



# City of Foster City

## ESTERO MUNICIPAL IMPROVEMENT DISTRICT

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FOSTER CITY, CA 94404-2299  
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### CITY OF FOSTER CITY COMMUNITY DEVELOPMENT DIRECTOR ACTION NOTICE OF DECISION

ACTION DATE: MAY 30, 1995

CASE NO. : UP-74-017J

APPLICANT: HARBORSDIDE HOMEOWNERS ASSOCIATION

APPLICANT ADDRESS: c/o PML MANAGEMENT CORP., 655 MARINERS ISLAND  
BOULEVARD, SUITE 301, SAN MATEO, CA 94404

APPLICATION FOR: PROTOTYPICAL DESIGN FOR EXTERIOR SPAS

LOCATION: HARBORSDIDE TOWNHOMES PLANNED DEVELOPMENT

ZONING: R-T/PD (TOWNHOUSE RESIDENCE/PLANNED DEVELOPMENT)  
DISTRICT

ACTION TAKEN: APPROVED WITH CONDITIONS

On the date listed above, the Community Development Director of the City of Foster City, took the action described above on the subject Architectural Review application based on the following findings:

1. That the proposal is consistent with the Foster City General Plan and Title 17, Zoning, and Chapter 2.28, Planning, of the Foster City Municipal Code because the location and size of the proposed spas will be consistent with the requirements of the Foster City Municipal Code and will be consistent with the residential use of the subject property and the neighborhood.
2. That the design of the proposal is appropriate to the City, the neighborhood and the lot in which it is proposed because the location and design of the spas will be in keeping with similar improvements in residential areas and will be compatible with the existing house and other houses in the vicinity.
3. That the design of the proposal is compatible with its environment with respect to use, forms, materials, colors, setbacks, location, height, design, or similar qualities as specified in Section 17.58.010, Intent and Purpose, of Chapter 17.58, Architectural Control and Supervision, and Chapter 17.66, Swimming Pools, of the Foster City Municipal Code because the location, size and height of the spas will be appropriate for the yards of the development and will be consistent with the criteria for location, size, height, setbacks and installation in the City's adopted Architectural and Solar Guidelines.

4. That the proposal will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City because the location, size and height of the spas will be such that they will be set back sufficiently from the rear and side property lines, will meet the requirements of Chapter 17.66, Swimming Pools, of the Foster City Municipal Code, and will avoid detrimental noise, privacy, and view impacts to adjacent properties.

This action is subject to the conditions and guidelines contained in Exhibit A, attached.

#### Expiration

Any Architectural Review approval shall, without further action, become null and void if not used within two (2) years from the date of approval thereof, or within any shorter or longer period of time if so approved by the Community Development Director.

#### Appeal

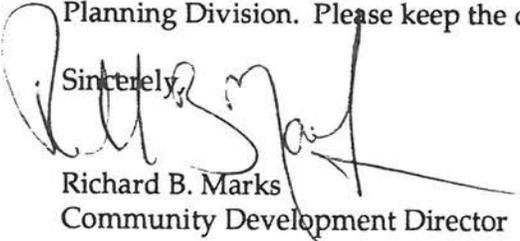
Pursuant to Section 17.06.150 of the Foster City Municipal Code, an action of the Community Development Director on an application may be appealed within ten (10) calendar days after the date of the Community Development Director's decision, in writing, to the Planning Commission. Appeals may be filed using the appeal form available in the Community Development Department or by letter. There is a fee for filing an appeal. All appeals must be filed in accordance with Section 17.06.150.

#### Acknowledgement by Applicant

Pursuant to Section 17.58.040.E of the Foster City Municipal Code, any Architectural Review decision shall not be effective until the permittee acknowledges acceptance of any conditions of approval and any appeal period has lapsed, or if there is an appeal, until a final decision has been made on the appeal.

In order to demonstrate that you are aware of and understand the Architectural Review conditions of approval (attached hereto as Exhibit A), please sign the original of this letter and return it to the Planning Division. Please keep the duplicate for your records.

Sincerely,

  
Richard B. Marks  
Community Development Director

for \_\_\_\_\_  
(Applicant) (Please Print)

by \_\_\_\_\_  
(Contact Person)

Planners Initials: LL

EXHIBIT A

HARBORSIDE HOMEOWNERS ASSOCIATION  
Prototypical Design Guidelines for Placement of Exterior Spas

The following guidelines shall govern the size and location of spas proposed for the exterior rear yards of the individual units in the Harborside townhomes development. The following table indicates the maximum size and maximum height allowed for spas and the minimum setback of the spa from the rear and side property lines for each unit.

*Location and Placement*

Table A - Spa Requirements

Unit Type	Spa Maximum Size* (surface area)	Spa Maximum Height	Spa Minimum Setbacks from Side and Rear Property Lines
H1	100 sq.ft.	38"	5'
H2	80 sq.ft.	38"	5'
H3	80 sq.ft.	38"	5'
H4	100 sq.ft.	38"	5'

\* spas of a larger size may be allowed with an Architectural Review permit in yards larger than 600 sq. ft.

Spas shall also be subject to the following regulations:

- Spas may be installed below grade.
- Spa equipment shall not be located closer than 5' to any property line.

*Conditions of Approval and Operation*

The installation of spas will be subject to the following conditions of approval:

1. All construction shall be designed, constructed, installed, and maintained in a professional manner and appearance.
2. All materials and colors shall be as approved. Once constructed or installed, all improvements shall be maintained in accordance with approved plans. Any changes which affect the exterior character of the work shall be resubmitted for review and approval.
3. Exterior lighting of the building and site shall not be directed onto adjacent properties and the light source shall be shielded from direct off-site views.

4. All mechanical equipment, including electrical and gas meters, shall be architecturally screened from view.
5. Standard residential security requirements as established by Chapter 15.28 of the Foster City Municipal Code shall be provided.
6. All architectural elements not shown or detailed on the approved plans shall be finished in a material and color in harmony with the exterior of the existing building.
7. All spas shall conform to the Uniform Building Code (UBC) requirements for locking covers and other safety measures.
8. Prior to any final building inspection approval, any imposed conditions and all improvements shall be completed to the satisfaction of the City.

#### *Nuisance Avoidance*

Operation of spas shall at all times meet the requirements pertaining to noise as provided in Chapter 17.68, General Performance Standards, of Title 17, Zoning, of the Foster City Municipal Code.

#### *Approval Process*

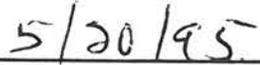
The application process for spas shall include the following:

1. Property owner shall apply to the Harborside Homeowners Association by written request or on forms prescribed and/or provided by the Association.
2. The application shall be accompanied by:
  - (a) an exhibit (drawing, photograph, brochure, or other similar method of illustration) showing the design of the spa proposed, including all dimensions and the total square footage of the surface area
  - (b) a site plan indicating the proposed location of the spa, the dimensions of the spa, the location of the spa equipment and minimum distance to adjacent residences, and the distance of the spa from the corresponding property lines
3. For all spas, property owner shall file an application with the Building Inspection Division for the required building permit accompanied by the items listed in 2 (a) and 2 (b) above and any other information as may be required by the Chief Building Official.
4. For proposed spas larger than those listed in Table A, an Architectural Review permit (accompanied by a letter from the Homeowners Association stating their decision on the project) shall be obtained from the Planning Division prior to issuance of a building permit.

5. No construction may commence without the required approvals from the Association and building permit issuance by the City.



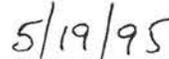
Keith Kreitman, President  
Harborside Homeowners Association



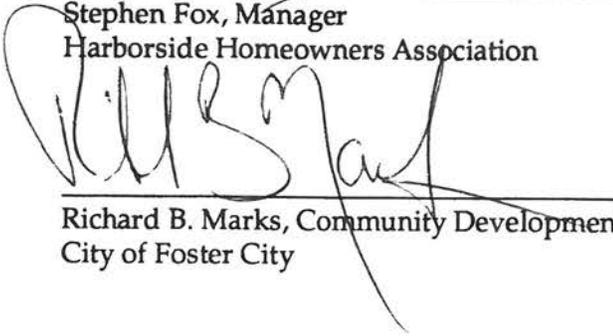
Date



Stephen Fox, Manager  
Harborside Homeowners Association



Date



Richard B. Marks, Community Development Director  
City of Foster City



Date