

**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.

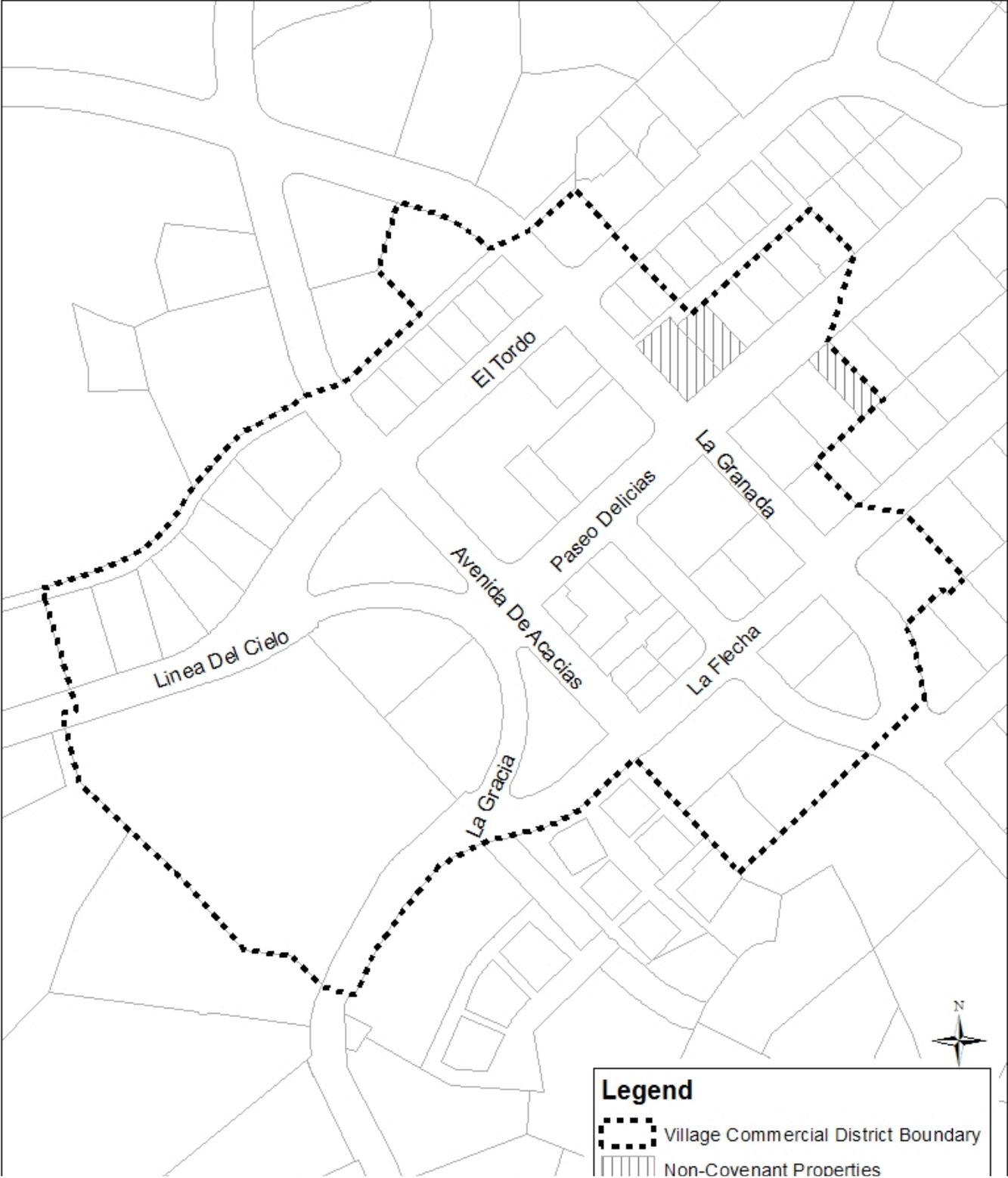
47.1204.03 Where feasible and not obstructive of safe vehicular visibility requirements, trellis plantings (vines, etc.) or Espaliers shall be placed within five (5) feet and on both sides of Underground Parking Structure entrances.

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**



**CHAPTERS 48 THROUGH 59 RESERVED**