

ARCHITECTURAL RULES AND PROCEDURES

Draft document dated 08 August 2017

**Posted for comment prior to RB Swim and
Tennis Club Board Meeting to be held on**

Tuesday 19 September 2017

Rancho Bernardo Swim & Tennis Club –

Architectural Rules and Procedures

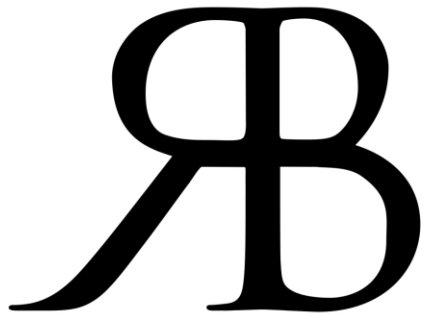
POSTING of Document:

Purpose: To memorialize the process used by the Architectural Committee to review and document improvement applications, violation investigations and enforcement processes, and establish a fine schedule.

Effect: To be clarification of those items (review and document improvement applications and violation investigations and enforcement processes, and establish a fine schedule).

Posted: 18AUG17

RBSTC Board of Directors is requesting member input. The Rules and Procedures will be voted on for adoption at the 19SEP17 regularly scheduled Board meeting.



RANCHO BERNARDO
SWIM & TENNIS CLUB

**ARCHITECTURAL RULES
AND
PROCEDURES**

RBSTC ARCHITECTURAL RULES and PROCEDURES

FORWARD

The Covenants, Conditions and Restrictions (CC&Rs) governing the Architectural Control of the 33 Subdivisions under the Rancho Bernardo Swim and Tennis Club (RBSTC) Architectural Committee, hereinafter referred to as the Committee, provide that all properties shall be properly maintained and that the design of building law of the Committee.

State law directs the community to adopt rules and procedures to accomplish its architectural objectives. The Board of Directors of the RBSTC hereby adopts the Architectural Rules and Procedures set forth herein. The Board of Directors of the RBSTC has the power to revise these rules and procedures from time to time as it deems appropriate. These Architectural Rules and Procedures supersede and cancel similar policies and/or rules adopted prior to the date of this document.

The Architectural Rules and Procedures are established for the protection and enjoyment of all homeowners in the subdivisions/ community and are strictly enforced.

Copies of the Architectural Rules and Procedures can be downloaded from the RBSTC webpage at www.rbstc.com. Hard copies are available from the RBSTC for a fee.

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1.0 ARCHITECTURAL PHILOSOPHY AND REVIEW CRITERIA

There are 33 subdivisions with individual CC&Rs within the scope of the RBSTC Architectural Committee, hereinafter referred to as the Committee. They include Bernardo Greens, Bernardo Hills, Gatewood Hills and Greens West, except for Greens West No. 1.

The CC&Rs are generally provided to homeowners by the Title Company as part of the escrow package at the time of home purchase. They continue to encumber the properties through subsequent ownership changes. Title documents indicate that homeowners must comply with the CC&Rs.

Copies of the currently effective CC&Rs are on line at the RBSTC website, www.rbstc.com under the heading “Architectural Committee”. Reference to the correct edition of the CC&Rs for any individual address can be obtained from the RBSTC at 858-487-5002.

Hard copies of the CC&Rs can be obtained at the RBSTC for a fee.

The CC&Rs provide that the design of building construction and /or proposed property improvements/changes to the outside of the building or to a lot require the prior approval of the Committee. They also provide that all properties and lots should be adequately maintained by the homeowner.

The Committee strives to work in cooperation with the homeowners to make the community a desirable place to live, work and play.

A primary function of the Committee is to review all plans for construction of property or proposed improvements/changes to dwelling and/or to the lot, to ensure that the design is in line with the

CC&Rs and the Architectural Rules and Procedures and that the improvement/change is harmonious with other properties within the community.

Decisions are based the CC&Rs and the Architectural Rules and Procedures, on aesthetic considerations and on the overall benefit or detriment which would result in the immediate vicinity and in the community. In making decisions, the Committee strives to be fair, objective, impartial and understanding of individual needs and goals. It does not seek unnecessarily to restrict taste or individual preferences.

The Committee also considers Reports of Possible Violations submitted by homeowners in the community.

As a first step, in addressing a perceived violation as reported by a homeowner, it is preferred that affected homeowners work together to resolve issues of possible violations.

When a Report of Possible Violation is filed, the Committee visits the properties associated with such reports and makes decisions on the validity of the possible violation based on the CC&Rs and Architectural Rules and Procedures. If a report of a possible violation is deemed valid, the Committee works with the homeowner to correct. In extreme cases (for example, where there is a health or safety issue), the Committee is permitted to refer the matter immediately to the Board for possible legal action.

While the Committee attempts to maintain the confidentiality of reports submitted by owners, it is not always possible to do so,

particularly when legal proceedings are contemplated. Anonymous complaints will not be considered.

1.1 ARCHITECTURAL COMMITTEE PROCEDURES

1.1.1 MEETINGS

The Committee currently meets every Saturday morning at 8:30 am at the RBSTC, unless otherwise posted on the RBSTC Notice Board.

Committee visits to properties occur, as needed, on Saturday mornings from 9:00 am onwards.

Homeowners can make an appointment to meet with the Committee to discuss issues related to their property or to a violation by calling the Committee telephone number at 858-729-1232. Homeowners may be seen without an appointment as time allows.

A meeting agenda is posted on the RBSTC Notice Board prior to the meeting.

Minutes of the Committee meeting are kept.

1.1.2 COMMITTEE PROCEDURES FOR APPLICATIONS FOR IMPROVEMENTS

The Committee reviews incoming Applications for Improvements filed by homeowners and reports of possible violations of the CC&Rs filed by homeowners on forms specified for this purpose by the Committee. Such forms are available at the RBSTC and on the RBSTC

website at www.rbstc.com under the heading Architectural Committee. Copies are also attached to this document.

1.1.2.1 PLAN SUBMISSIONS AND COMMITTEE REVIEW

FOR APPLICATIONS FOR IMPROVEMENT for new buildings, or modifications/changes to existing buildings/lots the Committee require detailed plans and drawings, including a digital copy of such, for the proposed Improvement including but not limited to:

FOR STRUCTURAL CHANGES – detailed plans including design details and drawings indicating the scope of the Improvement including description of materials to be used, color swatches for stucco and paints, roofing material samples and specifications. The footprint of existing buildings must be depicted on the plan, as well as property lines and setbacks.

FOR LANDSCAPING – landscaping plans showing location and type and size of intended plantings including trees, ground cover, driveway, patios and pathways. Any proposed alteration to existing drainage patterns or irrigation systems must be reflected as well.

FOR FENCING OR WALLS – plans showing the location and height of proposed fences or walls, including retaining walls, and description of materials to be used. Plans to include footprint of existing buildings, property lines and setbacks. A sample of the proposed material may be required by the Committee.

FOR EXTERIOR PAINTING – color swatches for stucco and paints. If fascia/trim is to be painted a different color than the main color, samples of trim color must also be submitted.

FOR RE-ROOFING - samples of roofing and specifications

FOR SOLAR PANELS- plan with location of panels and manufacturer’s specifications

Applications also require a proposed start and proposed finish date for the project.

Incomplete Applications may be returned for re-submission prior to consideration. Submission of an incomplete application will not start the time limit for Committee review.

A copy of the Application form and attached plans, as approved, will generally be retained by the Committee.

The Committee shall be allowed a period of 30 days to review any submitted and complete Application for Improvement.

Applications for Improvement or alteration are initially reviewed by the Committee at a scheduled Committee meeting and a decision made as to whether a site visit is needed or not.

If a site visit is deemed necessary, this is usually scheduled for the next scheduled Committee meeting date and the applicant/homeowner is called to schedule the visit.

After the visit, a Committee decision is made to Approve/Disapprove the Application, the Application for Improvement form is

appropriately stamped and the applicant/ homeowner is notified by mail.

If a visit is not deemed necessary, the Application is either Approved or Disapproved and the Application for Improvement form appropriately stamped and dated. The homeowner is notified of the decision by mail.

Decisions for Approved Applications are posted on the RBSTC Notice Board on the Tuesday following the meeting.

Approval decisions are valid for one year and projects not completed in this time must be resubmitted for re-approval. Applicants are required to notify the Committee in writing of completion of the Improvement.

1.1.2.1.1 APPEAL/HEARING PROCEDURE

A Committee decision to disapprove an application may be appealed to the Board of Directors of the RBSTC.

A written application for appeal/hearing and reconsideration of the Committee decision must be mailed to the Board within 15 days of the mailing date of the Committee decision. The application for reconsideration/appeal must include the basis for the appeal and summary of relevant facts.

The appeal/hearing shall be heard at the next scheduled Board meeting. The hearing shall be held in open session unless the homeowner requests an executive session.

In urgent cases, an extraordinary meeting of the Board may be called.

The applicant (homeowner) may present the case for the appeal/hearing in writing or in person by appearing before the Board.

An oral presentation by the property owner should not exceed 15 minutes, except that the Board Chairman may allow additional time.

The Board may request a site visit before reaching a decision.

Within 15 days of the appeal/ hearing, the Board must provide a written decision to the applicant.

1.1.3 COMMITTEE PROCEDURES FOR REPORTS OF POSSIBLE VIOLATION OF THE CC&Rs

Reports of possible violations of the CC&Rs are reviewed at a scheduled meeting of the Committee and may be assigned to a member of the Committee to co-ordinate the investigation and action as needed.

Reports of Possible Violation of the CC&Rs may involve a Committee visit to the site of the alleged violation.

Assessment of the validity of the report and action needed is made by the Committee at a scheduled Committee meeting. Photos are taken when needed to assist decision making and for the purpose of record keeping.

If the Report is not considered valid by the Committee, the complainant is advised in writing that the violation is not considered valid.

If the report is considered valid,

- **The homeowner of the property in question is advised in writing that a complaint has been filed and found to be valid. The letter includes an expected course of action and timeline to rectify the violation.**
- **If the violation is not rectified within the specified time, a second letter is sent advising the homeowner again of required course of action with second timeline and advising that if not rectified there may be consequences, including referral to the Board for possible fining.**
- **If the violation is still not rectified within the specified time, a third letter is sent to the homeowner advising that the violation is being referred to the Board of Directors of the RBSTC for action, including possible fining. Such a letter shall include the date of the Board meeting and shall indicate the right of the homeowner to appeal and to appear at the Board meeting.**

1.1.3.1. RIGHT OF APPEAL/HEARING

The homeowners appeal should include the basis for the appeal and summary of relevant facts.

The appeal/hearing shall be heard at the next scheduled Board meeting. The meeting shall be held in open session unless the homeowner requests an executive session.

In urgent cases an emergency meeting of the Board may be called.

1.1.3.2 THE APPEAL/HEARING PROCEDURE

The applicant (homeowner) may present the case for the appeal in writing or in person.

An oral presentation by the homeowner should not exceed 15 minutes, except that the Board Chairman may allow additional time. The Board may request a site visit before reaching a decision.

The Board shall give a written decision to the homeowner within 15 days of the appeal/hearing.

Possible decisions include upholding the original decision of the Committee and imposing a fine at the rate of \$100/day if the required course of action to correct the violation is not under taken within a specified time.

In some cases where the situation is rectified prior to the Board meeting, the Board may authorize the Committee to institute fining at a later date should the violation reoccur.

Once fining is imposed the Board may proceed with collection of the fine through small claims court if the required rectifying course of action is still not undertaken.

Further legal action may be taken if the situation requires.

1.2 POINTS FOR CONSIDERATION IN COMMITTEE DECISION MAKING

Decisions are based the CC&Rs and the Architectural Rules and Procedures, on aesthetic considerations and on the overall benefit or

detriment which would result in the immediate vicinity and in the community.

1.2.1 VIEW

Committee decisions on Applications for Improvement or on Reports of a Possible Violation of the CC&Rs involving an alleged impairment of view, shall include an assessment as to whether the proposed improvement or possible violation does obstruct a view and/or would obstruct a view from a lot.

No improvement or existing landscaping may be allowed to unreasonably obstruct the “primary view corridor” from another lot.

The “primary view corridor” shall mean the best and most important long range view from a lot. Long range view shall generally mean a view of a golf course or mountains or other scene.

The primary view corridor shall be determined from the primary ground level assembly area within the property or from the ground level exterior patio, deck or lawn area adjacent to the property, as determined by the Committee.

In determining whether there is an unreasonable obstruction of a view, the Committee may also take into consideration factors such as whether the obstruction is at the edge or center of the primary view corridor, whether the obstruction blocks the view of a prominent landmark and/or such other factors as the Committee shall deem to be significant.

The Committee may require a homeowner to trim, prune, or remove any landscaping which the Committee reasonably believes obstructs the “primary view corridor” from any other lot.

The Committee and the Board of Directors of the RBSTC shall be the final arbiter of what constitutes the primary view corridor, whether a lot is a “view lot” and/whether or not proposed improvement or condition upon a lot unreasonably obstructs view.

1.2.2 BUILDING ALTERATIONS AND ADDITIONS

All building alterations and additions require prior approval by the Committee. Detailed plans must be provided to the Committee as indicated in Section 1.1.2.1 above.

The proposed improvement and /or modification must be compatible with the established and existing architecture and/or landscape elements including similar quality of workmanship and materials, color and construction details. Any improvement and /or modification must not substantially interfere with neighbors views, as defined by the Architectural Committee.

Any addition must be constructed in such a way as to seamlessly blend in with the construction of the home and not appear as an obvious addition.

1.2.3 EXTERIOR PAINTING/COLORS

All exterior colors and finishes are subject to prior Committee approval. A color swatch or swatches must accompany all Applications for In Improvement involving change of colors to the exterior of the property.

Colors used on buildings, houses, fences, landscaping and any other additions should be compatible with the surrounding neighborhood and community. Trim and garage door color should be complimentary to the house color.

1.2.4 EXTERIOR PARKING

Vehicles shall not be parked off the driveway, on the grass and/or landscaping at the front of the property or on any other non-driveway areas on the lot.

Recreational vehicles (RV), boats and trailers and any other vehicles except for cars and golf carts must never be parked on the driveway or elsewhere on the property/lot. A RV may be parked on the driveway for up to 48 hours but only for the purpose of loading/unloading.

1.2.5 FENCING, WALLS, HEDGES AND TREES

All new fences/walls/retaining walls and hedges and trees are subject to prior Committee approval. Detailed plans must be provided to the Committee as indicated in section 1.1.2.1 above.

All applications for new / replaced fencing/walls/retaining walls and hedges will result in a visit by the Committee prior to approval. Also in the case of lots with a view, each Application for Improvement shall be considered individually to consider the configuration of the lot and impact, present and future on the view from the applicant's lot, the surrounding lots and the community as a whole.

Non-view lot fencing shall not exceed a height of 5 feet. In a considered exception, the fence will be allowed to go as high as 6 feet.

Solid fencing on a lot with a view should be no higher than 2 feet across the back. Solid fencing on the sides of a lot with a view should be no higher than 2 feet within 15 feet of the back of the property. If there is a need for higher fencing, such as round a pool, wrought iron or other see - through fencing is allowed upon a proper showing but should never exceed 5 feet.

All fences facing the street should have the finished side facing the street and the posts and rails facing the interior of the lot.

Lots that have a property line at the top of a bank adjoining a view lot may not put fencing of any kind across the back or side of the lot as to impede the view of the property above.

Lots that have a property line at the bottom of the bank parallel to a street may not put fencing of any kind below the top of their lot grade i.e. the top of the bank.

In the case of a shared fence, a good neighbor fence is allowed with the agreement of both neighbors impacted by the fence. This means

that every 8 feet the finished side of the fence alternates so that both neighbors have a share of the finished side and post and rail side.

Back to back fencing is not allowed. Where a fence already exists on a property, the adjacent property owner may not erect a fence that runs parallel to the existing fence.

No chain link fencing is allowed to the front of a property.

Trees, hedges and shrubs and other landscaping materials shall not be placed on a lot or allowed to grow on a lot to such a height or thickness as to interfere with the view of neighboring properties, as determined by the Committee.

1.2.6 LANDSCAPING INCLUDING SLOPES AND BANKS

New landscaping (including hardscaping) on a lot, and changes to existing landscaping (including hardscaping) on a lot are subject to prior Committee approval. Detailed plans must be provided to the Committee as indicated in section 1.1.2.1 above.

Applications for substantial new landscaping shall warrant a visit to the property prior to approval. The Committee must fully understand the scope and possible impact of the project on the lot, on the property, on neighbor's lots, on neighbor's views and on the community, now and in the future.

It is a requirement of the CC&Rs that all lots be landscaped, including front and rear yards, side yards and banks and slopes. Landscaping shall include but not be limited to such features as grass, artificial

grass, rocks and other ground cover, trees and shrubs and other plantings, patios, pathways and driveway.

Widening of existing driveways will be considered by the Committee on a case by case basis where necessary to accommodate modern vehicles.

It is also a requirement of the CC&Rs that all landscaping to front and rear yards, side yards and banks and slopes should be kept, maintained, watered, planted and replanted so as to prevent erosion and to present an attractive appearance.

A lot is considered appropriately maintained if the yards and slopes and banks are neat and tidy and free of garbage, trash and debris, the yards and slopes and banks are free of weeds, there is ground cover such as grass, rocks or shrubs and other plantings and no bare earth, shrubs and trees are trimmed and not of such a height as to obstruct a neighbors view and ground cover and shrubs are not growing over a sidewalk. Grass lawns should be “substantially green” defined as at least 75% green.

Trees should generally be no higher than the roof of the property. However, if there is no impact on the view of neighbors this may be allowed. Trees and shrubs should not be planted so as to interfere with neighbor’s views, as determined by the Committee.

1.2.7 BUILDING MAINTENANCE

It is a requirement of the CC&R’s that all buildings on a lot be kept and maintained to present an attractive and neat appearance and in good

order and repair including, but not limited to all painted or stained surfaces, fences and walls and roofing.

1.2.8 ROOFS

All new or replacement roofs must be approved by the Committee prior to installation. A sample of the tile to be used must accompany the Application for Improvement.

Roofing materials to be used must be compatible with roofs in the surrounding neighborhood. For all neighborhoods except Bernardo Hills, roofs should be of roof tile.

Composition shingles may be approved in Bernardo Hills.

Roof color should be complimentary to house color.

1.2.9 SECOND STORY ADDITIONS

CC&Rs may specify that buildings on a lot shall be one story only or may allow for a second story, if approved by the Committee.

All proposed second story additions require prior approval of the Committee, and where the CC&Rs specify a single story, the Committee shall not approve an application for another story.

In making a decision on Applications for Improvement to add a second story to an existing one story property the Committee shall take into consideration the design of the building, the impact of the second story on the views of surrounding neighbors and the overall benefit or

detriment which would result to the immediate vicinity and community.

1.2.10 SHEDS

All sheds require the prior approval of the Committee.

Applications for Improvement for the addition of Sheds on a lot shall be considered on a case by case basis.

In making a decision the Committee shall consider the size and positioning of the shed on the lot, the materials and color of the shed and proposed landscaping near and around the shed.

The shed must not be obviously visible from the street and to neighbors on either side and from above or below. The materials and color of the shed should be compatible with the house.

Landscaping should be used to minimize the impact of the appearance of the shed.

1.2.11 MOBILE STORAGE UNITS AND DUMPSTERS

Mobile storage units such as Pods and dumpsters may be stored on a driveway for up to 72 hours to allow for loading and unloading.

The prior approval of the Committee is needed for storage for longer than 72 hours.

The Application for Improvement needs to state the reason for the storage unit/dumpster and estimated duration for storage on the driveway.

1.2.12 TRASH CANS

All trash cans must be stored out of sight of the street on days other than designated trash collection days. Trash cans should be placed to the curb the evening before the day of trash collection and returned to storage the evening of trash collection.

1.2.13 SIGNAGE

For sale and for rent signs should be no bigger than 9 inches by 12 inches.

Small SOLD/ IN ESCROW signs or riders such as VIEW/SWIMMING POOL etc. may be added.

1.2.14 SATELLITE DISHES

Satellite dishes require the prior approval of the Committee and generally approved subject to size and location.

1.2.15 SOLAR PANELS

Solar panels require the prior approval of the Committee. Detailed plans must be provided to the Committee as indicated in section 1.1.2.1 above.

Approval is based on applicable California law.

1.2.16 HOLIDAY DECORATIONS AND LIGHTS

Outside seasonal, festive or holiday decorations and lights shall be installed no more than 30 days prior to the event date and shall be removed no later than 30 days after the event date.

ARCHITECTURAL COMMITTEE
16955 Bernardo Oaks Drive
San Diego, CA 92128-2166
(858) 729-1232

FILE# _____
Date Received _____
Membership # _____
Sub-division _____

APPLICATION FOR ARCHITECTURAL COMMITTEE APPROVAL OF EXTERIOR IMPROVEMENTS

**APPLICANTS ARE REMINDED THAT NO IMPROVEMENTS MAY
PROCEED WITHOUT PRIOR APPROVAL BY THE COMMITTEE**

Applicant's Name _____

Owner's Address _____

Owner's Phone: Residence _____ Business _____

Address of Project _____

E-mail address: _____ (Preferred method of communication)

1. Approval of following project(s) is/are requested: (Use reverse side if necessary)

| | |
|---|-------------------------------------|
| Will there be a Storage Unit/ Dumpster on site? Please circle one YES NO | If YES; how long? _____ DAYS |
|---|-------------------------------------|

PROPOSED START DATE: _____

PROPOSED COMPLETION DATE: _____

Homeowner's Signature(s) _____ Date _____

NEIGHBORS' ADVISORY/REVIEW:

Have your neighbors been informed? Please circle one YES NO

6. COMMITTEE PROCEDURES: The Architectural Committee meets every Saturday at 8:30 a.m. It inspects current Application sites as needed, the following Saturday. Decisions will be communicated by mail.

- An agenda for the meeting will be posted on the Swim and Tennis Notice Board each Friday morning prior to the Saturday morning meeting. The agenda will list the address for each new Application for Approval of Exterior Improvements and a brief description of the improvement sought e.g. fence to rear of property, paint exterior etc. Addresses for Reports of Possible Violations and the violation will not be itemized on the agenda.

- For consideration at a Saturday morning meeting, Applications for Approval of Exterior Improvements and Reports of Possible Violations of CC&R's must be received at the Swim and Tennis Club by the previous Thursday Noon.

- Applications must be complete. Incomplete Applications may not be considered and may be returned to the applicant for completion and resubmission for consideration.

- Visits to properties, as needed for a Committee decision, will be scheduled for the Saturday a week after the original Committee review of the Application.

- Decisions on Applications for Approval of Improvements will generally be made by the Committee at the Saturday meeting where the Application is considered, when no site visit is deemed necessary, or on the Saturday of the visit to the property. The applicant will be notified of the decision by mail.

- Actions on Possible Violations will generally be made by the Committee on the Saturday of the visit to the property. These will be communicated to both the owner of the property in question and the complainant.

