

Date: February 7, 2019
To: The Covenant Design Review Committee (the “CDRC”), Consulting Architects for the CDRC and the Manager of the Rancho Santa Fe Association
CC: Rancho Santa Fe Association Building Department Staff
From: The Board of the Rancho Santa Fe Association (the “Board”)
Re: Oversight of the CDRC and Other Issues

Oversight

The Board has been advised by legal counsel that the CDRC is subject to the Board's oversight and supervision. The Davis-Stirling Common Interest Development Act and California Corporations Code mandate that the Board has the ultimate direction of its activities. It is the responsibility of the Board to ensure that the CDRC enforces the Protective Covenant, Regulatory Code and Residential Design Guidelines on a fair and consistent basis. Only in the event of extraordinary circumstance should an exception be made.

It is the Board’s opinion that the CDRC should evaluate each project it considers in light of the theme statement set forth in the foreword to the Guidelines:

Rancho Santa Fe is traditionally defined by its subdued, rural character which is achieved by:

- *site design which preserves natural landforms and reduces the obtrusiveness of new construction*
- *architecture which represents restraint and simplicity through designs whose mass and scales are subordinated to natural surroundings*
- *landscaping which is informal and makes maximum use of prevailing natural and traditional plant materials*

Responsibility of the Staff of Building Department

The role of the Building Department staff is to:

- Assist members of the CDRC to interpret and enforce the Covenant, Code and Guidelines on a fair and consistent basis;
- Conduct a preliminary check of plans submitted for review to ascertain that those plans conform with the Covenant, Code and Guidelines. If plans are noncompliant, it is the role of the staff to communicate with the applicant and the architect and try to correct the matter before the plans are forwarded to the CDRC; and
- Ascertain that an applicant is in good standing before submitting plans to the CDRC.

Concerns and Recommendations

While there are areas of the Covenant, Code and Guidelines that are subject to the opinion and discretion of the CDRC, there are concerns within our community about the interpretation and enforcement of those documents and the overall deliberative process of the CDRC. Specifically, members of the Board and our community have noted excessive grading, projects with unrestrained mass and scale, and buildings that are inconsistent with Latin-type design. The CDRC should:

- Give great care when considering grading, mass and scale and type of design. The decisions made by the CDRC are not temporary and leave a lasting mark on our rural community;
- Focus its work on enforcement of the Covenant, Code and Guidelines. Discussion about design elements that do not pertain to that enforcement should not be permitted.

- Give heed to the counsel of the Building Department staff;
- Not be swayed by the number of times a project is resubmitted. Decisions made and requirements issued by the CDRC at one meeting should be observed/enforced at the next and not changed unless there is a material reason to do so, not just because the applicant is unwilling to abide by the previous decisions and requirements. The reason for a change made by the CDRC should be documented in the minutes of the meeting in which the change was made; and
- Not be influenced by a relationship a member of the CDRC may have with an applicant, architect, designer or other party involved or interested in the deliberative process. Such independence enables the CDRC to make decisions and issue requirements on fair and consistent basis. A member of the CDRC, as does each Board member, needs to be alert to even the appearance of a conflict of interest and should consider recusal in appropriate circumstances.

Conclusion

It is not the responsibility of the Board to regulate the CDRC or to be another layer of the CDRC. Rather, it is the responsibility of the Board to ensure that decisions made by the CDRC are fair, consistent and faithful to the Covenant, Code and Guidelines. If questions arise as to the propriety of a proposed course of action, the CDRC is encouraged to seek the advice of the Board liaison.

The Board appreciates the contribution members of the CDRC make to our community and encourages the CDRC to work in an efficient and respectful manner.

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Re: Building Materials

With the continued concerns regarding certain architecture and materials that might be used in the construction of buildings, the Association Board will consider at its March meeting the proper interpretation of paragraphs 155 through 159 of the Protective Covenant. Pending this review, please hold off approving any materials to be used on the exterior of a project that may be considered faux or imitation per Paragraph 155, except as provided with respect to roofing materials in the Rancho Santa Fe Regulatory Code, Section 31.0305.02.

