

Present: President Jack Queen, Vice President Paul Slater and Member Michael Hammes

Also Present: Building Commissioner Robert Green, Senior Planner Kirk Dakan, Associate Planner Arnold Keene, Consulting Architect Andrew Wright and Administrative Assistant Jasie Gan

Absent: Secretary Diane Larsen and Member Bruce Hall

The Minutes of the March 25, 2008 meeting were approved as written.

**Staff Reports:**

Manager Pete Smith updated the Art Jury on the school's plans to remodel. The Art Jury discussed the school project.

Manager Pete Smith updated the Art Jury on the Rababy litigation.

The Art Jury voted to rescind the benefits provided for fire victims if they are undertaking work without permits in violation of the Covenant or if they are making insignificant revisions in response to multiple Art Jury requests for redesign. This shall be determined by the Art Jury on a case by case basis.

**Consent Calendar:** A motion was made, seconded and passed to approve the consent calendar.

**REGULAR AGENDA ITEMS:**

Chicago Trust Property I.D. 36.7.3  
Workshop Application: Tennis Court, Bocce Ball Court, Grading, Retaining Walls, Fencing

The Art Jury made the following comments:

**Overall Comment:**

Applications have been made for accessory facilities (tennis court, horse-keeping) on separate lots but which appear to be ancillary to the main residence which is also located on a separate, different property. These facilities appear to be part of the amenities for an overall estate comprising several adjoining and non-contiguous lots which the Art Jury understands from past Art Jury actions and the owner's representatives are under the same ownership.

The Art Jury considers that the addition of a tennis court and horse keeping facilities to an overall estate could be acceptable in principal, subject to the review and approval of plans and subject to such accessory uses being integrated into the landscape features of the site in an aesthetically pleasing manner consistent with the Rancho Santa Fe Protective Covenant.

The Art Jury considers that the current design for both the tennis court and the horse-keeping site do not minimize grading and are not integrated with landscape features of the particular sites which they are currently proposed to be placed on. Additionally there are design issues with the proposed stable and a portion of one of the properties is being used in violation of the Protective Covenant (see comments below).

The Art Jury encourages the applicant to examine the overall estate (currently in multiple separate lots) and consider placing the proposed uses on sites and in locations which would minimize grading and better integrate the uses into the natural features of the particular site.

Please consider preparing an overall master plan for the properties which would facilitate placing the proposed accessory uses where the least disruption to natural features would result.

Please additionally note that if individual accessory uses are submitted on separate lots the Art Jury has no option but to assume that the lot could be separately sold in the future and will be developed as a separate residence site. Any accessory facilities will therefore be considered with this in mind. If the overall plan is to create extensive amenities for an estate which now encompasses several separate lots, an easier course of action would be to merge the lots into a single large estate.

### **Detailed Comments.**

#### **Tennis Court**

1. Current placement of the tennis court does not retain the natural features of the site.
  - a. Excessively high retaining walls are proposed (up to 10').
  - b. Grading in 25% slopes will be necessary (this is prohibited by the Rancho Santa Fe Regulatory Code). Grading of slopes less than 25% and the creation of retaining walls in this location as proposed is also not aesthetically pleasing to the Art Jury.
2. If a separate lot is to be retained, please show a potential realistic residence footprint.

RLMC, LLC

Property I.D. 36.7.4

Workshop Application: Barn (4,660 sq. ft.), Grading, Retaining Walls, Fencing,  
Request to keep 3 horses on 3.45 acres

The Art Jury made the following comments:

#### **Overall Comment:**

Applications have been made for accessory facilities (tennis court, horse-keeping) on separate lots but which appear to be ancillary to the main residence which is also located on a separate, different property. These facilities appear to be part of the amenities for an overall estate comprising several adjoining and non-contiguous lots which the Art Jury understands from past Art Jury actions and the owner's representatives are under the same ownership.

The Art Jury considers that the addition of a tennis court and horse keeping facilities to an overall estate could be acceptable in principal, subject to the review and approval of plans and subject to such accessory uses being integrated into the landscape features of the site in an aesthetically pleasing manner consistent with the Rancho Santa Fe Protective Covenant.

The Art Jury considers that the current design for both the tennis court and the horse-keeping site do not minimize grading and are not integrated with landscape features of the particular sites which they are currently proposed to be placed on. Additionally there are design issues with the proposed stable and a portion of one of the properties is being used in violation of the Protective Covenant (see comments below).

The Art Jury encourages the applicant to examine the overall estate (currently in multiple separate lots) and consider placing the proposed uses on sites and in locations which would minimize grading and better integrate the uses into the natural features of the particular site.

Please consider preparing an overall master plan for the properties which would facilitate placing the proposed accessory uses where the least disruption to natural features would result.

## Detailed Comments.

### Horse-keeping

1. The Art Jury recommends placing horse-keeping uses in flatter areas; in locations which are still screened and which can accommodate proposed uses without excessive grading.
2. The proposed horse keeping facilities do not appear to be practicable for the following reasons:
  - a. The barn appears to contain a fourth stall. The Rancho Santa Fe Regulatory Code allows consideration of a maximum of 3 horses for this site.
  - b. No manure disposal facilities are shown.
  - c. The barn contains no tack facilities.
  - d. The barn contains a loft which is not generally practical for feed storage due to loading constraints.
  - e. Grading would be necessary for the proposed riding arena which is inadequate in size. A more practical use of this site would include a round pen, and a pasture on the location of the arena.
3. Please reduce the bulk/height of the barn and move it to a flatter location.
4. Please reduce the amount of cut/fill associated with the proposed uses. Integrate the facilities into the site and minimize the alteration of natural features.
5. Retain as many existing mature trees as possible and incorporate them into the site plan. Show mature trees on site survey.

### Covenant Violation

The house appears to be in use as a residence for estate workers in violation of Par. 88 of Protective Covenant which states the following:

*"A 'single family dwelling' is a dwelling for one family alone, having but one kitchen and within which not more than five (5) persons may be lodged for hire at one time, provided that reasonable quarters may be built and maintained in connection therewith for the use and occupancy of servants or guests, of said family, and that such quarters may be built and maintained as a part of the main building or with the written approval of the Association and the Art Jury in a separate detached accessory building or buildings on the same lot, or as a gatelodge, provided said accessory buildings be not at any time rented or let to persons outside the said family and that they be occupied and used only by persons who are employed by or are the guests of the family, and provided further that no rooms shall be constructed, altered or maintained for sleeping purposes on any floor except the ground floor of any accessory building except on a lot with an area in excess of twenty thousand (20,000) square feet."*

Within 21 days of this letter please cease the use of the residence at 16336 Rambla de las Flores as lodging for workers, or file an application for the review of the Association Board and Art Jury which would include an application to combine the 16336 Rambla de las Flores site with the site for the main house located at 16350 Rambla de Las Flores and a request approval to use this detached building as quarters for workers.

### Clark

Property I.D. J.2.7

Workshop Application: Residence/Garage (5,434 sq. ft.), Attached Covered Areas (549 sq. ft.), Grading, Retaining Walls, Fencing, Entry Gate/Pilasters, Pool/Spa

The Art Jury reviewed the revised application and made the following comments:

1. **Please redesign the building to significantly reduce the bulk per prior Art Jury comments.**
2. Two story building elevations were submitted. Please submit the correct elevations showing a single story building per the prior Art Jury comments.
3. Plans show the note "3:1 slope" yet no proposed contours are shown for this particular area. Please provide existing and proposed grades per the prior Art Jury comments.
4. The Art Jury repeated their prior comments from the letter dated March 13, 2008 as follows:

*"In the opinion of the Art Jury the bulk of the proposed residence and guest house is far too large. The proposed house and guest house do not blend with the landscape features of the site and the result is not*

*aesthetically appealing. Please eliminate the proposed detached guest house; reduce the bulk of the residence; reduce the building's prominence and provide more room around the structure for landscaping."*

*In reviewing the new application, the Art Jury noted the following:*

- 1. Although the building has been revised, the redesign has not addressed the above comment about reduction in size (in fact the building has increased in size – prior submission 6,498 sq. ft.; this submission 6,540 sq. ft.). Please SIGNIFICANTLY reduce the bulk of the building. The proposed building is far too large for the limited building pad.*
- 2. Please clarify existing and proposed grades on plans (plans show a 3:1 grading note).*
- 3. Please reduce the number of garages.*
- 4. Please eliminate the second story. This item would be unduly prominent on this "skyline" site.*
- 5. Please eliminate the guest house.*
- 6. Please reduce amount of paving.*
- 7. Please relocate entry to the house to reduce intrusion of grading/ retaining walls onto slopes.*
- 8. Please move the building back away from slopes all around to allow landscape screening.*
- 9. Please provide Fire Department stamped plans for any new structure.*
- 10. Submit another Workshop Application.*

Please refer to all prior Art Jury correspondence.

Please note that the Art Jury determined that application regular fees will now be levied for this proposal and the project will be subject to the regular Association review timelines since insufficient revisions are being made in response to Art Jury requests. The resubmission fee for this application will be \$275.00.

Pinkalla                      Property I.D. 19.2.5  
As-Built Application: Shade Structures

The Art Jury DEFERRED the As-Built Application with the following comments:

Submit complete plans indicating all "as-built" shade structures both at the pool area and the Lago Lindo side of the residence. Submit revised plans by the April 25, 2008 deadline to be reviewed at the May 6, 2008 meeting.

Woolley                      Property I.D. 31.2.2  
As-Built Application: Replace Wooden Ramp with Concrete Ramp

The Art Jury DEFERRED the As-Built Application with the following comments:

The Art Jury requested that a representative from the post office who is responsible for the operation of the above facility attend the next Art Jury meeting of April 21, 2008 and provide response to the items which were identified as violations of the Protective Covenant in the Art Jury letter dated February 28, 2008.

## **DISCUSSION ITEMS:**

### Solar Facility Guidelines

Senior Planner Kirk Dakan presented the updated Solar Facility Guidelines to the Art Jury. A motion was made, seconded and passed to approve the guidelines for public distribution.

### Chapter 45 Tennis Court Regulation Update

Building Commissioner Robert Green presented the revised Tennis Court Regulation to the Art Jury.

A motion was made, seconded and passed to send the revised regulation to the Update Committee.

**CONSENT 1 AGENDA ITEMS:**

Buechler Property I.D. 6.1.5  
Preliminary Application: Detached Garage (1,104 sq. ft.) with Nanny's Quarters and Workout Room (894 sq. ft.) on 2<sup>nd</sup> Floor, Remodel Bedroom, Outdoor Fireplace

The Art Jury DEFERRED the Preliminary Application with the following comments:

1. Please further revise the second-floor covered patio off the workout room:
  - a. The large span of the arch still appears out of proportion with the mass of the second floor and results in an insubstantial appearance for the stucco mass above the arch.
2. Please maintain an authentic structural appearance for the cantilever shown on the southeast elevation by having brackets at the outside corners of the cantilever.
3. Please revise the pedestrian "bridge" (and its supporting structure) that leads from the main residence to the second floor of the detached garage.
  - a. It is suggested that the bridge have a solid stucco base that continues to the ground to give it visual weight. The current design for the bridge has a very "light-weight" appearance that is inconsistent with the solidity of the traditional, Mediterranean design of the adjacent buildings. The bridge appears as a contemporary, connecting "deck" rather than an integral part of the rest of the design.
4. Please submit a landscape plan (stamped Approved by the Fire Department) for the area surrounding the new detached garage.

Daily Property I.D. 35.5.1  
Preliminary Application: Install Shelters over Existing Corrals, Request to keep 4 horses on 4.08 acres

The Art Jury APPROVED the Preliminary Application as a Final Application subject to the following condition:

1. Landscaping is required to screen the project from off-site. If for any reason the final, approved landscape installation does not meet this objective, the Association may require additional plantings, pursuant to Regulatory Code Section 42.0302. Any existing vegetation not shown and approved on the plans as "to be removed" shall be considered "Critical View" landscaping as defined in that regulation. Any trees or landscaping damaged or destroyed during construction or transplanting shall be replaced in-kind with new materials prior to Final Inspection of the landscaping.

The Art Jury has conditionally approved the application to keep 4 horses on 4.08 acres. This approval will not be final until after the horse keeping facilities are constructed and Association staff has approved a final inspection. No horses are to be brought onto the property until after final inspection is approved.

Kalench & Broyles Property I.D. J.2.4  
Preliminary Application: Residence/Garage (8,672 sq. ft.), Attached Covered Areas (1,526 sq. ft.), Pool House (436 sq. ft.), Grading, Landscape

The Art Jury DEFERRED the Preliminary Application with the following comments:

1. Please resubmit a Preliminary Application incorporating the following revisions:
  - a. Please lower the height of the structure by a minimum of three feet (by one or a combination of both) of the following ways:
    - i. Reduce the plate heights in the first and second floors. Volume on the second floor can be achieved with a vaulted ceiling.

- ii. Lower the finish floor elevation. The southern end of the proposed house is currently designed to be four feet higher than the existing grade.
  - b. Revise the story poles to reflect the revision to the height. The Art Jury will view the revised story poles and determine if the three-foot reduction is sufficient. Furthering lowering of the ridgeline could be required if it is determined that the structure is still too tall.
  - c. Relocate the Fire Department hammerhead from the garage backup to the guest parking area in the front yard.
    - i. This relocation would reduce the garage backup dimension by ten feet thus allowing the bottom of the slope/retaining wall to be moved further to the south, in turn allowing a more gradual slope than 2:1 and require less cut in the driveway area.
    - ii. A hammerhead in the front yard would still be less than 150 feet from the driveway terminus (as typically required by the Fire Department).
2. Please revise the landscape plan as follows:
  - a. The Art Jury noted the extensive use of *Tristania Conferta* in 24" box containers. Please use a tree with a broader growth habit for filtering of the residence from off-site views. Larger containers shall be incorporated to provide sufficient sized trees for filtering of the residence at early stages.
  - b. Incorporate additional tree species in the plan to add more interest and variety to the plan.
  - c. Landscape plans shall indicate any existing trees on the site.
  - d. Incorporate additional trees and shrubs between the driveway and property line for screening of the residence from the adjoining property.
  - e. Landscape plans shall indicate proposed fencing and gates on the property.
  - f. Avoid the use of large areas of groundcover as presented in the front yard area. Incorporate shrubs and trees to avoid the man-made appearance that groundcovers present.
  - g. Landscaping along roadways shall be compatible with the surrounding natural landscapes. Revise the design to a more natural appearance that provides filtering of the residence from the street.
  - h. Submit a RSF Fire Department approved landscape plan with all Preliminary submittals.
  - i. The Art Jury suggested low mounding between the street and the front lawn area may assist in landscape screening of the residence.

Redlinger

Property I.D. 43.2.8  
Final Application: Addition (840 sq. ft.)

The Art Jury APPROVED the Final Application subject to the following conditions:

1. Prior to issuance of a building permit, submit to staff an approval from the RSF Association's Historic Preservation Committee.
2. Colors and materials shall match the existing building.
3. Landscaping is required to screen the project from off-site. If for any reason the final, approved landscape installation does not meet this objective, the Association may require additional plantings, pursuant to Regulatory Code Section 42.0302. Any existing vegetation not shown and approved on the plans as "to be removed" shall be considered "Critical View" landscaping as defined in that regulation. Any trees or landscaping damaged or destroyed during construction or transplanting shall be replaced in-kind with new materials prior to Final Inspection of the landscaping.

Remley

Property I.D. 36.11.7  
Workshop Application: Addition (104 sq. ft.), Attached Covered Areas (215 sq. ft.), Barn (1,045 sq. ft.) with Covered Area (525 sq. ft.), Guesthouse (873 sq. ft.) with Covered Area (525 sq. ft.), Grading, Retaining Walls, Entry Gate/Pilasters

The Art Jury made the following comments:

### **Main Residence Remodel**

The proposed remodel is not acceptable and would not be approved if it were submitted as a Preliminary Application. If the applicant wishes to pursue a remodel of the house it will be necessary to create an entirely new concept. The Art Jury likes the architecture shown in the submitted design images booklet; however, the remodel is not consistent with the architectural genre depicted in the submitted photos. The existing home does not lend itself to being remodeled into the architecture shown in the images booklet; therefore, the remodel appears “forced” without an aesthetic result for the proposal. It would be more productive to work with the existing form of the house rather than trying to impose an entirely different design-type on the structure.

### **Guesthouse/Stable/Driveway Gate**

The Art Jury will not comment on the guesthouse, stable or driveway gate until the design issues with the main residence described above are resolved.

Please do not pursue any further work on the guesthouse/stable or driveway gate until a new concept for the remodel of the main residence has been reviewed and found acceptable by the Art Jury. The development of the property must be done in a comprehensive manner with all of the various new and remodeled elements working together to create a unified whole. Therefore, it would be premature to continue any further design work on the property while the appearance of the dominant design element (the main residence) has not been decided.

### **Process**

Please create an entirely new concept and submit another Workshop Application.

Vajda Family  
Trust

Property I.D. 29.5.12  
Final Application: Ground Mounted Photovoltaic System

The Art Jury APPROVED the Final Application subject to the following conditions:

1. Please submit a landscape plan for the north side of the facility for staff review and approval prior to issuance of a permit.
2. Landscaping is required to screen the project from off-site. If for any reason the final, approved landscape installation does not meet this objective, the Association may require additional plantings, pursuant to Regulatory Code Section 42.0302. Any existing vegetation not shown and approved on the plans as “to be removed” shall be considered “Critical View” landscaping as defined in that regulation. Any trees or landscaping damaged or destroyed during construction or transplanting shall be replaced in-kind with new materials prior to Final Inspection of the landscaping.

Vajda

Property I.D. 29.5.16  
Final Application: Ground Mounted Photovoltaic System

The Art Jury APPROVED the Final Application subject to the following conditions:

1. Please submit a landscape plan for the west and north sides of the facility for staff review and approval prior to issuance of a permit.
2. Landscaping is required to screen the project from off-site. If for any reason the final, approved landscape installation does not meet this objective, the Association may require additional plantings, pursuant to Regulatory Code Section 42.0302. Any existing vegetation not shown and approved on the plans as “to be removed” shall be considered “Critical View” landscaping as defined in that regulation. Any trees or landscaping damaged or destroyed during construction or transplanting shall be replaced in-kind with new materials prior to Final Inspection of the landscaping.

Williams Property I.D. 2089.28.1  
Final Application: Addition (293 sq. ft.)

The Art Jury APPROVED the Final Application subject to the following conditions:

1. Colors and materials shall match the existing building.
2. Landscaping is required to screen the project from off-site. If for any reason the final, approved landscape installation does not meet this objective, the Association may require additional plantings, pursuant to Regulatory Code Section 42.0302. Any existing vegetation not shown and approved on the plans as "to be removed" shall be considered "Critical View" landscaping as defined in that regulation. Any trees or landscaping damaged or destroyed during construction or transplanting shall be replaced in-kind with new materials prior to Final Inspection of the landscaping.

Zekelman Property I.D. 12.2.4  
Preliminary Application: Addition (1,302 sq. ft.), Tennis Bath (120 sq. ft.), Cabana (785 sq. ft.), Retaining Walls

The Art Jury APPROVED the Preliminary Application subject to the following conditions:

1. Colors and materials shall match the existing building.
2. Landscaping is required to screen the project from off-site. If for any reason the final, approved landscape installation does not meet this objective, the Association may require additional plantings, pursuant to Regulatory Code Section 42.0302. Any existing vegetation not shown and approved on the plans as "to be removed" shall be considered "Critical View" landscaping as defined in that regulation. Any trees or landscaping damaged or destroyed during construction or transplanting shall be replaced in-kind with new materials prior to Final Inspection of the landscaping.

**CONSENT 2 AGENDA ITEMS:**

Smith Property I.D. 33.7.7  
Final Application: Addition (230 sq. ft.)

The Art Jury APPROVED the Final Application subject to the following condition:

1. Landscaping is required to screen the project from off-site. If for any reason the final, approved landscape installation does not meet this objective, the Association may require additional plantings, pursuant to Regulatory Code Section 42.0302. Any existing vegetation not shown and approved on the plans as "to be removed" shall be considered "Critical View" landscaping as defined in that regulation. Any trees or landscaping damaged or destroyed during construction or transplanting shall be replaced in-kind with new materials prior to Final Inspection of the landscaping.

**ART JURY SITE VISITS:**

The Art Jury made site visits from 1:30 to 3:15 p.m. to the following locations:

Name	Address
Floit	Via a la Casa
Kastner	La Valle Plateada
Paxton	Via del Alba
Pinkalla	Avenida de Acacias
Roland	Zumaque
Ryan	Avenida de Acacias

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*Vice President*