

CHAPTER 45

TENNIS COURT AND RECREATION AREA REGULATION

45.01 Scope and Purpose. The following regulation is established to protect residential areas from incompatible land uses, and to ensure that Tennis Courts and other Recreation Areas are integrated into the community in an aesthetically pleasing manner while preserving the landscape features of the site in accordance with the provisions and goals of the Protective Covenant. This regulation is intended to prevent adverse effects on the visual amenity of the Rancho Santa Fe Covenant by requiring that the construction and use of Tennis Courts and other Recreation Areas be aesthetically pleasing.

45.02 Definitions.

45.0201 “Tennis Court” and/or “Recreation Area” mean a surface that is improved, constructed, graded or laid out for use, and/or intended to be used, for playing or practicing any game, including but not limited to tennis, volleyball, racquetball, baseball, paddle tennis and basketball or as determined by the Art Jury.

45.03 Permit Requirement. No one shall construct a Tennis Court and/or Recreation Area without first (1) submitting an application to the Art Jury for its review, (2) obtaining the Art Jury’s approval of such application and (3) obtaining a building permit from the Association.

45.04 Application Submittal Requirements. The applicant must submit the following to the Art Jury for its review in connection with any application under this Chapter: application form, application fee, plans, elevations, sections, fence designs, grading and landscaping plans depicting the proposed Tennis Court and/or Recreation Area, as well as surrounding properties, and other materials as deemed appropriate by the Art Jury to assist in its evaluation.

45.0401 Grading Plan Submission Standards. All grading plans shall be prepared by registered civil engineers. A grading plan shall include a topographic map (prepared within the last 2 years) of current conditions, depicting all of the following:

- a) Existing and proposed contours mapped at two (2) foot intervals in different line weights such that the existing and proposed grades are easily distinguishable;
- b) Existing slopes in excess of 10 percent colored in red;
- c) All proposed retaining walls, with the top of wall (T.O.W.) and bottom of wall (B.O.W.) identified every ten (10) lineal feet; and
- d) The locations of all neighboring residences abutting the site.

45.0402 Application form. The application shall be completed and signed by the property owners of record or the owners’ authorized representative.

45.0403 Processing fee. The application shall be accompanied by a fee as stated on the current “Rancho Santa Fe Building Department Schedule of Fees”. This fee is non refundable.

45.0404 Elevations. The application shall be accompanied by elevations depicting all improvements, buildings, fences and structures at a scale of 1/4” to one foot.

45.0405 Sections. Multiple sections through the Tennis Court or Recreation Area shall be submitted showing the maximum differences in elevation (if any) across the proposed court or recreation area by showing the existing and proposed contours and finish grade elevations.

45.0406 Landscaping plans shall be submitted showing proposed landscaping, landscaping to be retained and any landscaping to be removed.

45.0407 Site plan. The application shall be accompanied by a site plan depicting the following:

- a) All existing and proposed improvements
- b) North arrow, scale, property lines
- c) Easements
- d) Site area
- e) Setbacks

45.05 General Review Criteria. In reviewing applications for Tennis Courts and/or Recreation Areas, the Art Jury shall consider setbacks, topography, proposed grading, distance from adjacent habitable structures, existing site development, landscaping, the cumulative number of buildings and accessory uses located on the property, the appearance of the proposed improvements (including but not limited to the appearance, size and extent of fencing and retaining walls) and other criteria as deemed appropriate by the Art Jury to ensure that the proposed improvements are consistent with and comply with all of the provisions and goals of the Rancho Santa Fe Protective Covenant and Regulatory Code.

45.06 Specific Review Criteria. In reviewing applications for Tennis Courts and/or Recreation Areas, the Art Jury (and applicant, as applicable) shall comply with the following specific requirements and limitations:

45.0601 Prominence. In order to preserve the rare landscape features of the community, the Art Jury shall not approve any Tennis Court and/or Recreation Area which would be, in the Art Jury’s opinion, conspicuously visible from the street or other properties.

45.0602 Topography and Grading. Tennis Courts and/or Recreation Areas shall be integrated with natural landforms in an aesthetically pleasing manner which minimizes alteration of the natural features of the site. The more that a Tennis Court and/or Recreation Area is integrated with the landscape features of the site by minimizing grading, retaining walls and prominence, the more likely the Art Jury will approve the proposal. In particular:

45.0602.01 The amount of grading associated with Tennis Courts and/or Recreation Areas shall be limited. Tennis Courts and/or Recreation Areas shall be located on flatter topography which is more suitable for the large, flat surfaces which are characteristic of this type of use. Any proposed grading shall be minimal, with only limited use of retaining walls for fill slopes. Limited cut slopes are preferred to fill.

45.0602.02 Wherever possible, Tennis Courts and/or Recreation Areas shall be recessed into the grade to assist with screening the facilities to the maximum degree possible.

45.0602.03 If the slope is 10% or greater, the Art Jury shall review the application with greater scrutiny because of the potential for greater adverse aesthetic impacts on the landscape features of the site.

45.0603 Slope Restrictions. Tennis Courts and/or Recreation Areas are usually flat by nature. Because these facilities also often occupy a large area, the construction of these facilities in slopes could result in unsightly grading and retaining walls. Thus, there is a presumption against the location of Tennis Courts and/or Recreation Areas in sloping areas of a site in terrain with significant slopes. In order to approve a Tennis Court and/or Recreation Area, the Art Jury must make the following three findings:

45.0603.01 Where Tennis Courts and/or Recreation Areas are proposed on terrain with significant slopes, they shall be placed parallel and not perpendicular to the contours;

45.0603.02 The proposal shall be integrated with the landscape features of the site by minimizing grading, retaining walls and prominence;

45.0603.03 The proposal shall insure a uniform and reasonably high standard of artistic result, as required by the Rancho Santa Fe Protective Covenant Paragraph 46.

45.0604 Cumulative Number of Buildings and Accessory Uses. The Art Jury shall consider the proposed Tennis Court and/or Recreation Area in relation to the existing level of development already occupying the site. The Art Jury shall not approve the addition of Tennis Courts and/or Recreation Areas when it considers that the site already contains such a density or amount of buildings and accessory uses that the further extension of the developed areas would detract from the landscape features of the site, and/or that such an increased density of development would not insure a uniform and reasonably high standard of artistic result, as required by the Rancho Santa Fe Protective Covenant Paragraph 46.

45.0605 Minimum Required Lot Size. Tennis Courts are prohibited in residential districts of Class Use A and L when such property is less than two (2) gross acres in size. Minimum lot size requirements for tennis courts on Use Class properties other than Use Class A and L will be determined by the Art Jury based on site-specific criteria on a case-by-case basis pursuant to the other provisions of this Chapter.

45.0606 Surface Colors. Tennis Court and/or Recreation Area playing surfaces which can be viewed from off-site locations, shall be turf or colored forest green or other such muted colors, as approved by the Art Jury.

45.0607 Fencing. All Tennis Court and/or Recreation Area fencing shall be black vinyl chain link with flat-black painted posts. Any proposed screen fabric shall be reviewed and approved by the Art Jury. Abbreviated court fencing should also be used. No applicant shall install any new fencing or replacement fencing unless such fencing has been reviewed and expressly approved by the Art Jury.

45.0608 Landscaping. All Tennis Courts and/or Recreation Areas shall be completely screened with landscaping to the satisfaction of the Art Jury.

45.0609 Lighting. Lighting of Tennis Courts and/or Recreation Areas and related facilities is prohibited.

45.07 Burden of Proof. The burden is on the applicant to demonstrate to the satisfaction of the Art Jury that the Tennis Court and/or Recreation Area will (1) comply with the requirements of this Chapter and the Protective Covenant, (2) integrate with the landscape features of the site and (3) insure a uniform and reasonably high standard of artistic result, as required by Rancho Santa Fe Protective Covenant Paragraph 46.

45.08 Effective Date. The effective date of this chapter is July 21, 1994.

45.09 Amended Date. This chapter was amended at 45.02 on January 15, 1998. This chapter was amended and restated on November 20, 2008.