

Document approved and adopted by Rancho Bernardo Swim and Tennis Club at Board meeting May 17, 2022



## 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 construction and property improvements require the prior approval 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.

These Architectural Rules and Procedures apply to all 33 Subdivisions unless the CC&Rs for a tract provide otherwise.

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.

Copies of the Architectural Rules and Procedures can be downloaded from the RBSTC webpage at [www.rbstc.com](http://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, including 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. The law requires owners to comply with the CC&Rs.

Copies of the currently effective CC&Rs are on line at the RBSTC website, [www.rbstc.com](http://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 on 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 the violation. 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.

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### **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 website at [www.rbstc.com](http://www.rbstc.com) under the heading "Architectural Committee".

##### **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 requires detailed plans and drawings, including a digital copy of such, where possible, 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.

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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 60 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.

If a visit is not deemed necessary, the Application is either Approved or Disapproved and the Application for Improvement form appropriately stamped and dated.

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 President 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.

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### **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.

### **1.1.4. ENFORCEMENT PROCEDURES**

If the Report of Possible Violation of the CC&Rs 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. The complainant is advised of the first letter being sent to the homeowner.
- 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 enforcement.
- 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 enforcement. 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.

#### **1.1.4.1. APPEAL/HEARING PROCEDURE**

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.

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 President 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.

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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 (RULES)**

Decisions are based on 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.

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” and/or whether or not proposed improvement or condition upon a lot unreasonably obstructs the 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.

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### **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 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**

Passenger cars and 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 area on the lot.

Recreational vehicles (RV), boats and trailers and any other vehicles except for passenger vehicles (cars and golf carts) must not be parked on the driveway or elsewhere on the property/lot.

By exception, 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.

Lots without a "primary view corridor" fencing shall be allowed to go as high as 6 feet with Committee approval.

Solid fencing/walls on a lot with a "primary view corridor" should be no higher than 2 feet across the back. Solid fencing on the sides of a lot with a "primary view corridor" should be no higher than 2 feet within 15 feet, or such additional feet as may be permitted by the CC&Rs for a particular tract. 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 can never exceed 5 feet.

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.



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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.

In the case of a fence owned by one neighbor only, the finished side may face that neighbor's yard except that all fences facing the street should have the finished side facing the street and the posts and rails facing the interior of the lot.

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

Applications for new landscaping per this paragraph may warrant a visit to the property prior to approval at the discretion of the Committee. 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 "primary view corridor" 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.

It is also a requirement 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 "primary view corridor" and ground cover and shrubs are not growing over a sidewalk. Subject to any state or federal laws addressing this issue, grass lawns should be "substantially green", as determined by the Committee.

Trees should generally be no higher than the roof of the property. However, if there is no impact on the "primary view corridor" 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.

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

### **1.2.7 BUILDING MAINTENANCE**

It is a requirement of the CC&Rs 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 design.

Composition shingles can 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 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.

### **1.2.11 SHEDS**

All sheds, freestanding as well as those placed on a constructed base.

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.

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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.

### **1.2.12 MOBILE STORAGE UNITS AND DUMPSTERS AND PORTA POTTIES**

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 or in cases of emergency.

The Application for Improvement form contains a section which allows the applicant to indicate that a storage unit/dumpster and/or porta pottie is needed during the Improvement work to be undertaken and to indicate the estimated duration of storage of the unit/dumpster and/or porta pottie on the driveway.

### **1.2.13 TRASH CANS**

All trash cans including recycling and green bins 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.

### **1.2.14 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.

### **1.2.15 GOLF SCREEN AND NETTING**

All installations of golf screen and/or netting applications are viewed with disfavor as they do not enhance the aesthetics of the community and are subject to prior committee approval. Detailed plans must be provided to the committee with the application as indicated in section 1.1.2.1 above.

All applications for golf screens and/or netting will result in a visit by the committee prior to possible approval.

The committee decision shall be based on but not limited to the following considerations.

The location of the property in relation to the golf course.

The history of golf balls entering the lot.

Whether the property has had any modifications or changes to the property or lot which result in a possible increase in vulnerability from the original configuration.

The proposed height, material, and color of supporting poles.

Whether the golf screen/netting is permanent or portable.

The configuration of the lot and the impact, present and future on the view from the applicant's lot, the surrounding lots and the community as a whole.

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Each application for a golf screen/netting shall be considered individually.

### **1.2.16 ACCESSORY DWELLING UNITS (ADU)**

All proposed detached ADU and proposed ADU that require an extension or change to the outside structure or appearance of the primary residence require the prior approval of the Committee.

Detailed plans must be submitted to the Committee as indicated in section 1.1.2.1 above.

These plans should include the proposed plans for the ADU structure and any proposed changes to landscaping and access to yard space as a result of the ADU construction and the occupancy of the ADU.

All applications for an ADU will result in a visit by the Committee prior to approval.

The proposed ADU structure must be compatible with the established and existing architecture and/or landscape elements including similar quality of workmanship, materials used, color and construction.

Any ADU must not substantially interfere with neighbors views, as defined by the Committee.

In reviewing a proposed ADU for approval the Committee will consider:

- The proposed position of the ADU in relationship to the primary residence, the golf course and neighbors properties.
- The compatibility of the design and structure of the ADU with the design and structure of the primary residence.
- Any impact on neighbors views, as defined by the Committee.
- Any impact of proposed changes to landscaping and use of yards.

Approval will be based on applicable California law.