



# City of Foster City

## ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD  
FOSTER CITY, CA 94404-2222  
(650) 286-3200  
FAX (650) 574-3483

FOSTER CITY  
RECEIVED

AUG 22 2008

PLANNING  
DIVISION



### CITY OF FOSTER CITY COMMUNITY DEVELOPMENT DIRECTOR'S ACTION NOTICE OF DECISION

APPLICATION RECEIVED: July 1, 2008

APPLICATION COMPLETE: July 1, 2008

ACTION DATE: July 21, 2008 (REVISED August 19, 2008)

CASE NO.: UP-75-018JJ

OWNER: Whalers' Island Homeowners' Association

OWNER ADDRESS: Mulqueeney & Assoc., P.O. Box 4726, Foster City, CA 94404

APPLICATION FOR: Deck Prototype Amendment

LOCATION: Whalers' Island Planned Development

ZONING: R-1/PD (Single Family 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 to modify the prototype design for decks to include pavers for residential units in the Whalers' Island Planned Development, as conditioned in Exhibit A, 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 proposed prototypical design will maintain the existing appearance of residential units in the development, will allow for necessary maintenance and repair of houses and decks, will preserve "the quality of the City's residential neighborhoods" as stated in the Land Use and Circulation Goal (LUC-A) and Land Use Policies (LUC-38 and LUC-39) contained in the Land Use and Circulation Element of the Foster City General Plan, and will be consistent with the residential use of the residences in the development and the Whalers' Island Planned Development Prototypical Guidelines.
2. That the design of the proposal is appropriate to the City, the neighborhood and the lot in which it is proposed because the design and materials of the prototypical decks will be compatible with the architectural style, character, and proportions of residential units in the development and they will be in keeping with similar improvements in the neighborhood.
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, of the Foster City Municipal Code because 1) the prototypical designs for decks will provide guidelines to ensure that deck replacements are orderly and consistent for all residential units in the

development, and therefore, the overall architectural style and characteristics throughout the planned development will be preserved; and 2) the size, location and design will be reviewed for architectural compatibility.

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 including pavers in the prototypical design will ensure that all residential units maintain similar architectural characteristics, will meet the requirements of Section 17.58.010, Intent and Purpose, of Chapter 17.58, Architectural Control and Supervision, of the Foster City Municipal Code, and will not have detrimental visual impacts on the neighborhood, the Whalers' Island Planned Development, or the property values in the area.

This action is subject to any conditions contained in Exhibit A, attached.

Expiration

Any Architectural Review or Use Permit Modification 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

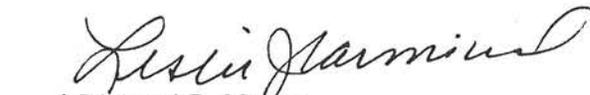
Pursuant to Section 17.06.150 of the Foster City Municipal Code, an action of the Community Development Director on an application may be appealed within ten (10) calendar days after the date of the Community Development Director's decision, in writing, to the Planning Commission. Appeals may be filed 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.

Acknowledgment by Applicant

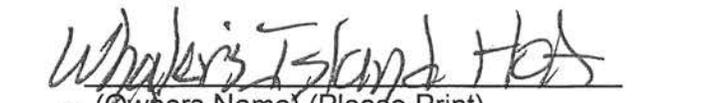
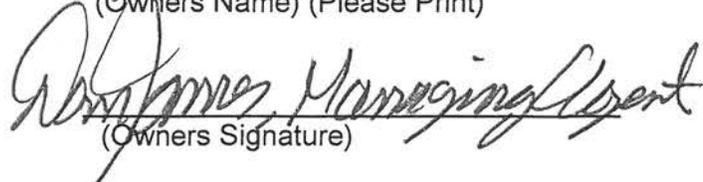
Pursuant to Section 17.58.040.E of the Foster City Municipal Code, any Architectural Review or Use Permit Modification decision shall not be effective until the permittee acknowledges acceptance of any conditions of approval and any appeal period has lapsed, or if there is an appeal, until a final decision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

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

Sincerely,

  
Richard B. Marks  
Community Development Director

Planners Initials: kas

  
Whalers' Island H&A  
(Owners Name) (Please Print)  
  
Robert James  
(Owners Signature)

**EXHIBIT A**  
**WHALERS' ISLAND HOMEOWNERS' ASSOCIATION**  
Prototypical Design Guidelines for Decks (Applied to both portions of Whaler's Island)  
July 21, 2008

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The following guidelines shall govern the construction of decks in the Whalers' Island Planned Development:

**A. General Specification**

1. Decks are to cover less than 50% of the available rear yard land area or 500 sq. ft., whichever is greater. Homeowners with rear yards of less than 1000 sq. ft. (i.e., 20' x 50') may build 500 sq. ft. of decking providing the remaining specifications are met.
2. Decks are to be constructed of either pavers, wood or simulated synthetic wood decking material. Wood or simulated synthetic wood shall be laid over suitable understructure set upon pre-cast concrete foundation posts and/or pressure treated posts imbedded in concrete or poured footings.
3. Decks are to be terraced from elevations higher than 18" above grade level or lower than deck level (i.e., no vertical walls greater than 18" are covered by this blanket specification).
4. Decks higher than the bulkhead cap may not be any closer than 3 ft. from the bulkhead cap's outer edge. An exception would be when the lot is an irregular shape and to maintain the design, a corner protrudes into this space.
5. No load bearing structural supports are to be erected or laid within the space between the bulkhead and a line 4' from the bulkhead. (Minor uses of concrete pavers or stepping stones in this are not limited by this specification as long as they are level with the bulkhead cap.)
6. No deck or other structure is to rest on the installed bulkhead concrete cap.
7. Visual appearance under decks as seen from the water level shall be shielded with either foliage or wood screens and fascia to avoid unsightly views of the deck understructure. If foliage is to be used in place of wood fascia to soften the structural mass of the decks and supporting structures, landscaping plans must be shown on the plot plan accompanying request. Raised planter boxes no higher than 12" or other forms of terracing are acceptable.
8. Deck railings may be made of wood or metal, but must be of an open design and meet necessary safety codes. Windscreens mounted to the top of decks must be wood framed with non-reflective glazing and safety tempered, with a maximum height of 9' measured from the deck surface.
9. Any deck more than 12" from grade shall maintain a 2' setback from side property lines except that a setback from a zero lot line wall is not required.

B. All construction is to conform to Foster City Building Codes.

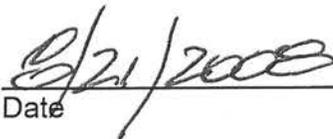
C. Drawings of prototype and example of deck construction details are attached

D. Plans are to be approved by the Whalers Island Homeowners' Association, Architectural Review, prior to applying for a building permit.

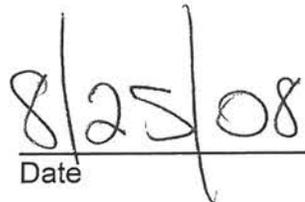
**APPROVAL PROCESS FOR DECKS**

1. The homeowner or contractor shall apply for an Architectural Review Permit and shall submit the following:
  - A letter from the Whalers' Homeowners Association (HOA), indicating their action on the proposal.
  - Three copies of photographs or elevations indicating the location and size of the decks.
2. The homeowner or contractor shall apply for a Building Permit from the Building Inspection Division and shall submit any required drawings and fees.
3. The Planning/Code Enforcement Division staff will review the Building Permit application to confirm that the proposal is consistent with the prototypical design approved for front entry gates.

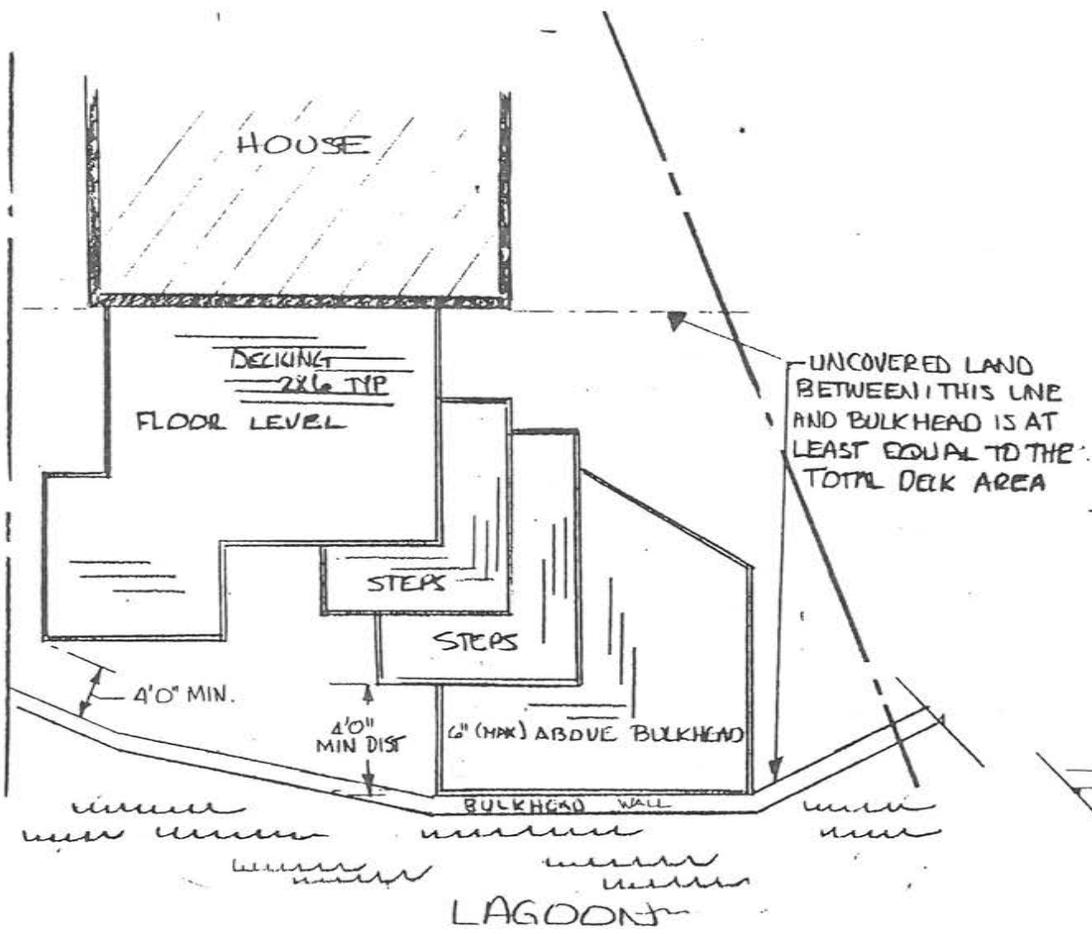
  
\_\_\_\_\_  
Dan James, Managing Agent  
Mulqueeney & Associates for  
Whalers' Island Homeowners' Association

  
\_\_\_\_\_  
Date

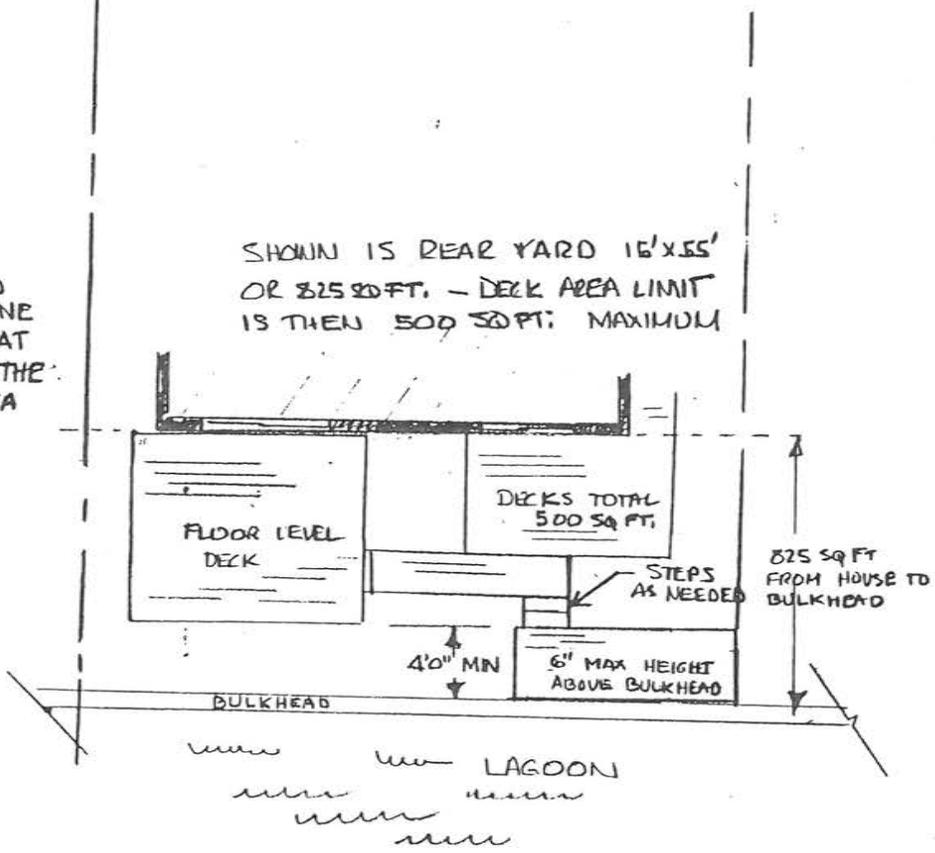
  
\_\_\_\_\_  
Richard B. Marks, Community Development Director  
City of Foster City

  
\_\_\_\_\_  
Date

EXAMPLE SHOWING 50% COVERAGE  
REAR YARD DECK LIMITATION



EXAMPLE SHOWING 500 SQ FT  
REAR YARD DECK LIMITATION



- EXAMPLE PLOT PLANS FOR DECKS -

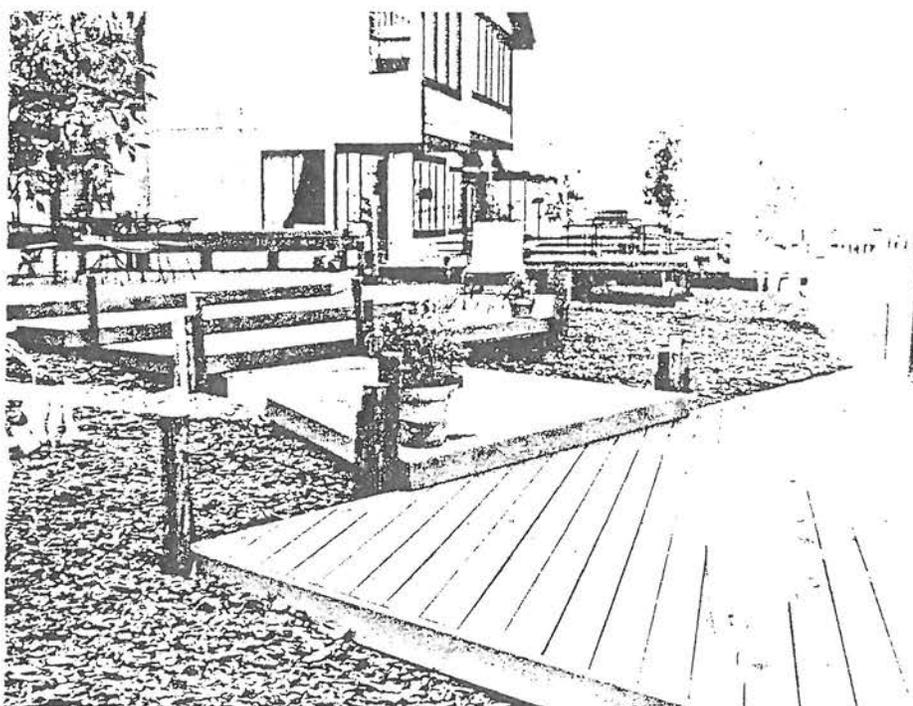
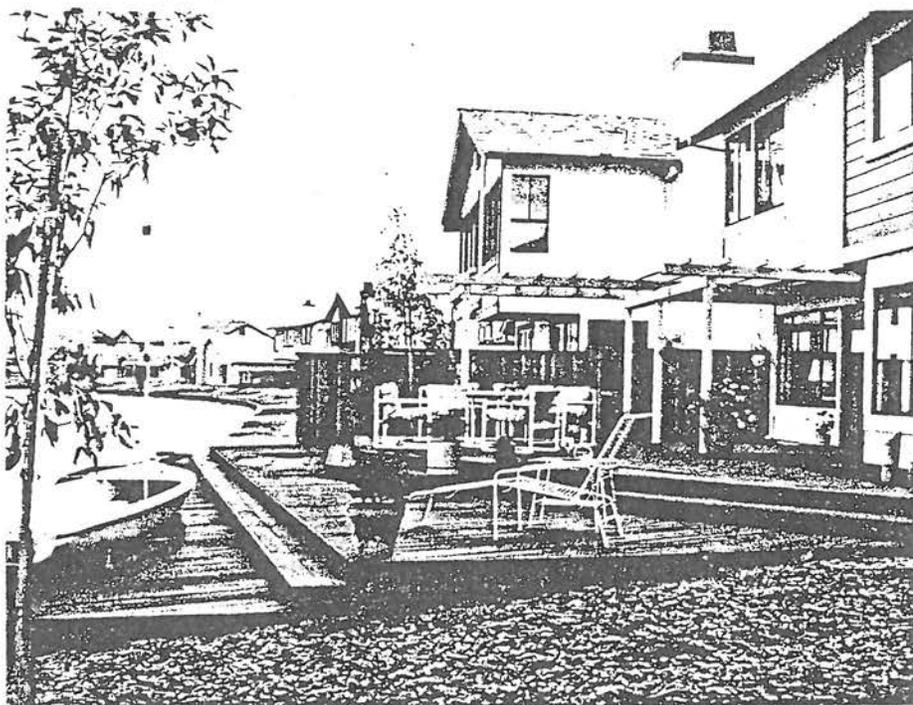
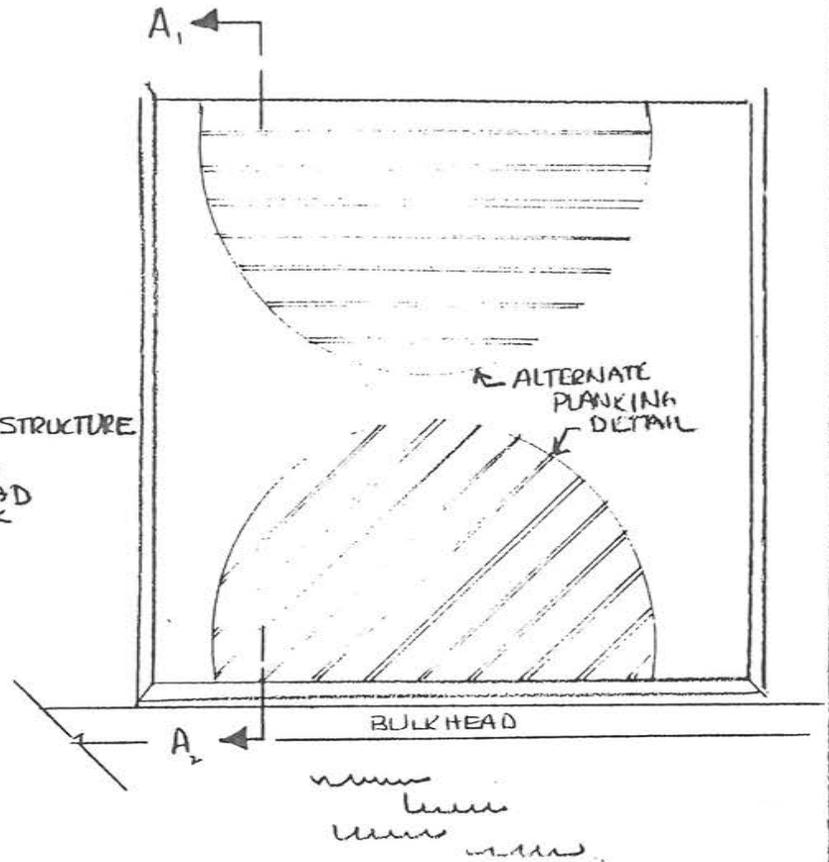
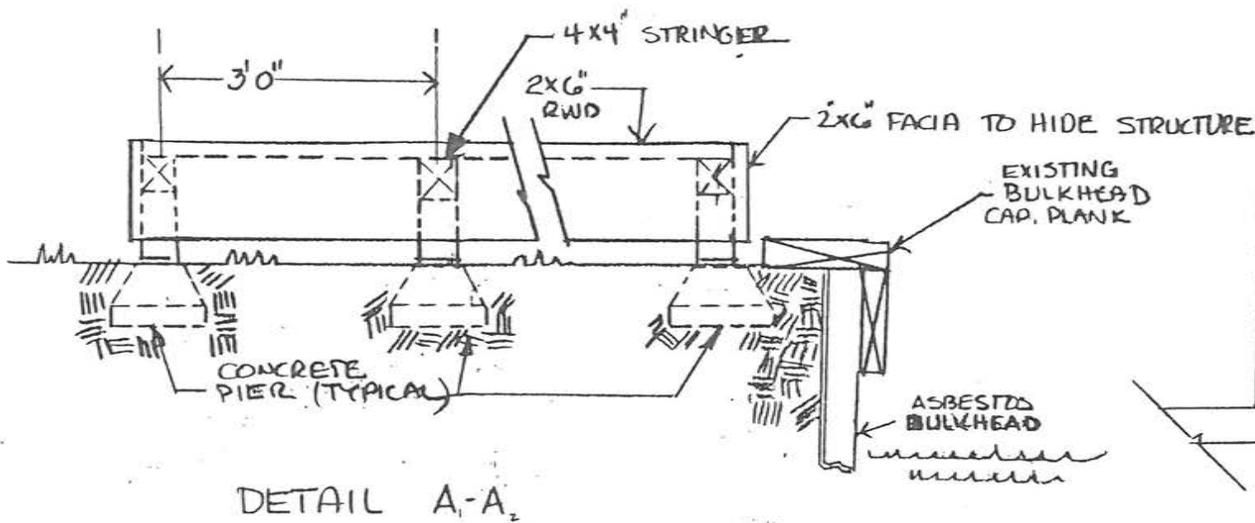


PHOTO EXAMPLES OF TERRACED DECKS  
FROM FLOOR LEVEL TO BULKHEAD LEVEL



EXAMPLE DECK CONSTRUCTION DETAIL

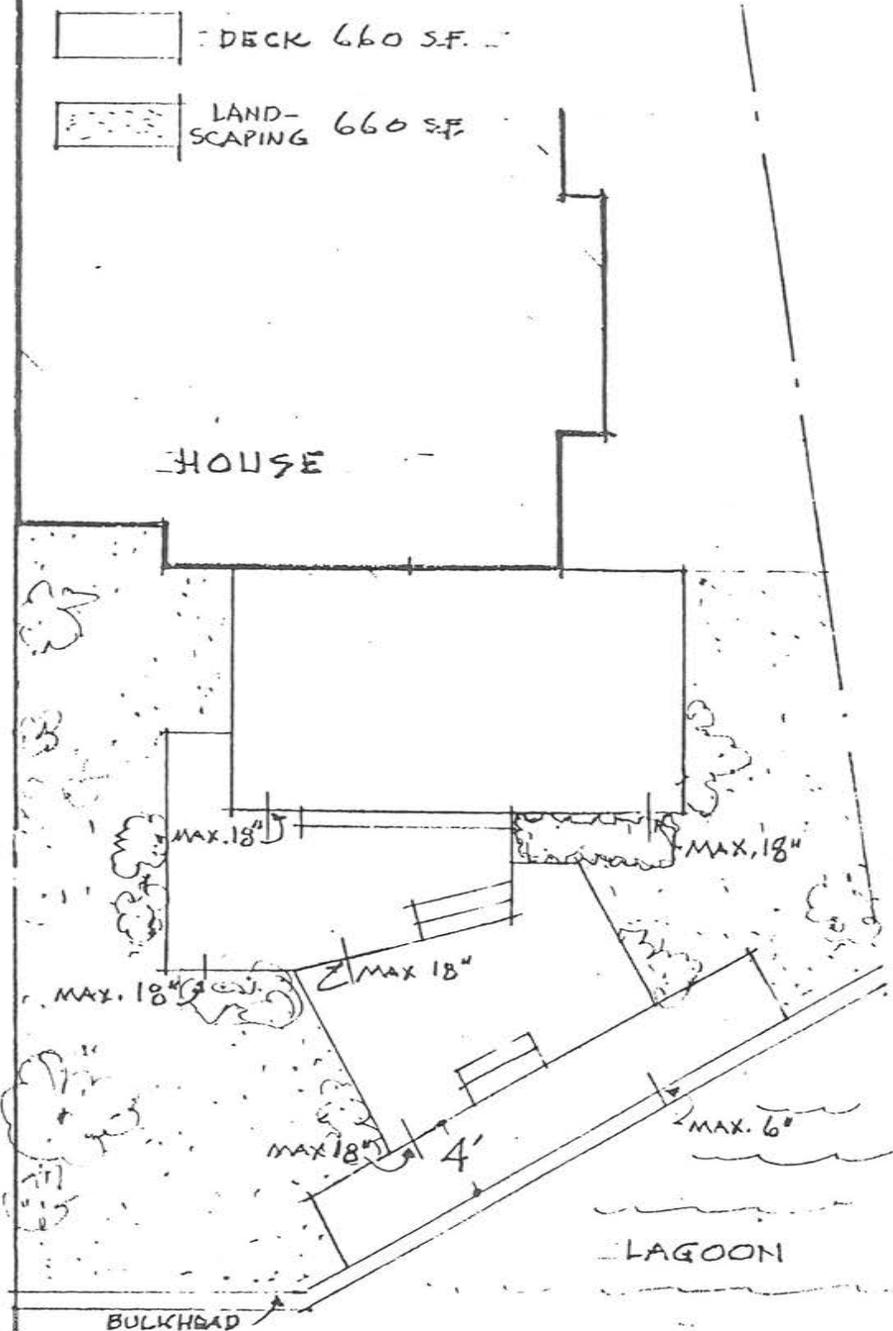
WHALEIS ISLAND HO. ASSN 4-78 D.W.

50% COVERAGE WHERE WATERFRONT YARD EXCEEDS 800 S.F.

TOTAL AREA 1320 S.F.

DECK 660 S.F.

LAND-SCAPING 660 S.F.



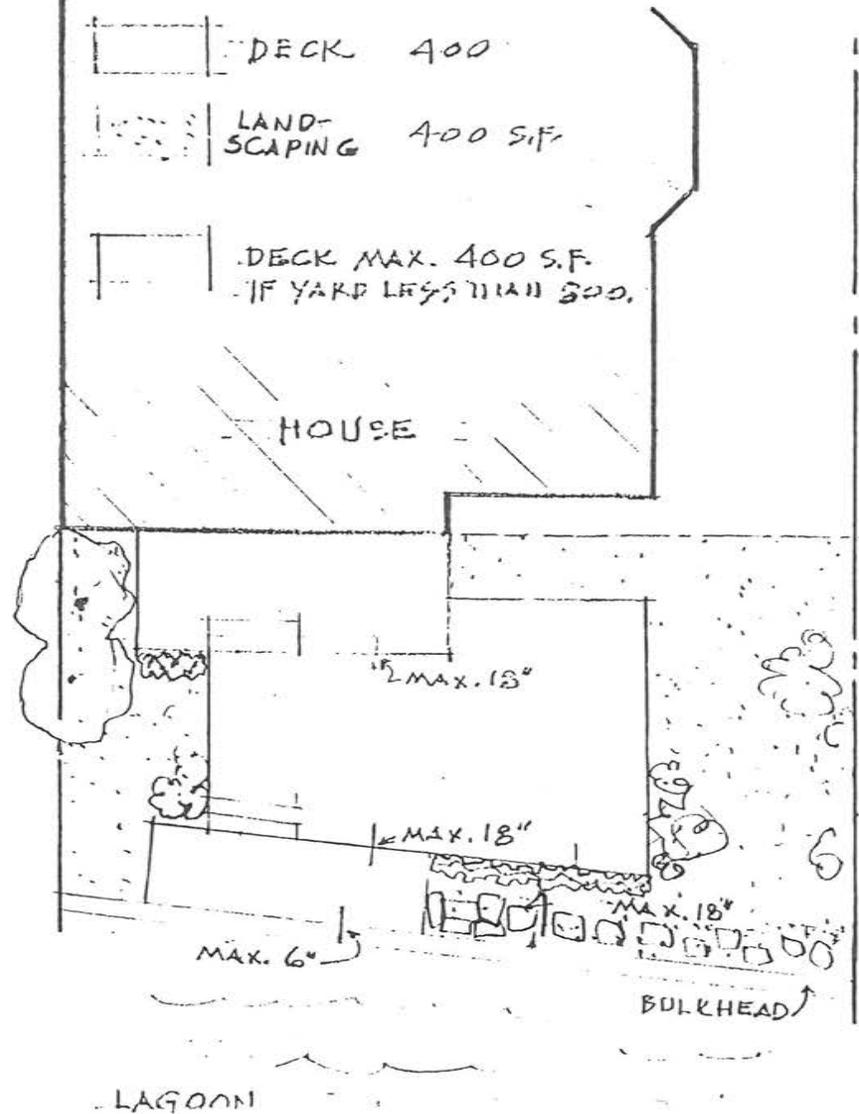
50% COVERAGE WHERE WATERFRONT YARD IS 800 S.F.

TOTAL AREA 800 S.F.

DECK 400

LAND-SCAPING 400 S.F.

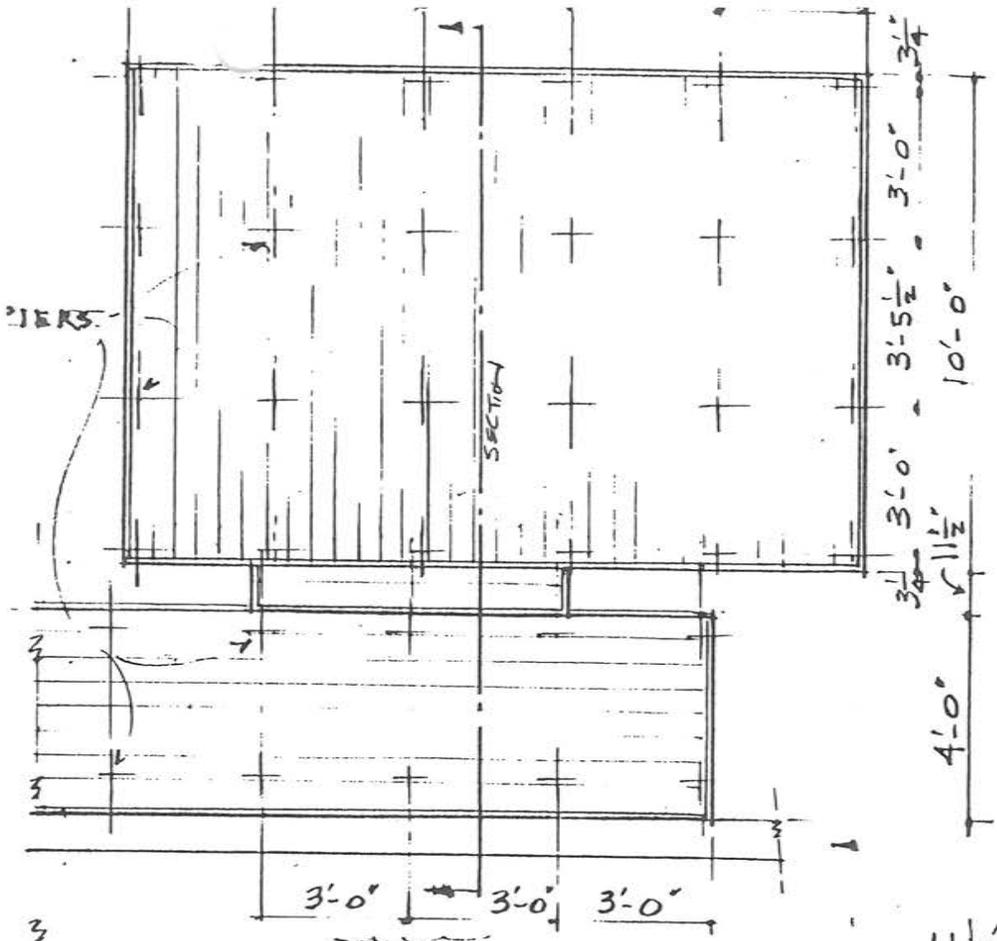
DECK MAX. 400 S.F. IF YARD LESS THAN 800.



EXAMPLES OF PLOT PLANS FOR DECKS

THE LANDING

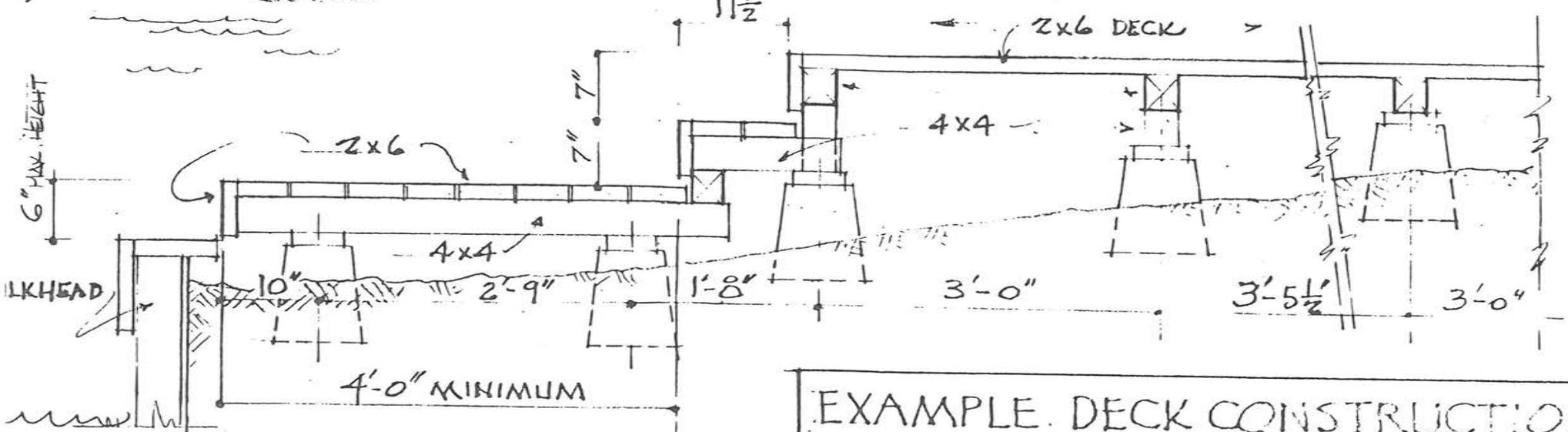
FWW 12/7/18



PLAN

SCALE  $\frac{1}{4}'' = 1'$

- BULKHEAD



- SECTION SCALE  $\frac{3}{4}'' = 1'$

EXAMPLE DECK CONSTRUCTION  
THE LANDING

2/21/10 1-7-10