



Rancho Santa Fe Association

Board of Directors Meeting

Staff Report – Request for Board Review

Date: December 5, 2019

By: Maryam Babaki, Building Commissioner

Item: A Discussion of Lot Coverage

Executive Summary:

There is concern that over the past several years, the size, mass and bulk of residence construction in Rancho Santa Fe has grown substantially and that such large developments may not be in keeping with the provisions of the Protective Covenant. This staff report provides some background and analysis of the trends and the pertaining Covenant paragraphs. This report is exploratory in nature at this time and proposes further study of the subject.

Background / Discussion:

Prosperity in the United States following World War II has introduced a trend of increasing home sizes since the 1950's. The National Association of Homebuilders reports that the average home size was 983 square feet in 1950, 1,500 square feet in 1970, and 2,349 square feet in 2004. This trend appears to be continuing: house sizes in 2005 (the latest year for which figures are available) averaged 2,434 square feet.

The averages are climbing because they include houses at the higher end of the market. For most new high-end construction, a 3,000 square foot home is on the small side. Homes sizes ranging from 5,000 to 8,000 square feet is becoming increasingly common and there are more homes in the 10,000+ range than before. Adding to the square footage calculation, these single-family residences are being built with a number of complementary structures including multiple garages, home theatres, guest homes, pool houses, Accessory Dwelling Units, etc. Concurrently, there is also a trend for more extensive paved outdoor entertainment areas including large pools and pool cabanas, pavilions, barbecue and fire pit areas, tennis courts, sports courts, etc.

For Rancho Santa Fe, due to the affluence of the community, as well as the expansive lot sizes, larger than average homes are common. When initially drafted, the Covenant

appears to have anticipated construction of larger, higher quality homes. In fact, paragraphs 8 and 199 of the Covenant specify the minimum cost of the homes in an apparent effort to ensure construction of premium homes. However, the Covenant also emphasizes in the preamble: “..these property owners are most desirous of preserving, continuing and maintaining this character of community and rare landscape features and of upholding the quality of all future architecture and improvements; and of restricting the use, height and bulk of buildings “ and in Paragraph 155 : “design of the building must be reasonably appropriate to its site and harmonize with its surrounding” and in Paragraph 126 : “no building or structure shall be erected, constructed or altered which shall occupy either alone or with other building, not more than twenty percent” (of Class A Residential).

Furthermore, through other Covenant documents including the Regulatory Code (RC) and the Residential Design Guidelines (G) drafted in the early 1990’s, there has been an effort to further clarify appropriate development size as follows:

RC 1.1003 (Under Purpose and Intent) *Restrict the use, height and bulk of buildings;*

RC 41.06: *No point on any finished grade shall vary in excess of ten (10) vertical feet from existing grade provided that the design is aesthetically pleasing in the opinion of the Art Jury.*

RC 41.08-09 *Fill slopes feathered with varying gradients contoured transition with natural appearance prominent*

G35: *Low Profile and site sensitive*

G 38: *Volume is broken down horizontally, structure blends with land contours, structure achieves low profile and not grandiose massing of dominating the site.*

Analysis and Discussion:

Through various zoning codes including setbacks, Floor Area Ratios (FAR), and lot coverage (in some cases), the municipalities manage their density and development concentrations. With increasing population levels and housing shortages, as well as the overarching influence of applicable State laws, many municipalities are relaxing their previously more restricted zoning regulations in favor of higher density development. The challenge for communities like Rancho Santa Fe that are surrounded by expanding urban and suburban centers is to preserve its rural character. Moreover, as stated above, the large size home and outdoor paved area trends that impact the original land forms, are another consideration for communities similar to Rancho Santa Fe.

The governing documents of Rancho Santa Fe (the Protective Covenant, Regulatory Code, Articles of Incorporation) as well as the Operating Rules (The Residential Design Guidelines) together provide the foundation for preserving the character of the community. While these documents have served as the means to preserve the community character for decades, it appears that with these new trends, it may be worthwhile to

revisit the governing documents for more precise interpretations and/or possible amendments.

Two decades ago, development applications may have included a suitably- sized home, a two-three car garage, a pool and some outdoor areas; over the last few years, development applications have increasingly included much larger residences, with accessory dwelling units, guest homes, five or more car garages, barns, pools, pool houses and a complement of various other structures. To better understand this pattern, staff undertook a random study of some of the most recent applications for single-family residences proposed for re-build where the original home is demolished or remodeled. While anecdotal, this random study shows an average increase of about 33 percent in the size of homes compared to the original. (not including the paved areas). (See Attachment 1)

Lot Coverage and the Protective Covenant

In light of the trends discussed above, there is a possible interpretation of some of the Protective Covenant paragraphs that may assist in managing disproportionate developments. Per PC Paragraph 126, *“Percentage of Lot Occupied. No building or structure shall be erected, constructed or altered which shall occupy either alone or with other buildings, a greater percentage of the area of the lot than as follows: Par. 127. (a) In Residence Districts of Class A not more than twenty (20) per centum.”*

Also, per Paragraph 48: *“The building of fences, walls, and similar structures, are divided into two classes: First, major construction; second, minor construction. The property owner may proceed with what he definitely thinks is a minor construction without submitting plans and specifications to the Art Jury as provided above, subject to the continuing jurisdiction of the Association through its Board of Directors to hear complaints against said minor constructions and to hear, try and determine the said complaints upon due notice to the defending property owner. Tennis courts and swimming pools are major constructions.”*

Then, per paragraph 49: *“Major constructions shall be treated the same as buildings as above provided”*.

The Merriam Webster dictionary defines Structure as:

- a. something (such as a building) that is constructed.

The California Building Code defines a Structure as:

Structure: That which is built or constructed.

In these definitions, one may conclude that for the purposes of the Lot Coverage calculation, any construction could be included in the numerator of the calculation of the lot occupied.

Current Lot Coverage Calculations-Rancho Santa Fe and other communities

In the past and currently, the development applications that have been approved in Rancho Santa Fe have included all covered roof areas in the Lot Coverage calculation as follows:

- Building footprint including attached and detached garages
- Area under the building eaves
- Accessory Dwelling Units
- Covered patios and trellises
- Pool houses, cabanas, pavilions, etc.
- Barns

However, the Lot Coverage calculations have not included the following:

- Swimming pools, spas, water features
- Tennis courts, sports courts, other paved sports facilities
- Walkways, Driveways and other paved turnarounds
- Uncovered paved patios

In assessing the reasonableness of the above approach, staff evaluated the practices in San Diego County, and similar communities to Rancho Santa Fe in California. The attached Matrix shows how Rancho Santa Fe compares in the way lot coverage is calculated. (See Attachment 2)

As you can see, the County of San Diego does not include swimming pools, tennis courts, and uncovered paved areas in the Lot Coverage calculations. This may explain the Rancho Santa Fe practice of Lot Coverage calculation and how it reflects that of the County of San Diego at this time.

Other Development Considerations

In addition to the question of Lot Coverage, staff and the Art Jury have also been considering the issue of excessive development and how to measure and manage overdevelopment. Specifically, these considerations involve occasions where, even though the Lot Coverage is considerably below the 20 percent (because of very large lots), there is still much mass, bulk, and grading that introduce conditions viewed by some as overdevelopment. Such cases include the following:

- While grading in 25% slopes is not allowed, there can still be substantial grading in slopes of 10-25% that can considerably disturb the natural landforms.
- Even when excessive grading is avoided, there can be excessive buildings, structures and paved areas contributing to mass and bulk and therefore overdevelopment on the graded pad.

While the Covenant provides for assessment of Lot Coverage through the 20 percent numerical limitation, there currently are no numerical guidelines to evaluate overdevelopment in the context described above.

For Board Consideration

As discussed here and as shown in the summary matrix, there lacks a uniform approach to Lot Coverage calculations. Communities of Palos Verdes Estates and Woodside seem to have the more restrictive interpretations of Lot Coverage whereas Atherton has the more generous one. Furthermore, the issue of overdevelopment is not limited to lot coverage and may need to be assessed with further numerical guidelines for staff and the Art Jury.

Staff recommends that the Board consider the following options for further study, analysis and assessment by the legal Council and the staff. Upon completion of the study, staff will bring back the recommendations for approval and implementation in the future practices. The options for further consideration are as follows:

- A. Include the tennis courts, and other sports courts in the Lot Coverage calculations
- B. Include pools, spas, water features in the Lot Coverage Calculation
- C. Include both A and B
- D. Include driveways in the Lot Coverage Calculation
- E. Include all paved areas, including walkways, patios, and driveways in the Lot Coverage calculation
- F. Include C and E

Staff also recommends that the subject of overdevelopment as discussed above be further explored in a workshop with the staff, Art Jury, and Rancho Santa Fe membership.

Fiscal Impact:

There are no Fiscal impacts at this time.

Recommendation:

Staff recommends that the Board provide direction to staff on one (or more) of the options listed above.

Attachments:

Attachment 1

Attachment 2

APN	ADDRESS	Original House Built	PREVIOUS SQ. FT.	NEW SQ.FT.	DATE of APPROVAL	Demolished SQ. FT.			% Increase	Avg Increase
							NEW	OLD		
269-030-2500	16417 Via a la Casa	1979	Living Area: 4,469 sq. ft. Garage Area: 660 sq. ft. Pool House: 385 sq. ft.	1st Floor: 9,211 sq. ft. 2nd Floor: 1,945 sq. ft. Attached Covered Areas: 2,419 sq. ft. Attached Garage: 2,000 sq. ft.	September 17, 2019	5,514 sq. ft.	11156	4469	59.94%	33.81%
266-120-2100	17625 Via Fortuna	1987	Living Area: 13,343 sq. ft. Garage Area: 1,320 sq. ft. Addition: 170 sq. ft. New Garage: 911 sq. ft. (2004) Garage Conversion: 226 sq. ft. (2004) Garage Addition: 450 sq. ft. (2012) Converted Covered Area: 136 sq. ft. (2012) New Garage: 840 sq. ft. (2012)	Residence: 16,965 sq. ft. Pool Cabana: 256 sq. ft. Cabana Patio: 841 sq. ft. Guest House: 1,677 sq. ft.(2018) Barn: 2,507 sq. ft. (2018) Detached Garage: 1,157 sq. ft. (2018) Rec. Room: 1,383 sq. ft. (2018) Barn Addition: 1,020 sq. ft. (2019)	May 2, 2017	17,396 sq. ft.	16965	13343	21.35%	
266-241-3900	6310 La Valle Plateada	Before 1976		1st Floor: 6,653 sq. ft. 2nd Floor: 990 sq. ft. Attached Covered Areas: 523 sq. ft. Attached Garages: 1,685 sq. ft. Guest House: 585 sq. ft.	November 19, 2019	5,395 Sq. ft.	7643	5395	29.41%	
268-130-5100	16568 La Gracia	1991	1st. Floor: 6,212 sq. ft. 2nd Floor: 753 sq. ft. Garage: 1,248 sq. ft.	Residence: 10,753 sq. ft. Accessory Building: 1,066 sq. ft.	September 8, 2015	6,965 Sq. Ft.	10754	6965	35.23%	
268-161-0400	16254 Los Arboles			Residence: 7,036 sq. ft. Attached Covered Areas: 1,530 sq. ft. Attached Garages: 1,223 sq. ft. Guest House: 1,160 sq. ft. Detached Garage: 1,223 sq. ft. Storage: 246 sq. ft. Detached Garage: 1,952 sq. ft. Cabana: 324 sq. ft.	January 9, 2018					
302-060-2400	15245 El Camino Real	Before 1986	Residence :2,184 sq. ft. Attached Garages: 582 sq. ft.	Living Area: 3,175 sq. ft. Attached Covered Areas: 349 sq. ft. Attached Garages: 836 sq. ft. Detached Garage: 471 sq. ft. Pool Cabana: 507 sq. ft.			3175	2184	31.21%	
267-070-3400	16580 Las Cuestas	1977	Residence: 3,713 sq. ft.	1st Floor: 6,150 sq. ft. 2nd Floor: 2,540 sq. ft. Attached Covered Area: 836 sq. ft.			8690	3713	57.27%	
267-070-3500	7031 Las Colinas	1983	Living Area: 5,200 sq. ft. Garage: 550 sq. ft.	Residence: 3,725 sq. ft. Guest House: 1,197 sq. ft. Cabana: 396 sq. ft.			5318	5200	2.22%	

Governing Entity	Included in Lot Square Footage Calculation (X=Included)													
	FAR/ Percentage of Lot Occupied (PLO)	Walkway Driveway	Covered Outdoor Areas (Decks, Porches, Patios)	Uncovered Patios, Exposed Hardscape	Tennis/ Sports Courts	Pools/ Water Features	Ground- Installed Solar Equipment	Accessory Structures	Attached Accessory Dwelling Units	Detached Accessory Dwelling Units	Attached Garage	Detached Garage	Wholly Under ground Basement	Partly Underground Basement
City of Palos Verdes Estates¹	0.3 (FAR)	X	X	X	X	X	X	X	X	X	X	X	Excluded	X
Montecito²	0.4 (Gross Lot Area)	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	X	X	X	X	X	Excluded	X
Woodside³	0.36 (FAR - Not to exceed 3000 sq. ft. main residence)	X	X	X	X	X	Excluded	X	X	X	X	X	Excluded	X
Atherton⁴	0.18 (FAR)	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	X	X	X	X	X	Excluded (2 ft. below existing grade)	X (2 ft. above existing grade)
San Diego County as applied to RSF SR-2 (Semi-Rural Residential) ⁵	0.5 (FAR)	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	X	X	X	X	X	Excluded	X
Rancho Santa Fe Association	0.2 (PLO)	Excluded	X	Excluded	Excluded	Excluded	Excluded	X	X	X	X	X	Excluded	X

Governing Entity	Accompanying Citations for Lot Calculation Worksheet
City of Palos Verdes Estates ¹	1. City of Palos Verdes Estates Single Family Residential Zoning Requirements: The percentage of the lot which is covered between the ground and the sky. This quantity shall include foundations, decks, patios, porches, pools, roofs, overhangs, chimneys, trellises, gazebos, driveways, walkways, trash yards, sports courts and other similar improvements.
Montecito ²	2. Montecito Floor Area Calculator and Project Statistics Worksheet: (2) All square feet are "net" (i.e., total area of all floors as measured to the interior surfaces of the exterior walls). (3) For attached garages of greater than 800 square feet, the square footage in excess shall be included as part of the house net floor area. (Note: The house net floor area excludes the first 800 square feet of the cumulative total of all attached garage[s].) (4) A partly underground basement shall mean any basement with a floor-to-ceiling height of 6.5 feet or more and an exposed exterior wall surface with a height of four feet or more (as measured from the adjacent finished grade to the bottom of the floor joist supporting the floor above) on one or more sides of the house. For partly underground basements, the net floor area shall include the first 800 square feet of basement floor area plus 50% of any remaining basement floor area. (5) All square feet are "net" (i.e., total area of all floors as measured to the interior surfaces of the exterior walls). House net floor area is defined as the total area of all floors of the house (primary residential building), excluding attics, basements that are wholly underground (i.e., entirely below finished grade), unenclosed porches, balconies, decks, attached accessory dwelling units (ADUs) and attached garages of 800 square feet or less.
Woodside ³	3. Town of Woodside Municipal Code Floor Area Calculation - Worksheet: For purposes of main residence size limitations, note that attached garage areas can be deducted from main residence size as follows: in the R-1 and SR zones, up to 440 square feet; in the RR and SCP zones, up to 660 square feet. In no case can the deduction exceed the actual size of the garage. Any portions of attached garages that exceed these limits would count toward the main residence size limits. This exclusion may not be used for portions of garages that do not count as floor area, such as garages within basements. Woodside Municipal Code - TABLE F-1: Floor Area Exclusions and Credits: Covered Decks /Porches/Patios/Balconies - Covered with a roof, eave , overhang of an upper story , or another deck that does extend beyond 8 feet from the structure (only that portion that extends beyond 8 feet counts). Woodside Municipal Code:153.209 - PAVED AREA AND SURFACE COVERAGE (B) - Measurement of paved area and surface coverage. (2)The following features or designated portions thereof shall not count towards the maximum permitted paved area and surface coverage for each zoning district: B. Portions of principal access driveways that are beyond 50 feet from either the structure in which the permitted principal use occurs, or the detached garage that serves the structure in which the permitted principal use occurs.
Atherton ⁴	4. Town of Atherton Municipal Code - Chapter 17: Zoning Chapter 17.40 ACCESSORY BUILDINGS AND STRUCTURES G. Floor Area Ratio Calculation. Accessory buildings and structures shall count towards the allowed floor area ratio of the underlying zoning district as identified in section 17.32.040 (Development Standards for Residential District R-1A) and section 17.33.040 (Development Standards for Residential District R-1B), except that floor area ratio shall exclude the following: 1. Roofed areas open on two or more sides not exceeding five percent of the maximum allowed floor area for the lot plus five hundred square feet (e.g., awning, patio cover, covered walk); and 2. Structures, open on all sides, with substantially open roofs (e.g., trellis), that meet the following criteria: a. No more than one side of the structure is attached to the main building and no more than one side of the structure is enclosed by small structural features (e.g., outdoor kitchens/barbeques, fire pits/fireplaces, cabinets); provided, that on the side with the structural feature at least fifty percent of the side is still open (see figure 17.40.040-2 (Attached Trellis Exempt from Floor Area
San Diego County as applied to RSF SR-2 (Semi-Rural Residential) ⁵	5. County of San Diego -General Plan Land Use Framework Table LU-1 Land Use Designations and Compatible Regional Categories: b. "...Semi-Rural 0.5 is appropriate in the Semi-Rural Regional Category in areas where the predominant development pattern is 0.5-acre and larger parcels. c. The maximum density for lands designated as Semi-Rural is based on the slope of the site..."
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