

CHAPTER 30
REGULATIONS SUBJECT TO THE ISSUANCE
OF BUILDING PERMITS

30.01 Scope and Purpose. The following regulations are adopted to establish application procedures and standard conditions relative to the issuance of Association building permits.

30.02 Regulations Reflected on Application Form. Sections 30.04 through 30.0411 below shall be printed in their entirety (excepting paragraph numbering and syntactical words shown in brackets) on the reverse side of the Association's Construction Permit Application form; and

30.03 Regulations Reflected on Acknowledgment Form. Sections 30.05 through 30.0505 below shall be printed in their entirety (excepting paragraph numbering and syntactical words shown in brackets) on the Association's "Standard Condition Acknowledgment" form, and, together with other standard conditions as directed by the Art Jury, shall be acknowledged by each applicant upon approval of an Art Jury action and prior to the issuance of a construction permit.

30.04 Permit Application Obligations and Acknowledgments. Application is [hereby] made to the Association and the Art Jury through the office of the Building Commissioner for a building permit in accordance with the description and for the purposes hereinafter set forth on the reverse hereof. [This] application is made subject to the following covenants and conditions which are hereby agreed to by the [undersigned] applicant and which shall be deemed minimum conditions of the permit:

30.0401 Public Site Limitations. The permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place.

30.0402 Permission Per Plans. [This] permit does not include permission to construct any structure (including but not limited to walls, garage, fence, outbuilding, and signs) not clearly shown on plans submitted herewith and that for each additional structure not so shown, a new or modification of a permit must be obtained.

30.0403 Limitations, Governing Documents. [This] permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be, prohibited by the Association or its governing documents, or that is contrary to or prohibited by the restrictions of record applicable to said property.

30.0404 Limitations, Title. The granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

~~30.0405 Construction in Advance of Permits. Construction started prior to Association permit issuance shall be subject to the enforcement procedures contained in Chapter 2 of this Code, which may include a \$500 special assessment, suspension of membership privileges, recordation of a notice of noncompliance and possibly other costs and penalties.~~

30.0406 Member in Good Standing. Prior to Art Jury consideration of an application, all of the member's assessments and dues must be current.

30.0407 Expiration of Art Jury Approval. The Association will issue a building permit upon applicant's satisfaction of all of the Art Jury's conditions of approval. Art Jury approval conditions expire at the end of six months for preliminary style check submittal and at the end of one year for final submittal. One time extension (administrative) may be requested prior to expiration. If an approval expires, a new application must be filed and processed. The Association does not give notice to an applicant in advance of an upcoming expiration date.

30.0408 Expiration of Building Permit. An issued building permit expires at the end of one year. One time extension (administrative) may be requested prior to expiration. If a permit expires, a new application must be filed and processed. The Association does not give notice to an applicant in advance of an upcoming expiration date.

30.0409 Application Requirements. All applicants shall process their applications in accordance with the Association's then existing Development Review Procedures, Site Concept Workshop Submittal Requirements (if applicable), Preliminary Style Check Submittal Requirements (if applicable), Final Submittal Requirements, and building inspection schedule.

30.0410 Temporary Construction Sign Requirements. All applicants for construction projects which require permits are also required to indicate an acknowledgment of the Temporary Construction Sign Regulation. [Please check one of the following statements:]

- () Acknowledges receipt of a copy of the Temporary Construction Sign Regulation and elects not to post any such sign during the construction applied for; or
- () Acknowledges receipt of a copy of the Temporary Construction Sign Regulation and hereby petitions the Association Board of Directors for permission to place a sign of the size and design and in the location as shown on the attached drawings.

[Acknowledgment to be executed:] I have carefully examined and read the foregoing application and know the same is true and correct, and that all provisions of the Protective Covenant, Bylaws, and Regulations will be complied with at all times during construction, whether herein specified or not.

30.05 Standard Conditions. [Owner and contractor] agree that in the performance of work of construction covered by the Association Building Permit, [they] will fully abide by applicable

provisions of the Protective Covenant, the Bylaws of the Association, and such other regulations adopted by the Rancho Santa Fe Association or its officers or agents, relating to building and construction on real property subject to the jurisdiction of the Protective Covenant. Without limiting the generality of the foregoing, the following requirements in particular will apply:

30.0501 Acknowledgment Requirement. The owner and contractor must sign and return [the acknowledgment] this letter prior to receiving a building permit.

30.0502 Landscape Maintenance Requirement. Any landscape screen specifically required as a condition of a permit shall be permanently maintained and replaced in kind if disease or removal occurs. The replacement of the landscape shall be subject to a schedule approved by the Association.

30.0503 Underground Utility Requirement. All electric light and telephone connections from building to existing main trunk lines in streets, alleys or along private rights-of-way shall be installed in underground conduits, except that with the approval of the Association in writing, certain exemptions may be granted. Pad-mounted or underground transformers are required.

30.0504 Temporary Storage Requirement. Temporary construction sheds will be removed from the building site when the permanent building can adequately house tools and equipment. [It is understood that] temporary construction sheds cannot be utilized as living quarters. Temporary construction sheds should be located in unobtrusive locations; screening and/or alternate locations may be required for those structures that are inappropriately screened and/or sited.

30.0505 Breach Liability. In the event of a breach [of the conditions] hereof by owner and/or contractor, all costs, expenses and damages directly or indirectly resulting therefrom, including a reasonable attorney's fee incurred in enforcing the provisions hereof, will be paid to the Association.

30.06 Amended Date. The original §30.0407 was rescinded on April 17, 1997. This regulation was amended at §§30.0405, 30.0407, 30.0503 and 30.0504 on January 15, 1998.