

Director Report – August 25, 2021
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Proposed Agenda Items & Rationale

A) Change Wood Percentage Regulations

- 1) **Describe the Item:** Eliminate all percentages associated with amount of wood for all buildings, both in existing regulations (Chapter 49, Exterior Materials) and new “in-process” Materials regulation draft.
- 2) **Provide Information:** Our current regulation for the percentage of wood, as a specific building material, are by nature arbitrary and not required by the PC. Wood is simply not a “preferred” material per Par.159. However, wood is not prohibited and is also referenced as a building material in Par.155.

Present Item for Discussion/Approval

- 1) **Background:** Wood is one of many building materials used over the past 100 years in our community. There is no need per the PC to limit amount of wood used to any specific percentage. This is an item for Art Jury discretion.
- 2) **Description of Specific Issue:** Percentage of wood for construction is arbitrary in current regulations. Wood has been used for decades in our community and is the most common building material for California Ranch style homes, which have been deemed “Latin-inspired” since they evolved as an Americanized version of early Spanish hacienda style homes in our area starting in the 1930s.
- 3) **Proposed Solution:** Simply eliminate all wording in both Chapter 49 and in the currently in-process new Materials Regulation draft that pertain to a limiting percentage of wood usage.
- 4) **Financial Impact:** None
- 5) **Board Action:** Since the use of wood is not prohibited in the PC and is referenced in Par.155, there is not a need for community input to eliminate the regulation for the amount of wood allowed. We should place on the RSFA Agenda and vote.
- 6) **Recommendation:** Eliminate all percentages pertaining to both current and future wood restrictions and leave to discretion of Art Jury.

B) Allow for the use of Certain Textures of Hardie Board (or Similar products) in new “in-process” Materials Regulation draft.

- 1) **Describe the Item:** Prior to Resolution 2019-103, the use of Hardie Board or similar products was allowed by the Art Jury for many years.

- 2) **Provide Information:** This restriction regarding a superior, durable, flame resistant masonry building material is in conflict with the safety of our community. Even the versions of approved fire-resistant treated wood will burn, it just takes longer than untreated wood. Conflicting paragraphs of the PC in regards to this new building material (that was not available in 1928) can be resolved through use of certain non-wood grain textures of Hardie Board and use of Par.180, "Interpretation and Enforcement".

Present Item for Discussion/Approval

- 1) **Background:** Hardie Board is described in its promotional materials as a masonry product, since it is composed primarily of concrete. Par.159 lists desired materials as, "...of a durable construction or **concrete**, stone or an **approved artificial stone** are to be preferred. **Texture and finish** of plaster or **exterior** to be approved by the Art Jury..."
- 2) **Description of Specific Issue:** On a narrow vote of 4-3, Resolution 2019-103 outlawed the use of Hardie Board. Resolution 2019-103 was, in essence, a regulation posing as a resolution. The concern over the use of Hardie Board type of masonry materials stems from the rigid reading of Par.155 over the restrictions against "faux" materials. However, similar to stucco, exterior "texture and finish" are, "...to be approved by the Art Jury...". I was informed by the Art Jury that there are a variety of textures of Hardie Board and similar products that do not have a faux wood-grained texture, and should therefore not run afoul of Par.155. Additionally, Par.180 specifically allows for the RSFA Board to, "interpret and/or enforce any or all restrictions, conditions, covenants..." Since Hardie board is superior in durability and safety to even treated wood, either an exemption or interpretation can be used via Par.180 to allow certain textures of Hardie Board or similar product as acceptable building materials. It has been said that the community's use of fire-resistant faux wood roof shakes is not a comparable argument, yet they are similar in concrete composition and are most definitely faux wood-grain in appearance. Just because the fire department approved this material does not mean that prior RSFA Boards needed to allow these faux wood-grain textures. It appears that it was and continues to be within the RSFA Board's prerogative to also outlaw these materials if only Par.155 is strictly followed. Similar to textures of Hardie Board, many of these roof tiles come in different textures, many of which are not faux wood-grain. Why didn't past RSFA Boards simply require homeowners to use a non-faux wood-grain finish on their cement-based roof, or switch to a tile roof? Also, adding to the inconsistency of not allowing Hardie Board type materials, why has "slump block" been allowed for decades? And as per Par.155, "Materials... must be used "honestly", so why do we allow stone veneers which give the dis-honest appearance of true stacked stone?
- 3) **Proposed Solution:** Allow for certain non-wood-grain looking textures of Hardie Board and similar products to be added to the new "in-process" Materials Regulation draft. The selection of textures allowed would be at the discretion of the Art Jury, per Par.159.
- 4) **Financial Impact:** None. However, it can be argued that the RSFA would have less potential for liability if, in its new Materials Regulation, it actually encouraged the use of Hardie Board type products over the use of treated wood. For example, what would be

the potential RSFA risk should a homeowner desire to use Hardie Board type products but was only allowed treated wood and later their home burned in a fire?

- 5) **Board Action:** Post the use of certain textures of Hardie Board type products without faux wood-grain in the new “in-process” Materials Regulation draft for a 30 day period.
- 6) **Recommendation:** After posting for 30 days, hold a vote for RSFA Board approval.

C) Rescind Resolution 2019-103 in its Entirety

- 1) **Describe the Item:** Resolution 2019-103 is no longer needed, flawed, and should be rescinded.
- 2) **Provide Information:** This resolution is really a series of regulations posing as a resolution. Specific elements of Resolution 2019-103 are better addressed as a series of specific regulations per the process that the RSFA Board has been undertaking for the past year. Additionally, Resolution 2019-103 is targeted at only one building architecture, i.e. California Ranch style homes, yet it provides a vague set of, “General Characteristics” that cannot be reproduced to a clear set of must-have regulations, and is therefore flawed and arbitrary. Regulation 2019-103 also outlaws Hardie Board type building materials based on only a rigid reading of Par.155, without addressing the options available through the intent of Par.159, nor the application of Par.180, nor the availability of textures of Hardie Board type materials that are not faux wood-grain.

Present Item for Discussion/Approval

- 1) **Background:** Resolution 2019-103 was passed by a 4 to 3 vote and unnecessarily promotes California Ranch Style homes as “Latin-inspired”, provides a list of “general characteristics” that is more of an overly broad list of what you might find in some homes, and outlaws Hardie Board type building materials all in one Resolution, instead of a series of clearly required regulations.
- 2) **Description of Specific Issue:** Calling out only California Ranch Style homes as passing the architectural requirement test of Par.157 is unnecessary. While the PC was written in 1928, it was local architect Cliff May who is credited with the style of the California Ranch beginning in 1932. This style has been described as an Americanized version of the Spanish hacienda homes that were prevalent in San Diego during this time, so without doubt, it appears there is a clear lineage of “Latin-inspired” to California Ranch style. (It should also be noted that many different ranch style variations followed from Cliff Mays early designs which have some of the “General Characteristics” noted in Appendix A of Resolution 2019-103). Yet as styles evolve, we see homes in our community that may look like a California Ranch from the front, yet are modern contemporary from the back – how does the Art Jury deal with these hybrid styles?

These “General Characteristics” also describe the California Ranch evolution to an offshoot that is currently being built in our community, the “modern farmhouse”. So the portion of Resolution 2019-103 that goes into detail about what constitutes a California ranch is unnecessary and can be addressed by Par.157 and the discretion of the Art Jury. The other main component of this Resolution is the outlawing of Hardie Board type masonry building materials that has been more fully addressed in my Proposed Item B, above, and will not be repeated here.

- 3) **Proposed Solution:** Rescind Resolution 2019-103 in its entirety. The portion discussing the California Ranch is unnecessary and raises the question of why we don’t have a list of items for all other appropriate architectural styles? As per our last RSFA Board meeting on the Architectural Styles proposed regulation, it was recommended by our Building Commissioner that this type of regulation is impractical because of the confluence of styles over the decades and needs to be addressed as a form of art, with the discretion of the Art Jury following the intent of Par.157. The other component of Resolution 2019-103 is the outlawing of Hardie Board type masonry products, which should be addressed separately through our in-process Materials Regulation draft.
- 4) **Financial Impact:** None
- 5) **Board Action:** Since this was written as a resolution and not a regulation, our current RSFA Board should be able to put on this item on the agenda and vote without a 30 day community input period. Also, until the new “in-process” Materials draft is finalized, any new project desiring the use of Hardie Board type products should be put on hold, but not rejected.
- 6) **Recommendation:** Vote to rescind Resolution 2019-103 in its entirety once on the agenda.