Package Certificate. Such date shall be considered the “date of issuance for circulation” pursuant to Article V, Section 4(e) [Paragraph 170] of the Protective Covenant and will begin the six-month period for which it remains valid.

80.0302 “Consent Area” shall mean all property under the jurisdiction of the Protective Covenant in Private Ownership located within 500 feet of the property boundaries for which the applicant is seeking a modification pursuant to this chapter.

80.0303 A “Consent Form” is the form to be signed by all Consent Area property owners of record acknowledging their consent to the requested modification.

80.0304 The “Document Package” is the packet of documents which contains all pertinent information as outlined in §80.05 to describe and validate the proposed modification.

80.0305 The “Document Package Certificate” shall mean a certificate signed and dated by the Manager (in his or her capacity as Secretary) which endorses the Document Package as complete and correct in form and description pursuant to Article V, Section 4(e) [Paragraph 170] of the Protective Covenant. The Certificate shall include a written description of time

limits and submittal and extension deadlines for the application pursuant to §80.07 and §80.0701, and Article V, Section 4(e) [Paragraph 170] of the Protective Covenant.

80.0306 The “Expiration Date” shall mean the date six months after the Certification Date.

80.0307 The “Extended Expiration Date” shall mean the date, set by the Board, on which the application, Document Package, and all signatures attached thereto shall become void after a time extension has expired, as described in 80.0701.

80.0308 “Private Ownership” shall mean property under the jurisdiction of the Protective Covenant owned in fee by any person or entity other than (i) a local municipal entity (e.g. County of San Diego, a public school district or fire district), (ii) the State of California or other state entity or (iii) the federal government.

80.0309 The “Submittal Deadline” shall mean the 30<sup>th</sup> day before the Expiration Date. However, if the Board grants an extension to the Expiration Date under the procedure in §80.0701 below, the Board shall set a new Submittal Deadline applicable to the Extended Expiration Date, as set forth in such section.

80.04 Application Procedure. An application for Modification of Local Protective Restrictions shall be submitted by a member with such documentation that is, in the opinion of the Manager, Art Jury and the Board, necessary to process and fully understand the application relative to the modification being sought. Such documentation may include, but is not limited to, drawings, data, plans and engineering studies. Submittals shall at a minimum include the following:

80.0401 Letter of Request. A letter to the Association explaining the requested change. The letter shall identify the property in question by Lot and Block, Assessor's Parcel Number and full legal description. The letter must be signed by all owners of record of the property for which the modification is requested. The applicant may, but is not obligated to, designate a representative for future communication with the Association. If a representative is designated, his or her name, title, contact information and signature shall also be included in the letter of request.

80.0402 Proof of Ownership for Application. Proof of ownership of the subject property in a form acceptable to the Manager to verify that all owners of record have signed the letter of request. If the property or any interest therein is owned by one or more trustees of a trust or one or more entities, the Association may require the owner to provide a copy of the trust instruments and entity formation documents, as applicable, to assist the Association in verifying the accuracy and authority of the signatories on the applicant's letter of request.

80.0403 Consent Area Map. One copy of a plat map, prepared, stamped and signed by a California registered civil engineer or California licensed land surveyor at a readable scale and

in a form acceptable to the Manager. The map shall show the property in question and all Consent Area properties, identified by Assessor's Parcel Numbers and owners' names.

80.0404 Reduced Map. One reduced copy of the map required to be submitted in §80.0403 (the Consent Area map). The reduced size map shall be scaled to fit on an 8.5 x 11 inch sheet of paper and be legible and reproducible in black and white.

80.0405 Digital File. A digital computer file of the map required to be submitted in §80.0403 (the Consent Area map). The digital map file shall be submitted in a form acceptable to the Manager and shall be consistent in every detail with submitted paper plans. In the case of inconsistencies between digital and paper plans, the duly stamped and ink signed paper plans shall prevail.

80.0406 Processing Fee. A fee as stated on the current “Rancho Santa Fe Planning Department Schedule of Fees for Land Use Applications.” The fee is non-refundable and the applicant must remit such fee to the Association concurrently with the other documents described in this §80.04 for the application to be deemed complete.

80.05 Document Package. The Manager will develop the Document Package after the applicant has provided all the required and additionally requested information, if any, relevant to the proposed modification. The Document Package shall consist of all of the following:

- a. An explanatory letter from the Manager to the owners of all property in Private Ownership located within the Consent Area.
- b. The application or another document containing a detailed description of the applicant's property and the requested change.
- c. A vicinity map.
- d. A Consent Form. The Consent Form shall contain a provision informing all potential signatories that their signatures, once given, are irrevocable until the Expiration Date or Extended Expiration Date (as applicable), absent misrepresentation or mistake in the inducement of such signatures.
- e. A form which explains how to obtain legally valid signatures on the Consent Form.
- f. A completed Document Package Certificate.

80.0501 Consent Signature Requirements. The applicant shall be responsible for circulating the Consent Form for signature. The applicant must obtain the signed consent of not less than two-thirds of the acreage held in Private Ownership within the Consent Area, pursuant to the requirements of Declaration No. 1 Article V, Section 3, Declaration No. 2, Article I, Section 11, and, Declaration No. 3, Article I, Section 11 [Paragraphs 165, 230 or 258, respectively] of the Protective Covenant. Signatures of all of the owners of record for a parcel must be obtained for that parcel to be counted as consenting. Signatures that are obtained in person must be notarized or witnessed. Signatures that are obtained by mail must be notarized.

80.0502 Validity of Signatures. Duly obtained owner(s) signatures on the Consent Form shall be considered valid and consenting for the duration of the application period, irrespective of either changes of the signatories' opinion or ownership of the signatories' property; provided,

however, if a signatory to the Consent Form alleges that his or her signature in favor of the proposed modification was obtained by misrepresentation or mistake, and if the Board has not yet formally approved the proposed modification, then the Board shall have the authority, after a noticed hearing in which both the applicant and the party who signed the Consent Form are provided an opportunity to be heard, to declare such signature as non-consenting to the proposed modification.

80.0503 Consent for Association-Owned Property. In some instances, property owned by the Association will be located within the Consent Area. The Board finds that Association property is property in Private Ownership. Absent an affirmative vote by the Board, Association-owned property will be counted as non-consenting. If an applicant intends to have the Board count Association-owned property in consent of the proposed Modification of Local Protective Restrictions, a separate request must be made to the Association. The request for consent will be separately docketed for the Board's consideration. As a general policy, staff will not schedule such an action at a Board meeting until the consent of Association-owned property would allow the applicant to meet or exceed the two-thirds Consent Area acreage requirement.

80.0503.01 Criteria. In evaluating the consent request, the Board will consider the proposed modification solely on the basis of its effect on the particular Association-owned property affected by the proposed modification. The applicant should not construe consent of the Board at this juncture as an indication of the Board's ultimate approval of the proposed modification itself or as a waiver of the Board's rights in §80.08 et. seq. Ultimate approval will be based on the larger issue of the appropriateness of the proposed modification to the Association as a whole.

80.0504 Notification. The Association shall send, no later than five days after the Certification Date, the explanatory letter described in §80.05 to all property owners within the Consent Area. Additional noticing may be required at the discretion of the Manager.

80.06 Post-Signature Submittals. After a sufficient number of valid signatures are collected on the Consent Form, the applicant shall submit all of the following documents to the Association:

80.0601 Signed Consent Forms. Original Consent Forms duly signed and witnessed or notarized.

80.0602 Certified Coded Map. One copy of the Consent Area Map with shading, coloring or other distinctive markings showing those parcels for which signatures were obtained. The map shall be prepared, stamped and signed by a California registered civil engineer or California licensed land surveyor and shall include a statement of: (a) the total number of acres in Private Ownership in the Consent Area, but not including the applicant's property, (b) the total number of acres represented by the signatures on the Consent Forms, (c) the percentage of the Consent Area for which signatures were obtained.

80.0603 Reduced Copy of Coded Map. One reduced copy of the certified coded map required above in §80.0602, scaled to fit on an 8.5 x 11 inch sheet of paper so that it is legible and reproducible in black and white.

80.0604 Digital File of Coded Map. A digital computer file of the map required to be submitted in §80.0602 (the Certified Coded Map). The digital map file shall be submitted in a form acceptable to the Manager and shall be consistent in every detail with submitted paper plans. In the case of inconsistencies between digital and paper plans, the duly stamped and ink signed paper plans shall prevail.

80.0605 Proof of Ownership for Consenting Signatures. Current copies of recorded vesting deeds, title policies, Association voting registration forms or other proof of ownership showing that the persons and entities having signed the Consent Forms were, in fact, the owners of record of the applicable property on the date they signed the Consent Form. If the property or any interest therein is owned by one or more trustees of a trust or one or more entities, the Association may require the signatories to provide a copy of the trust instruments and entity formation documents, as applicable, to assist the Association in verifying the accuracy and authority of the signatories on the Consent Form.

80.07 Time Limit. An application for Modification of Local Protective Restrictions shall be valid for six months from the Certification Date. The application and all signatures on the Consent Form shall become void after the Expiration Date. The applicant must complete the gathering of consent signatures and submit all required post-signature materials described in §80.0601 through §80.0605 to the Association no later than the Submittal Deadline. The Board must take final action on the application on or before the Expiration Date. Applicants are strongly advised to submit all required materials as far in advance of the Submittal Deadline as is possible. This will allow the applicant time to develop and submit any additional information required by the Association and will also allow the Association time to adequately consider and take action on the proposal prior to the Expiration Date. If final action by the Association is not taken by the Expiration Date, the application will be considered null and void (excluding the time extension outlined in §80.0701 below) and the applicant will be required to start the application process anew pursuant to Article V, Section 4(e) [Paragraph 170] of the Protective Covenant. It is the responsibility of the applicant to budget the time allocated efficiently in order to ensure that adequate time is available for the Association to complete its review process. Applicants should note that the Board meets twice per month, but meets only once in the months of August and December.

80.0701 Extension of Time Limit. The applicant may seek an extension of the time limit in §80.07 by making a written request to the Board. Such request must be submitted no later than the 15<sup>th</sup> day prior to the Expiration Date and shall not be valid unless it includes the time extension processing fee as stated on the current “Rancho Santa Fe Planning Department Schedule of Fees for Land Use Applications”. If the Board adopts a resolution to grant the extension, the Extended Expiration Date may not be more than one year after the Certification Date (i.e., six months after the original Expiration Date). The Extended Expiration Date shall be established by the Board and shall correspond with the date of a regularly-scheduled Board meeting. The new Submittal Deadline shall be at least 60 days prior to the Extended Expiration Date. The Board may establish an earlier Submission Deadline based on the complexity of the application and the possibility of a long review process. The intent is to provide the Association



with adequate time to review proposals prior to the expiration of the application. Only one time extension may be granted by the Board.

80.08 Association Review. The Association will not begin its review process until the applicant has returned, and the Manager has verified as complete, the documents described in §80.04 and §80.06.

80.0801 Notice. Subsequent to the receipt of the required documents and certifications, the Manager shall set the date for the Art Jury's review of the application and the tentative date for the subsequent public hearing and Board meeting. Mailed notification of these dates shall be provided by the Association to all Consent Area property owners as well as posted on Association bulletin boards at least ten days prior to the Art Jury meeting at which the proposed modification will be first reviewed.

80.0802 Findings. Applications for the Modification of Local Protective Restrictions shall only be recommended for approval by the Art Jury and approved by the Board where the Art Jury has considered, and the Board can make, all of the following findings:

80.0802.01 The property affected by the proposed modification contains an adequately-sized building area for the applicant's proposed use, and is physically and topographically suitable for and consistent with the class of use district proposed for or applicable to the property;

80.0802.02 The rural character and ambiance of the community will remain protected;

80.0802.03 The general welfare of the community will be protected, maintained and preserved; and,

80.0802.04 All new lot lines will conform to applicable Covenant Acceptance Agreements pursuant to Chapter 61 of the Code.

80.0803 Art Jury Review. The Art Jury will schedule the application to be reviewed at its first regularly scheduled meeting after the completion of noticing pursuant to § 80.0801, subject to agenda constraints. Upon being satisfied that the necessary information has been provided, pursuant to §§80.04, 80.05 and 80.06 et. seq., the Art Jury will review the application and provide the Board with the Art Jury's recommendation of approval, conditional approval, or denial.

80.0804 Public Hearing and Board Determination. Upon being satisfied that all information necessary to understand and process the application has been provided, pursuant to §§80.04, 80.05 and 80.06 et. seq., the Board will conduct a public hearing and review the application and Art Jury recommendation. At or subsequent to the hearing, the Board may, subject to the Bylaws Article IV, Section 6(b), approve, conditionally approve or deny the application. If the application is approved or conditionally approved, the applicant will be notified of the Board's approval, and notice will be posted on the Association bulletin boards for 30 days. The Board's approval of the application is subject to member petition and disapproval rights pursuant to Article IV, Section 6(d) of the Bylaws.

80.0805 Board Denial. If the Board, or the membership at a duly-called public meeting or hearing pursuant to Article IV, Section 6(d) of the Bylaws, denies the application, the Board will so notify the applicant. The application for the proposed Modification of Local Protective Restrictions cannot be reconsidered until one year after the date of denial, pursuant to Article V, Section 4(e) [Paragraph 170] of the Protective Covenant.

80.0806 Approvals for Additional Building Sites. The following conditions shall be included in the resolution of approval for Modification of Local Protective Restrictions which create an additional building site(s):

80.0806.01 A statement which clearly designates to which portion of the existing Covenant Acceptance Agreement area (Block, Lot, Parcel) the additional building site(s) is to be located; and,

80.0806.02 A statement that an approved application for subdivision will be required pursuant to Chapter 60 of the Code prior to development of any newly created buildings site(s).

80.09 Finalization. After the Board approves the applicant's modification request pursuant to the requirements of this chapter and the Governing Documents, and the time period for member challenge of the approval has expired, the Manager shall:

- a. Verify that all the prerequisite conditions attached to the modification approval have been fulfilled and are in substantial conformance with the approval or conditioned approval granted by the Board.
- b. Upon the completion of the foregoing, prepare for recording with the San Diego County Recorder the approved modification and any conditions attached thereto (the "Amendment to Covenant Acceptance Agreement"). The Amendment to Covenant Acceptance Agreement shall be signed and notarized by the Manager and the applicable owners of the affected property, and shall contain a list of consenting property owners in the Consent Area.
- c. Direct the applicant to record with the San Diego County Recorder the Amendment to Covenant Acceptance Agreement. The applicant shall be responsible for the recording costs of all documents required to be recorded. The modification shall not be considered effective or complete until the Amendment to Covenant Acceptance Agreement is recorded by the applicant and a copy thereof is received and approved by the Manager.

80.0901 Time Requirements for Finalization. The property owner shall have up to one year, as determined by the Board, from the date of final Association approval pursuant to the Bylaws Article IV, Sections 6(b) and (d), to meet all the requirements and conditions of the approval necessary for the Manager to allow the applicant to record the modification document. If the conditions of approval are not met and the Amendment to Covenant Acceptance Agreement not recorded as outlined in §80.09 et. seq., the approval of the modification will be deemed null and void at the end of the one year time frame. No time extensions shall be granted.

80.10 Effective Date. The effective date of this chapter is June 1, 1995.

80.11 Amended Date. This chapter was amended on January 15, 1998. This chapter was amended and restated on November 1, 2007.

## CHAPTER 81

### ANNEXATION REGULATION

81.01 Scope and Purpose. The purpose of this regulation is to establish procedures and standards for the annexation of properties to the jurisdiction of the Protective Covenant, pursuant to the requirements of the Governing Documents.

81.02 Authority. These procedures are authorized by, and are intended to be consistent with the Protective Covenant, with specific reference to the applicable provisions in Declarations 1, 2 and 3 [Paragraphs 171, 231 and 259 respectively], and the Bylaws, with specific reference to Article IV, Section 6(c) and (d).

81.03 Application Submittal Requirements. Property owners (applicants) shall submit annexation applications with such documentation as is necessary for the Manager, the Art Jury and the Board of Directors (“Board”) to process and understand the proposal. Such submittals shall at a minimum include:

81.0301 Letter of Request. A signed letter from all owners of record requesting the annexation. This letter shall include the following:

- a. The proposed class of use district that the applicant is requesting for the subject property, as those classes are established in Article IV, Section 2 [Paragraphs 92-95] of the Protective Covenant; and
- b. A statement explaining the reason(s) for the annexation request.

81.0302 Proof of Ownership. A current copy of a recorded vesting deed, title report or other proof of ownership of the affected property in a form acceptable to the Manager to verify that all owners of record have signed the letter of request.

81.0303 Application Fee. The applicable annexation fee as stated on the current “Rancho Santa Fe Planning Department Schedule of Fees for Land Use Applications.” This fee is non-refundable and the applicant must remit such fee to the Association concurrently with the other documents described in this §81.03 for the application to be deemed complete.

81.0304 Property Map. A map, at a readable scale and in a form acceptable to the Manager, showing the property for which the annexation is being sought. This map shall include the following:

- a. The external boundaries of the property;
- b. The boundaries and location of any existing roads, driveways, and easements, drawn to scale with dimensions clearly shown;

- c. The boundaries and location of any existing buildings or other accessory structures, drawn to scale with dimensions and square footage clearly shown;
- d. The existing topography of the property shown in contours mapped at intervals of two feet; and,
- e. North arrow, written scale, graphic scale, vicinity map, legal description, tax assessor parcel number(s), county zoning, community plan designations, gross acreage, net acreage (net acreage shall be calculated based on the criteria in §60.0705 of Chapter 60 of the Code), number of lots, minimum acreage required per parcel, signature, address and telephone number of map preparer, pursuant to §81.0306, and signature(s), address(es) and telephone number(s) of property owner(s).

81.0305 Notice Map. The applicant shall submit a map delineating a distance of 300 feet, extending outward, from all external boundaries of the property proposed for annexation, for the purpose of noticing. This Notice Map must depict all parcels (including parcel portions) and the names of all property owners whose properties are under the jurisdiction of the Protective Covenant (herein referred to as “Covenant Ownerships”), if any, within the 300 foot distance.

81.0305.01 Exception: Minimum Number of Notices. The 300 foot distance from the subject property must include no fewer than 20 separate Covenant Ownerships. Multiple ownerships of the same parcel or parcels shall be considered as a single ownership. In cases where a distance of 300 feet would include fewer than 20 separate Covenant Ownerships, the distance shall be extended further outward from the subject property until it encompasses no fewer than 20 separate Covenant Ownerships. In no case, however, shall a distance of greater than 500 feet be required, the number of separate ownerships, if any, notwithstanding. In cases where the distance must be extended beyond 300 feet, a line delineating a distance of 500 feet from all external boundaries of the subject property shall be clearly depicted on the Notice Map.

81.0306 Preparer of Maps. A California registered civil engineer or California licensed land surveyor shall prepare, stamp and sign all maps.

81.0307 Reduced Maps. One reduced copy of each map required to be submitted in §81.0304 and §81.0305 (Property and Notice Maps) shall be submitted at the time of application. The reduced size maps shall be scaled to fit on an 8.5 x 11 inch sheet of paper and be legible and reproducible in black and white.

81.0308 Digital Files. Digital computer files of each map required to be submitted in §81.0304 and §81.0305 (Property and Notice Maps) shall be submitted at the time of application. Digital map files shall be submitted in a form acceptable to the Manager and shall be consistent in every detail with submitted paper plans. In the case of inconsistencies between digital and paper plans, the duly stamped and ink-signed paper plans shall prevail.

81.0309 Annexation with Concurrent Subdivision. The Board in their sole discretion may require an annexation and subdivision to be processed concurrently where more than one building site is proposed by an applicant. If the Board requires an applicant to process a

subdivision as a condition of a proposed annexation, the property shall not be annexed unless and until the Board approves the subdivision in accordance with Chapter 60 of the Code.

81.04 Application Review Process. Annexations must be approved by the Art Jury and the Board, pursuant to Declarations 1, 2 and 3 [Paragraphs 171, 231 and 259] of the Protective Covenant. Approval of an annexation (1) shall not be valid unless and until a public hearing is held on the application and (2) is subject to member petition and potential denial pursuant to Article IV, Sections 6(c) and (d) of the Bylaws. Final Association approval of a proposed annexation shall be evidenced by a recordable instrument prepared, signed, and notarized by the Manager and all owners of the annexed property (the "Covenant Acceptance Agreement").

81.0401 Notification. After the Manager or his or her designee determines the applicant's annexation application package is complete, the Manager or his or her designee shall notify the applicant in writing of the date the Manager has accepted the application as complete. The Association shall then post a notice of the proposed annexation on the Association's bulletin board and mail the notice to all owners of property under the jurisdiction of the Protective Covenant indicated on the Notice Map prepared pursuant to §81.0305 et. seq. above. The bulletin board posting and the postmark of the mailed notices shall be at least 15 days prior to the Art Jury's consideration of the application. The Association shall provide notice to all of its members of the Board's public hearing date to consider the application by posting the Board's agenda on the Association's bulletin board pursuant to the Association's standard agenda posting practice.

81.0402 Findings. The Board and Art Jury will review annexation applications on a case-by-case basis. The Board and Art Jury may approve or deny applications for annexations for any reason or for no reason, in their sole and absolute discretion. In general, the Board and Art Jury will only approve applications for annexation if the Board and the Art Jury, acting separately, determine that:

- a. The annexation and any conditions attached thereto will benefit the Association and,
- b. The annexation and any conditions attached thereto will have no foreseeable or unmitigable adverse effect on the Association.

81.0403 Considerations for Approval. In reviewing applications for annexation, the Art Jury and the Board will take into consideration, among other things, the size and topography of the site, the potential impact of the site on surrounding properties, and the impact of the annexation on Association capital facilities and services.

81.0404 Art Jury and Board Approval.

81.0404.01 Art Jury Review. The Art Jury will schedule the annexation application for review at a regularly scheduled meeting after the completion of noticing pursuant to §81.0401, subject to agenda constraints. Upon the Manager's determination that the necessary information has been provided, pursuant to §81.03 et. seq., the Art Jury will review the application and make their determination of approval, conditional approval or

denial. If the Art Jury denies the application, the review process is over and the applicant will be informed in writing that the application was denied.

81.0404.02 Public Hearing and Board Determination. If the Art Jury approves or conditionally approves the proposed annexation, the Board will review the application and the Art Jury's recommendation and conduct a public hearing on the application pursuant to the Bylaws Article IV, Section 6(c)(1). At or subsequent to the hearing, the Board shall approve, conditionally approve or deny the application. If the application is approved or conditionally approved, the applicant will be notified of the Board's approval, and notice will be posted on the Association bulletin board for 30 days. If the Board denies the application, the review process is over and the applicant will be informed in writing that the application was denied.

81.0404.03 Conditional Approvals. If both the Board and the Art Jury determine to conditionally approve an annexation but their recommended conditions of approval are not the same, then the following shall apply:

- a. If conditions affect different issues, then the applicant must comply with the conditions of both the Board and the Art Jury.
- b. If the Board and the Art Jury impose conditions that affect the same issue, the more stringent conditions shall apply.
- c. If the Board determines to impose a condition that is contrary to the Art Jury's condition(s), the Board shall return the application to the Art Jury for reconsideration of the opposing condition(s).
- d. If, subsequent to reconsideration as stated above in 81.0404.03(c), the Board and Art Jury's conditions of approval are still conflicting and not in accordance with §81.040403(a) or (b) above, the Board shall deem the application denied (since it would be impossible for the applicant to satisfy opposing conditions).

81.0405 Internal Annexations: Member Petition. Association approval of a proposed internal annexation is subject to member petition and potential denial pursuant to Article IV, Sections 6(c) and (d) of the Bylaws.

81.0406 External Annexations: Membership Vote. All external annexations (that is annexations of properties located outside that area described in Article IV, Section 6(c)(2) of the Bylaws) to the jurisdiction of the Protective Covenant must be approved by the Association voting membership, pursuant to Article IV, Sections 6(c) and (d) of the Bylaws.

81.0407 Processing Time Limitations. If the Board (and Association membership, if §81.0406 applies) fails to approve or conditionally approve the applicant's annexation application within six months after the Manager accepts the application as complete, the annexation application shall be deemed expired and the Association shall close its file, with no refund or credit of fees to the applicant.

81.05 Conditions of Approval. As a condition of annexation, the Board or Art Jury may require the applicant to effect specified changes to the subject property and its improvements as well as provide additional benefits to the Association including, but not limited to, dedicated open space, trail easements, capital facilities or a contribution to capital facilities and other monetary fees and assessments. The Board and Art Jury may also impose conditions that prohibit the applicant from expanding existing non-conforming improvements or require the applicant to alter or remove some or all of the non-conforming improvements (To the extent the Board and Art Jury allow the property to be annexed with non-conforming improvements, the annexation shall not serve as a precedent for proposed improvements on the same property or on other properties). The Art Jury and the Board may require such conditions and/or contributions as will, in their opinion, fulfill the findings established in §81.0402(a) and §81.0402(b) above. All required conditions of approval shall be clearly stated in the Board's resolution of approval of the annexation and the Covenant Acceptance Agreement.

81.06 Class of Use District. The Art Jury and the Board shall establish the class of use district for the subject property. The established class of use district shall be stated in the Board's resolution of approval of the annexation and shall be contained in the recorded Covenant Acceptance Agreement.

81.07 No Changes Allowed to Property. Between the date the Manager notifies the applicant that the annexation application is complete, and the date the Manager approves the applicant's recorded Covenant Acceptance Agreement (as described in Section 81.08(d) below), the applicant shall not construct new improvements, modify existing improvements, grade or otherwise alter the existing landscape in any way, other than those improvements and alterations that the Board or Art Jury may expressly require as a condition to their approval of the annexation application. If any of the foregoing occurs *before* the Board or Art Jury has approved or conditionally approved the annexation, the annexation application shall be deemed void. If any of the foregoing occurs *after* the Board and Art Jury have approved or conditionally approved the annexation, then (1) the Board's and Art Jury's annexation approvals shall be automatically rescinded, (2) the annexation application shall be deemed void and (3) the applicant shall immediately return any unrecorded Covenant Acceptance Agreement to the Manager; provided, however, if the Board and Art Jury both determine in their sole and absolute discretion that the applicant's modifications to the improvements or land (1) are inconsequential and immaterial and (2) do not affect the Board's and Art Jury's prior findings of approval, then the applicant shall be permitted to finalize their annexation application and record the Covenant Acceptance Agreement.

81.08 Finalization. Upon the applicant's receipt of all annexation approvals pursuant to the requirements of this chapter and the Governing Documents, the Board shall direct the Manager to:

- a. Collect any and all monetary fees and assessments and accept any dedications which are associated with the annexation approval.
- b. Instruct the applicant to prepare all easements, record them with the San Diego County Recorder and file copies of any recorded easements that are a condition of the annexation approval with the Association. The applicant shall provide drafts of all recordable documents to the Manager for review to ensure their acceptability prior to recording. Recordation and recordation costs are the responsibility of the applicant.



- c. Verify that all the prerequisite conditions to the recordation of the Covenant Acceptance Agreement have been fulfilled and are in substantial conformance with the approval or conditional approval granted by the Association.
- d. Upon the completion of all of the foregoing, prepare for recording with the San Diego County Recorder acceptance of an annexation into the Rancho Santa Fe Protective Covenant (Covenant Acceptance Agreement) pursuant to Declarations No. 1, 2 and 3 [Paragraphs 171, 231 and 259 respectively] of the Protective Covenant. The annexation shall not be considered effective or complete until the applicant files the Covenant Acceptance Agreement for record in the Office of the San Diego County Recorder and delivers a copy thereof to the Manager, and the Manager approves the recorded Covenant Acceptance Agreement in writing.

81.09 Time Requirements for Finalization. The applicant will have one year from the date of final Board or Association membership approval pursuant to the Bylaws Article IV, Section 6(c), (2) or (3), whichever is applicable, to satisfy all the requirements and conditions of the approval necessary for the Manager to allow the applicant to record the Covenant Acceptance Agreement. If the applicant fails to timely satisfy the Board's and Art Jury's conditions of approval or fails to timely record the Covenant Acceptance Agreement, as outlined in §81.08 et. seq., within one such year period, the approval of the annexation will be deemed null and void at the end of the one year time frame. No extensions shall be granted.

81.0901 Time Requirements for Concurrent Subdivision Processing. Notwithstanding §81.09 above, if the Board in their sole discretion, requires the concurrent processing of a subdivision application, then the date for the applicant to satisfy annexation conditions directly relating to finalization of the subdivision shall be automatically extended to coincide with the date(s) set forth in §60.0803, §60.0804 and §60.0804.01 of Chapter 60.

81.10 Effective Date. The effective date of this chapter is June 1, 1995.

81.11 Amended Date. This chapter was amended at §81.0501 and §81.06, §§81.03(e.), 81.0301, 81.0301.01 and 81.0302 were added on April 17, 1997. This chapter was amended at §81.11(b, c and d) on January 15, 1998. This chapter was amended and restated on April 17, 2008.

# Appendix

**Exhibit A to Chapter 46**  
**Signs -- White-On-Brown Approved Areas**  
**(Non Street Frontage Areas)**

SEE COREL DRAW FILE FOR THIS PAGE

**Exhibit A to Chapter 47**  
**Rancho Santa Fe Village Plan**

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