City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222

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APR 17 2015
PLANNING/
CODE ENFORCEMENT

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

APPLICATION RECEIVED:	March 6, 3015
APPLICATION COMPLETE:	March 23, 2015
ACTION DATE:	April 6, 2015
CASE NO:	UP-75-018BBB (supersedes UP-75-018YY)
OWNER:	Whalers Island Homeowners' Association
ADDRESS:	c/o Dan James, Mulqueeney & Associates, PO Box, 4726, Foster City, CA 94404
APPLICATION FOR:	Fence Prototype Amendment
LOCATION:	Whalers Island Planned Development
ZONING:	R-1/PD
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 amend the Whalers Island prototypical design guidelines to allow fences perpendicular to the water to extend over the bulkhead is consistent with the Foster City General Plan, Title 17, Zoning, and Chapter 2.28, Planning of Title 2 (Administration and Personnel) of the Foster City Municipal Code because: the proposed prototypical design for fences will 1) provide additional privacy in the Whalers Island Homeowners Association by allowing fences to extend over the bulkhead consistent with Section 2.28.110 of the Foster City Municipal Code; and 2) be constructed of cedar or redwood materials and have a maximum height of 36" consistent with Chapter 17.52, Fences, Walls and Hedges of the Foster City Municipal Code and therefore maintain consistency in appearance throughout the Planned Development such that the architectural character of the neighborhood is maintained, consistent with the Whalers Island Prototypical Design Guidelines and Section 2.28.010 of the Foster City Municipal Code.

2. That the design of the proposal would be compatible with the site's environment with respect to use, forms, materials, colors, setbacks, location, height, design or similar qualities as specified in Section 17.58.010 of Chapter 17.58 (Architectural Control and Supervision) because the prototypical design guidelines for fence replacements in the Whalers Island Planned Development will be: compatible with the existing houses within the development because 1) the height adjacent to the water will not exceed 36", 2) the permitted materials are cedar and redwood, consistent with fence materials used throughout the development, and 3) no load bearing posts will be permitted closer than 3 feet from the inside edge of the bulkhead cap. Therefore, the prototypical design guidelines for fence replacements will preserve the architectural scale and character of the planned development and community consistent with Section 17.58.010.B.1; 2) will be well designed in relation to surrounding properties, and compatible with the architectural style and details of buildings in the immediate vicinity consistent with Section 17.58.010.B.2; and 3) will be sympathetic to the proportions and character of the existing houses and neighborhood, and therefore, will be

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harmonious with the highest standards of improvement in the surrounding area consistent with Section 17.58.010.B.4.

3. That the proposal would 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, property values in the area, or the general welfare of the City because of the location, massing, and design of the proposed amendment to allow fences perpendicular to the water to extend over the bulkhead (although not attached) allowing additional privacy will not: 1) significantly impact the privacy of adjacent properties; 2) significantly reduce the amount of direct sunlight to the interior of an adjacent building or exterior of an adjacent property; or 3) significantly block or limit existing views from the interior or exterior of adjacent properties, consistent with Section 17.58.010.B.3 of the Foster City Municipal Code.

This action is subject to any conditions 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.

Acknowledgment 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 area 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/Code Enforcement Division. Please keep the duplicate for your records. *Please be advised that a Building Permit **will not** be issued until the Planning/Code Enforcement Division has received the signed Notice of Decision.*

Sincerely,

Per Curtis Banks
Community Development Director

Steve Torwilliger, board president
(Owner's Name) (Please Print)

(Owner's Signature)

Planners Initials: kak

EXHIBIT A

WHALERS ISLAND HOMEOWNERS' ASSOCIATION

Prototypical Design Guidelines for Fence Replacement

The following guidelines shall govern the installation and replacement of all fences, except front yard fences, in the Whalers Island Planned Development whether used for: privacy; wind protection; safety barriers; utility yard enclosures; or for aesthetic reasons:

CONDITIONS OF APPROVAL

1. All construction shall be located, 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 the approved plans. Any changes which affect the exterior character of the work shall be resubmitted for approval.

3. All vents, gutters, downspouts, flashings, etc. shall be painted to match the color of the adjacent surfaces. No electrical conduits or similar piping shall be allowed on the exterior of the building unless approved prior to installation by the Community Development Director.

4. Standard residential security requirements as established by Chapter 15.28 of the Foster City Municipal Code shall be provided.

5. Prior to any final inspection approval, these conditions and all improvements shall be completed in accordance with the approved plans and to the satisfaction of the City.

Fences Parallel to Bulkhead:

6. **The approved fence materials include:**
   - **(a) Wood using at least 1 inch lumber for slats;**
   - **(b) Wood frames with tempered glass panels;**
   - **(c) Wood frames with mesh panels;**
   - **(d) Removable safety fence similar to the Quad-Built all fiberglass black mesh, designed to be removed when its need has diminished, leaving no visible structure from the water (similar or equivalent to Exhibit C); or**
   - **(e) Wood frames with cable-wire panels and redwood caps (similar or equivalent to Exhibit D).**

7. **For wood fences running parallel to the bulkhead, the total wood surface shall not exceed 33% (taking into account the horizontal members, this would mean approximately 2 to 3 inches of opening for each 1 inch of slats), or as illustrated in Exhibit B if the total fencing does not span the entire lot width.**

8. **Fences running parallel to the bulkhead shall show how landscaping will be used to soften and reduce the total mass of the fence, as viewed from the water (preferably about 50% of the height of the fence if as dense as the 33% coverage, and less if the fence is significantly more open).**

9. **Fences running parallel to the bulkhead are limited to 42 inches in height and must be a minimum of 4 feet from the inside edge of the bulkhead, with the exception of the removable safety fence in Condition of Approval 6(d), which may be located 12" from the inside edge of the bulkhead, and is limited to 42 inches in height.**

10. **All fences running parallel to the bulkhead are to appear open when viewed from the water.**

Fences Perpendicular to Bulkhead:

11. **Fences on the side property lines (between two neighbors, running perpendicular to the bulkhead) shall not exceed 36" in height within 3 feet from the inside edge of the bulkhead, but then can be stepped up to be a maximum of 48" from grade until the rear wall of the house (refer to Exhibit B).**

12. **All fences built in the side yard and up to the neighboring (zero lot line) home must not be attached to the neighbor's home in any way, and the last supporting post should be at least 1 ½ inches away.**

13. **Fences on the side property lines of waterfront properties (between two neighbors running perpendicular to the bulkhead) may be constructed of wood boards with a 1 foot section of square or diagonal lattice; the combination of wood board and lattice shall be included in the overall fence height calculation (refer to Exhibit D).**

14. **Fences on the side property line, running perpendicular to the bulkhead, may extend on to the bulkhead cap but shall not in any way be attached to the bulkhead. The fence extension shall be consistent with the requirements as listed in Exhibit E. There shall be no load bearing post closer than 3 feet measured from the inside edge of the bulkhead.**

Deck Railings:

15. **Heights of deck railings may not exceed the height of the corresponding, prototype-compliant, side yard fence, as shown in Exhibit B.**

Other:

16. **All waterfront property fencing material shall remain natural in appearance (i.e. not painted).**

17. **See Exhibit B for all illustrations of examples.**

Bold Indicates Site Specific Conditions

APPROVAL PROCESS

1. The homeowner/applicant shall obtain an approval letter from the Whalers Island Homeowners' Association for the proposed fence. The letter shall indicate that the proposed changes conform to the established design criteria of the prototype.

2. The Homeowner or contractor shall apply for an Architectural Review Permit for the proposed fence from the Planning/Code Enforcement Division and shall submit any required drawings and fees.

3. The Homeowner or applicant shall submit the following:

   - A letter from the Whalers Island Homeowner's Association (HOA), indicating their action on the proposal.
   - An Architectural Review application and filing fee.
   - Manufacturer's brochure (if any) indicating the type of fence that is to be used.
   - Four (4) sets of Site Plan and Elevations or photographs showing where the proposed fence will be located and demonstrating the height, colors, materials and any proposed decorative caps or finishes.

, board president

Dan James, Mulqueeney & Associates
Manager for Pitcairn Homeowners Association

April 15, 2015
Date

Curtis Banks, Community Development Director
City of Foster City

4-22-15
Date

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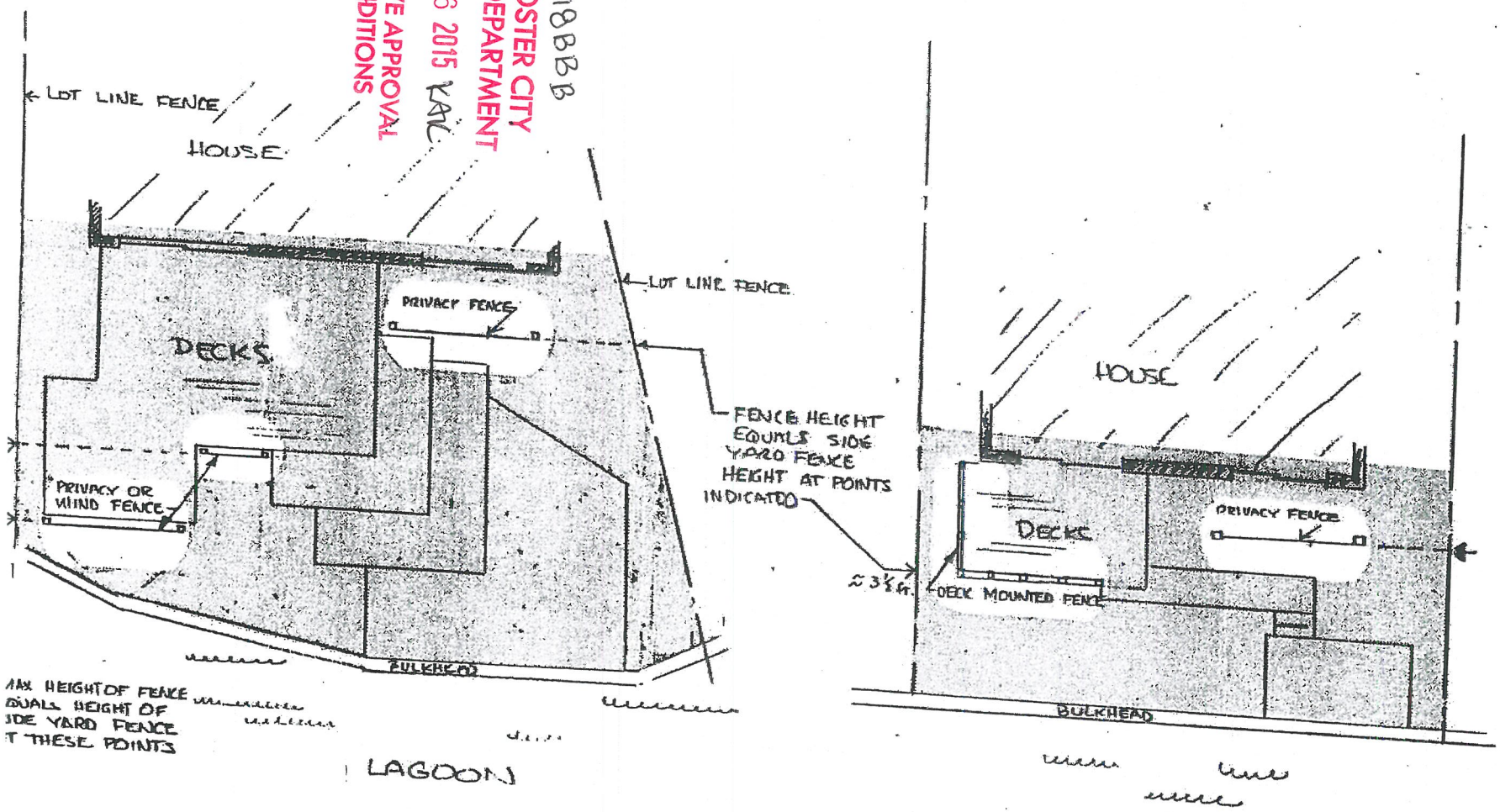
EXHIBIT B



SUGGESTED USE OF PRIVACY FENCES.

WHALER'S ISLAND H.O. ASS'N

4-76 D.H.

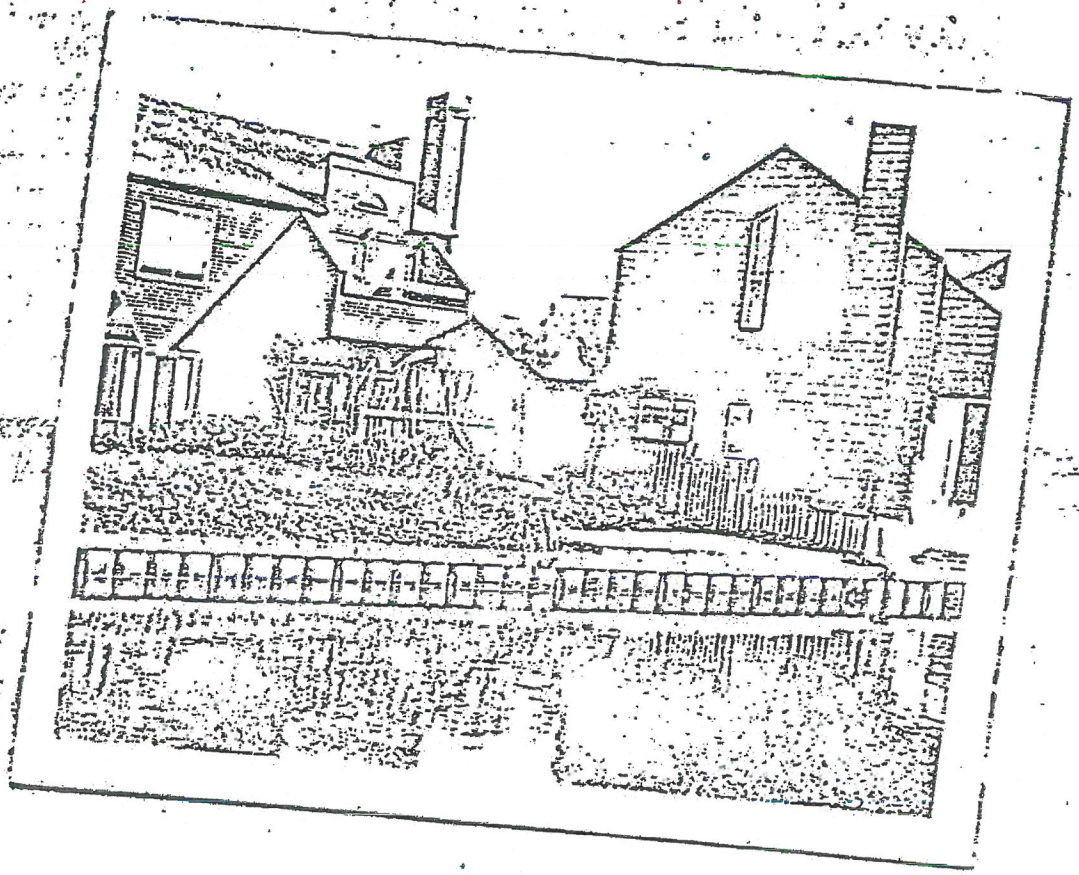


PHOTO OF SIDE YARD FENCE HEIGHT VS DISTANCE FROM THE WATER LINE.

PHOTO SHOWS AN EXAMPLE OF FENCE HEIGHT MATCHING SIDE YARD FENCE HEIGHT

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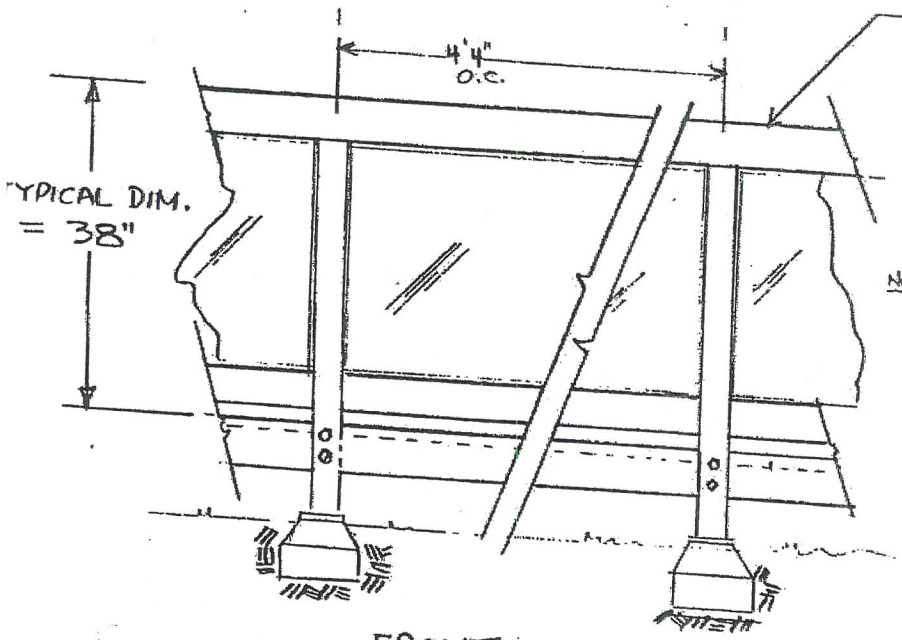
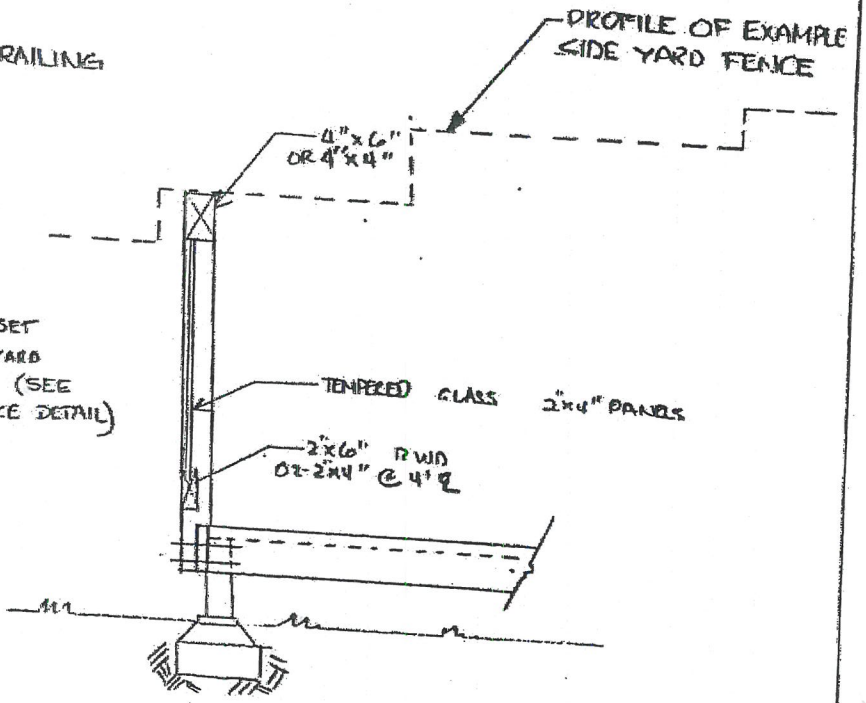
PROTOTYPE
GLASSED AND OPEN DECK RAILINGS



FRONT VIEW

NOTE: MAX HEIGHT SET TO EQUAL SIDE YARD FENCE HEIGHT (SEE SIDE YARD FENCE DETAIL)



SIDE VIEW

DECK RAILING AND WIND FENCE - DETAIL

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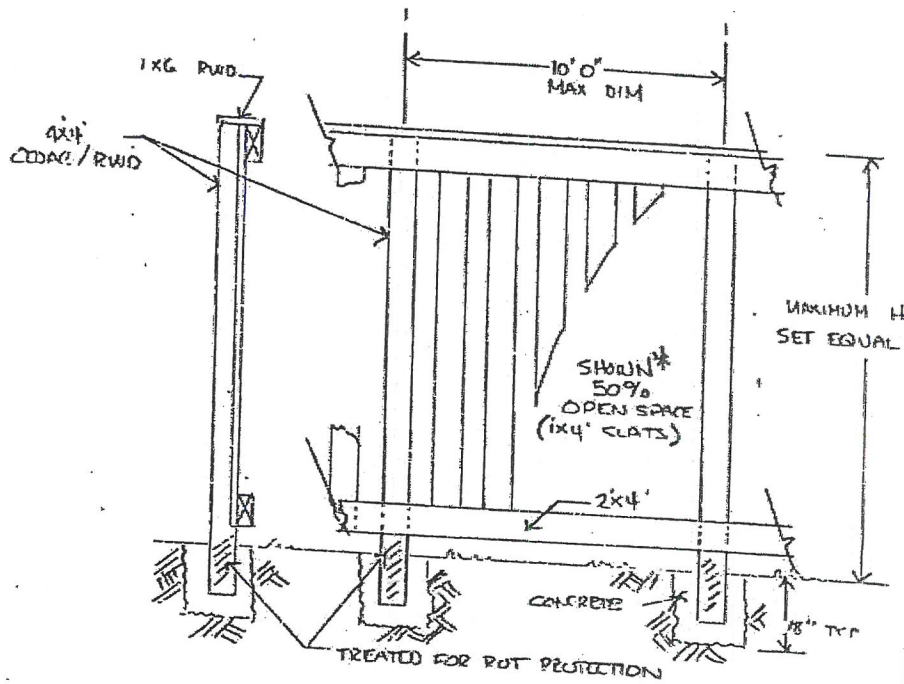
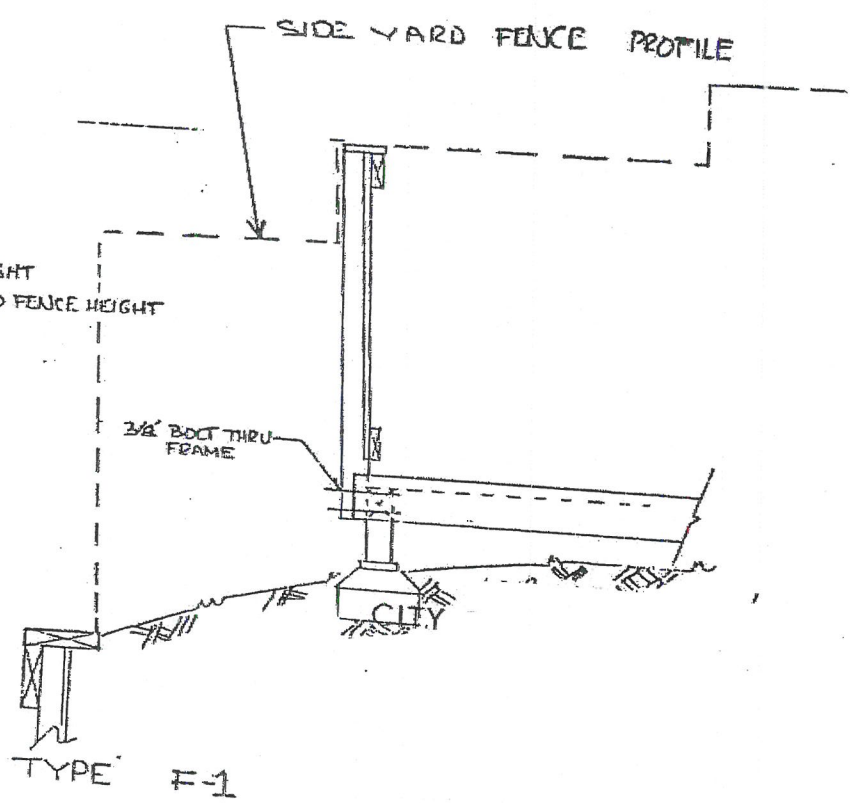
PROTOTYPE PRIVACY FENCE

FREE STANDING FENCE



DECK MOUNTED FENCE



TYPE F-1

* NOTE 50% COVERAGE ALLOWED FOR ONLY A PORTION OF THE LINEAL WATERFRONT LOT DIMENSION - (SEE SPECIFICATION #4)

WIND AND PRIVACY FENCES -

WHALERS COVE H.O. ASS'N

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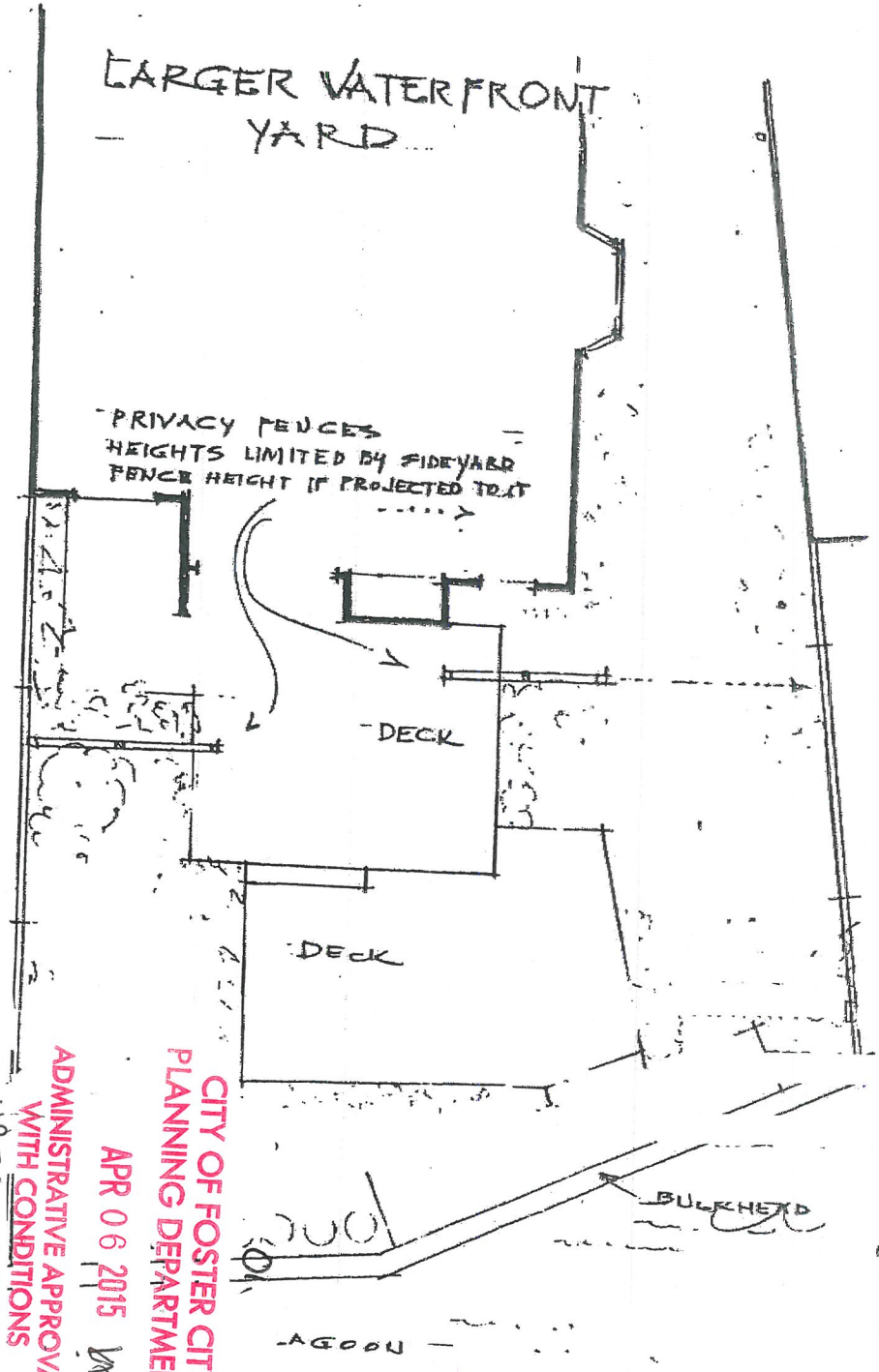

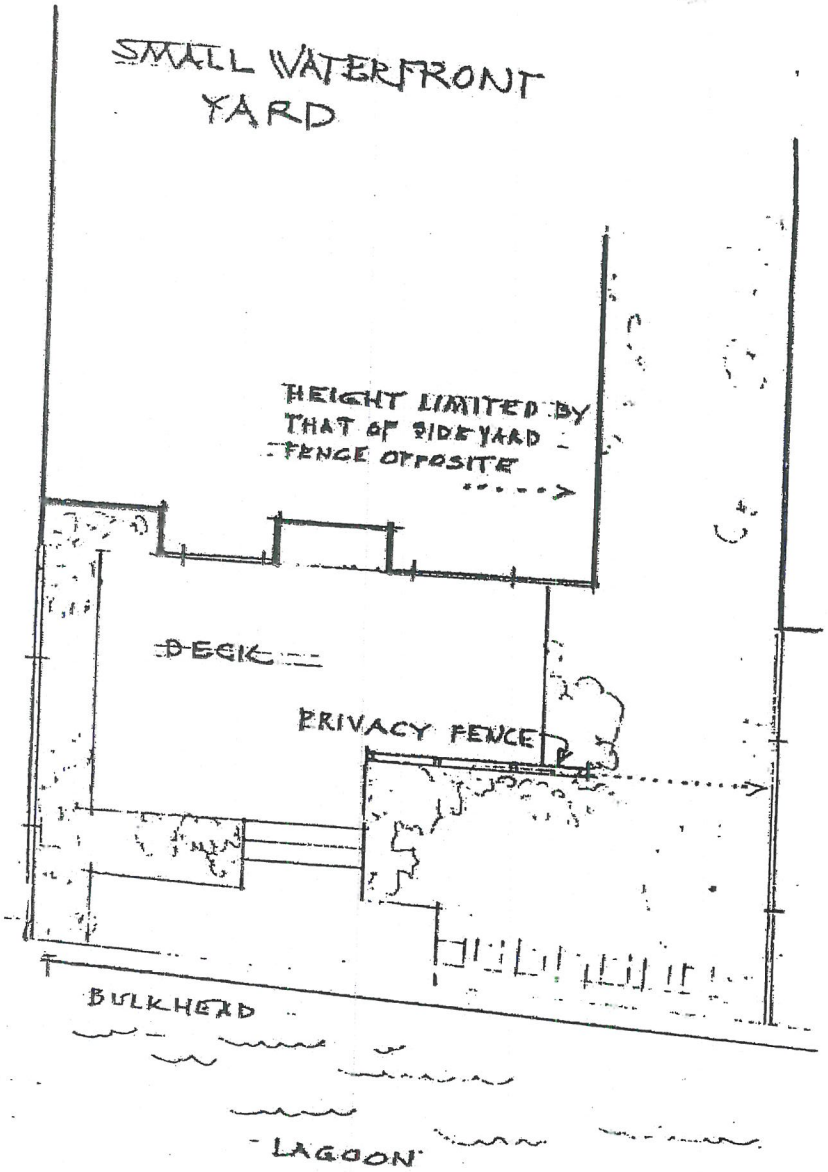

EXAMPLES OF PRIVACY FENCES
THE LANDING
WHALERS COVE

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ARRANGEMENT OF EXISTING SIDE FENCES AND BULKHEAD DETAIL

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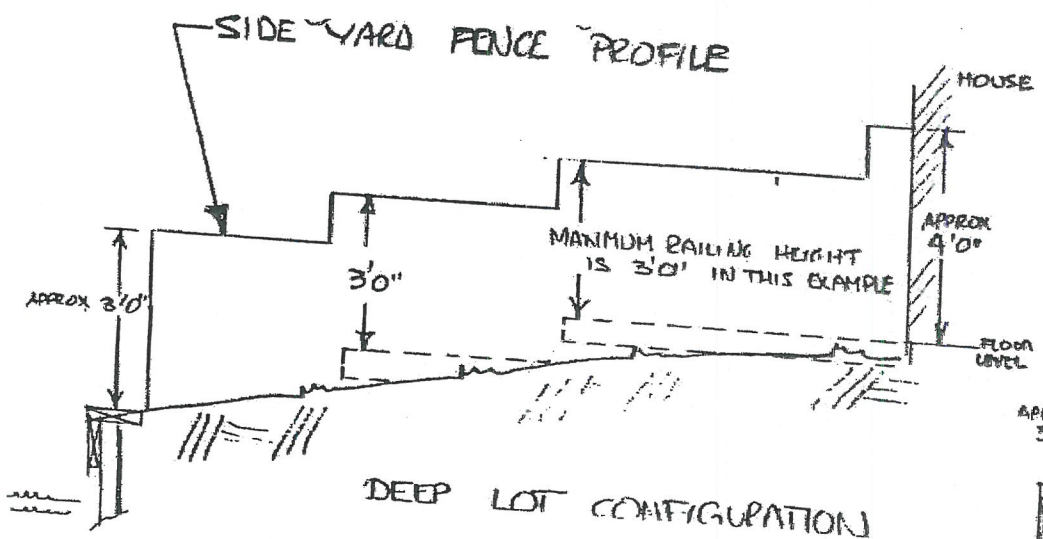
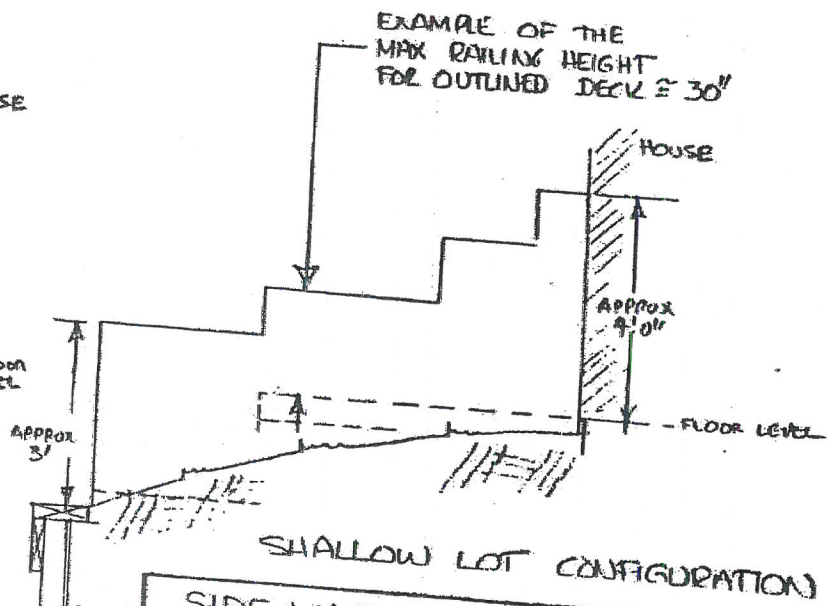
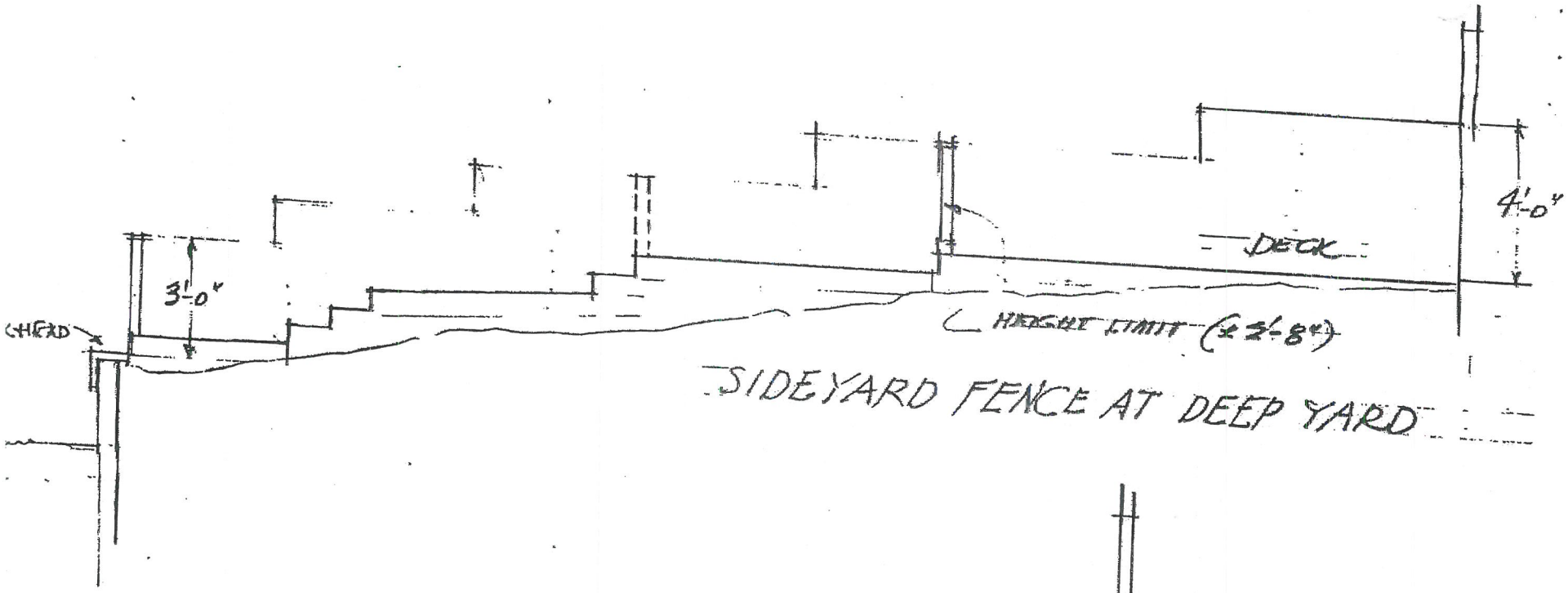


DEEP LOT CONFIGURATION

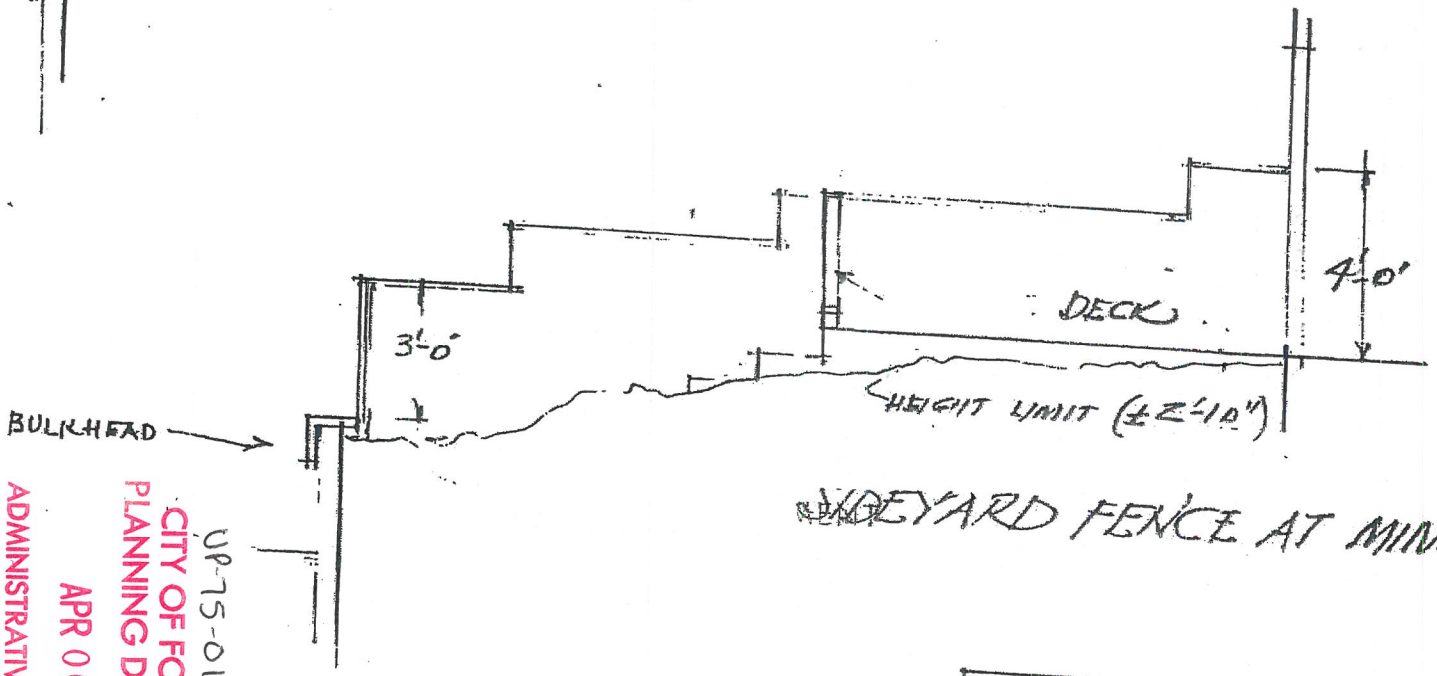


SHALLOW LOT CONFIGURATION

SIDE YARD FENCE DETAIL
EXAMPLE ONLY



SIDEYARD FENCE AT DEEP YARD



SIDEYARD FENCE AT MINIMUM YARD

EXAMPLES OF SIDEYARD FENCE HEIGHT LIMITATION ON CROSS FENCES
THE LANDINGS

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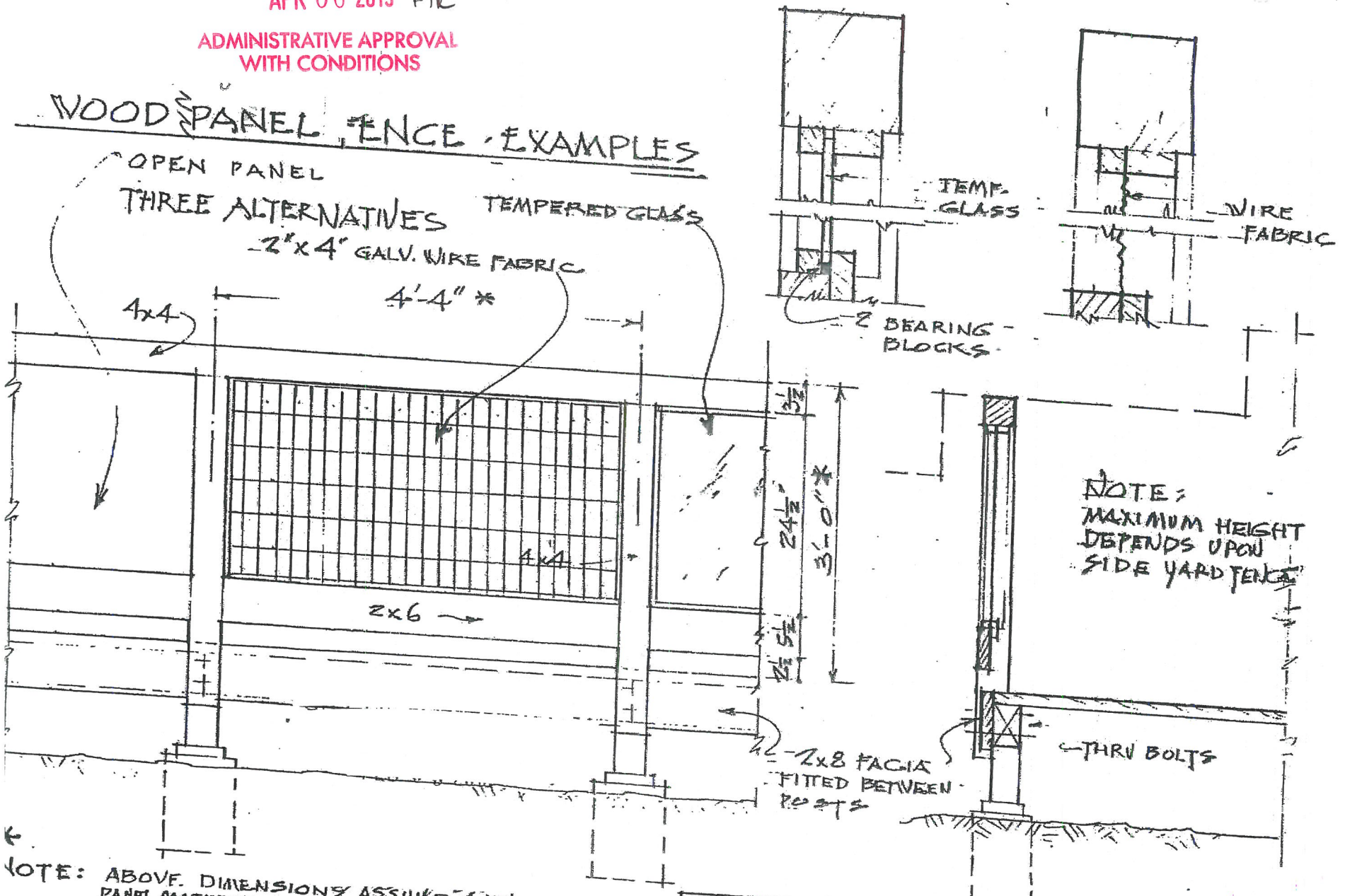
WOOD PANEL FENCE EXAMPLES

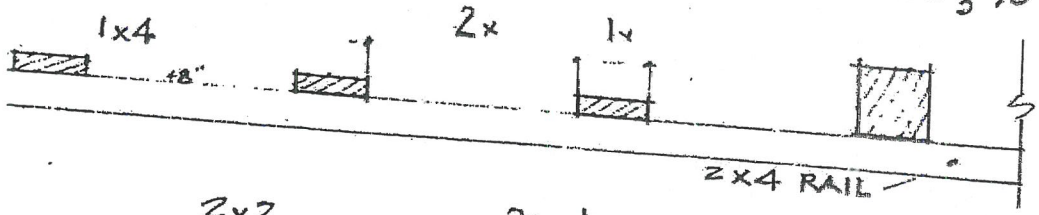


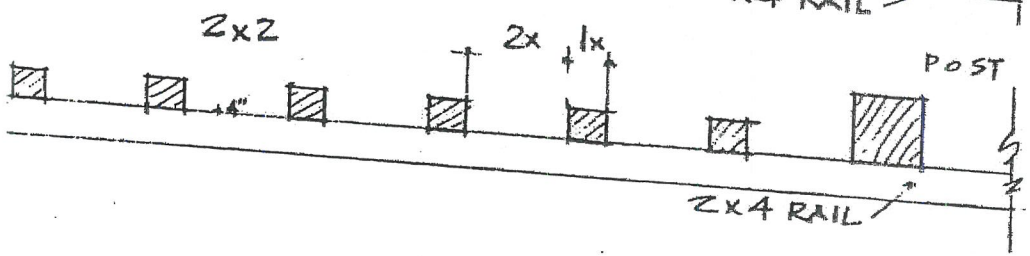
NOTE: ABOVE DIMENSIONS ASSUME 4 FT PANEL MATERIAL - OTHERWISE THEY CAN BE MODIFIED - ESPECIALLY HEIGHT TO RELATE TO LIMITS IMPOSED BY SIDE YARD FENCE.

DECK RAILING & WIND SCREEN DETAILS

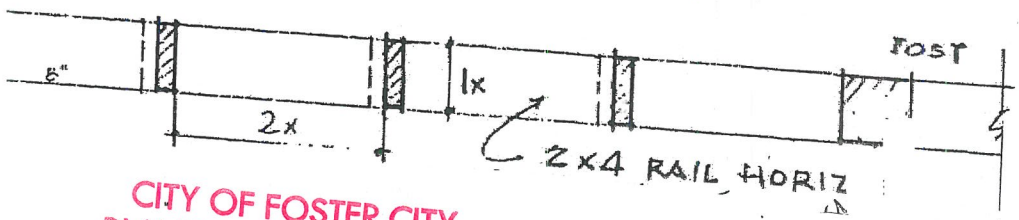
OPENINGS WITH SLATS OR 2x · WOOD FENCE

MINIMUM OPENINGS - TAKING RAIL INTO ACCOUNT - $33\frac{1}{3}$ %





IF LOUVERED: 1x4 OR 2x4



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NOTE: PERMISSABLE VARIATIONS OF OPENINGS IN WOOD FENCES PARALLEL TO BULKHEAD

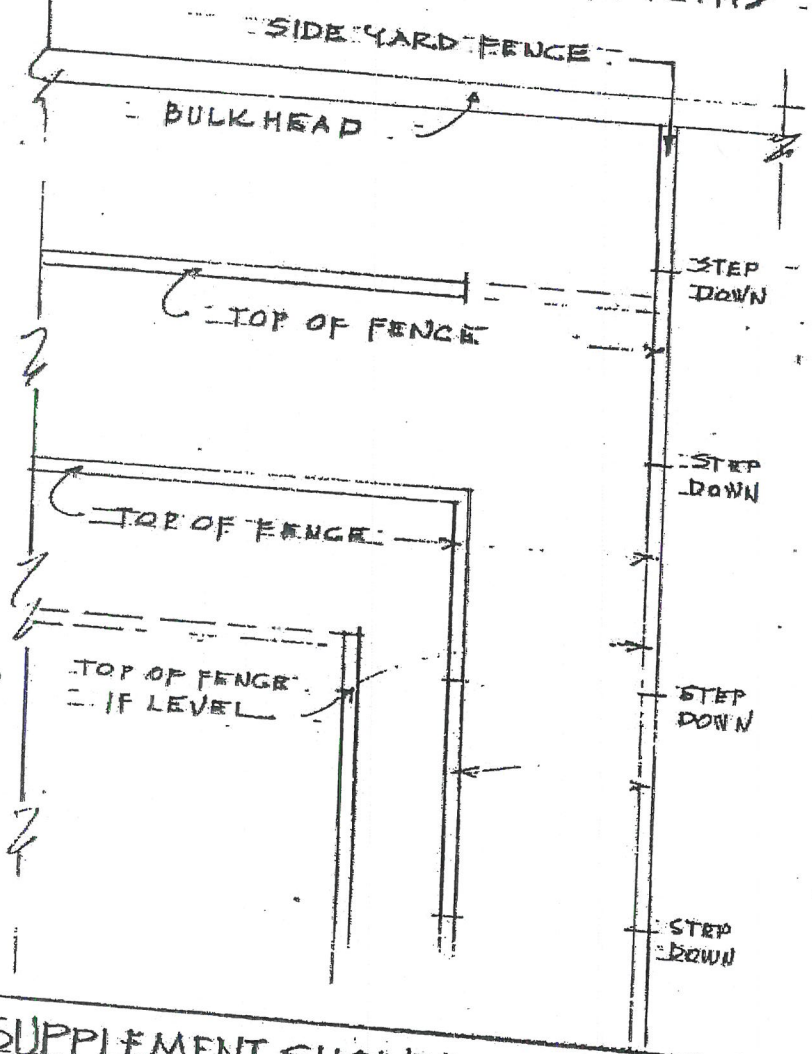
TOTAL* FENCE EXTENDS $\frac{2}{3}$ OF LOT WIDTH : OPEN 2/WD 1

" " " $\frac{1}{2}$ OF LOT WIDTH : OPEN 1/WD 1

" " " $\frac{1}{3}$ OF LOT WIDTH : OPEN 1/WD 1

AGGREGATE OF ALL SECTIONS PARALLEL TO BULKHEAD

DIAGRAM OF MAXIMUM FENCE HEIGHTS



SUPPLEMENT SHOWING LIMITATIONS OF WOOD FENCE OPENINGS & HEIGHTS

WATERFRONT LOCATIONS

THE LANDING
WHALERS COVE

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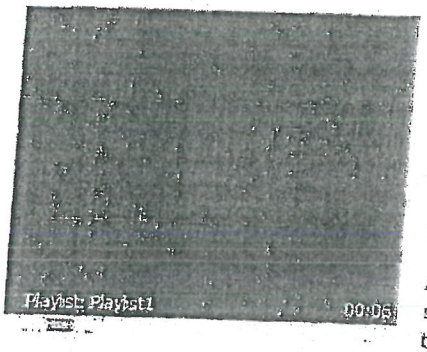
Pool Fences by Protect-A-Child Pool Fence Systems Mesh Removable Pool Fencing

EXHIBIT C

Home | Our Fences | Drawing Proposal | Photo Gallery | Customer Testimonials | Order Information | Find A Local Distributor

Categories

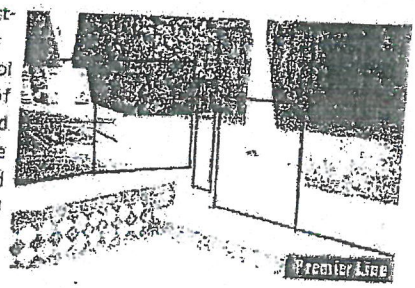
- Fiberglass Post Fences
- Aluminum Post Fences
- Patented Safety Features
- Mesh & Components
- Pool Fence Gates
- Fence Installation
- Fence Warranty
- Become Our Distributor!



Click link once. Video will start.

Our Fences >

Quad-Bilt™ - All Fiberglass - Composite Super Posts

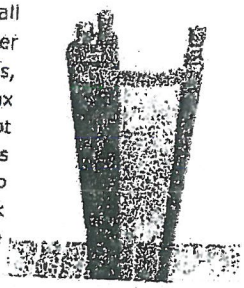


When you decide to upgrade to Protect-A-Child's 100% composite *Quad Bilt* fiberglass support posts for your pool fence you increase the qualities of strength, safety, durability, and appearance to a whole new level. Gone are bent aluminum posts, crooked fences, scratched, flaking paint, and corrosion.

The nature of fiberglass is to absorb shocks and bumps that would leave aluminum support posts bent or broken thus leaving your fence looking unsightly. Fiberglass is also impervious to the elements and has a color that is built in with colored resins that permeate the post. When you decide to use Protect-A-Child's Quad Bilt composite fiberglass support posts, you will get a fence that performs better and will look better for years to come.

Another important advantage is that fiberglass does not conduct electricity so it is much safer to be installed around swimming pools. In many areas, fiberglass post fences are the only ones that can be safely installed within 5' of your swimming pool. Aluminum posts are sometimes specifically excluded.

A word about today's fiberglass composites:



Today s composites have proven to be the highest quality and strongest materials available. They are used in all applications requiring user friendly strength and weather resistance. These include waterpark and playground slides, pools and spas, the boat building industry, high quality ax and shovel handles, commercial duty ladders, and fifty-foot tall parking lot light posts. Other familiar applications include the Mesmerizing Dancing Fountains of the Bellagio Hotel on the Las Vegas Strip, the Observation Deck overlooking the breath taking Niagara Falls, and the fiberglass walkway and aquarium supports at the Monterey Bay Aquarium in California. These applications all use structural fiberglass composite materials.

Protect-A-Child introduced composite fiberglass technology to mesh pool fencing in 1991. We only moved forward after significant testing revealed a fiberglass post construction process that provided superior performance to the less expensive aluminum post option. Since that time we have upgraded and improved our fiberglass posts as technology has allowed. We have sold millions of composite fence posts throughout the world in all climates proving their superiority to aluminum in every category. By more than exceeding our expectations, they have proven worthy of the lifetime warranty we offer against both

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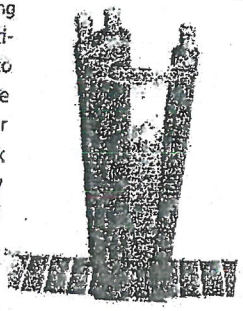
breakage and bending. So when others tell you, *"You're better off using an aluminum post fence."* Ask whether they offer Quad Bilt fiberglass posts with a lifetime warranty against bending and breakage. You can be assured that if they did, they would be telling you, *"Fiberglass is the only way to go."*

The Many Advantages of Quad Bilt Composite Posts:

- **The Strongest, Most Resilient, and Shock Resistant Support Posts Available.**



The strength and safety of your pool fence literally "rests" upon your fence support posts. They must endure ongoing forces of tension as well as shock. Protect-A-Child's Quad-Bilt™ composite posts have the strength and durability to support tension and flex with shock but will not become bent like aluminum posts. Independent testing shows our Quad Bilt™ composite posts to be stronger and more shock resistant than all other posts on the market be they aluminum or composite. Just as a stiff fishing rod can flex continually and rigorously yet maintain its strength, resiliency, and integrity - so it is with Protect-A-Child's Quad-Bilt™ posts. Twelve years of actual field use experience give us the confidence to back them with a lifetime warranty against both breakage and bending.

- **"Built-In" Color Rather Than A Painted Finish.**

Color finishes on aluminum support posts and moldings are externally applied over silver metal. These finishes can scratch and flake leaving your fence looking worn. By comparison, the color of Quad-Bilt™ composite posts and moldings is "built in" with colored resins rather than simply painted or coated on. So it will never chip, peel, or flake off. Quad-Bilt™ composite posts are also impervious to the elements so corrosion will never be a problem giving you a lasting, attractive appearance and true value.

- **Does Not Conduct Electricity.**

Fiberglass posts are 100% non metallic and are the only mesh fence support posts that do not conduct electricity. This is very important when your fence installation must meet the National Electrical Code. This Code prevents unbonded metal (such as an aluminum post) from being inserted into your pool patio within 5' of the waters edge.

- **A More Attractive Fence.**

Let s face it, you would probably rather not fence your pool if you had a choice. Worse than that would be if your fence became crooked because the fence posts were bent. With Protect-A-Child s Quad Bilt composite fiberglass posts, because of its superior materials and resiliency, we can guarantee your fence posts will not become bent.

- **SUPERIOR WARRANTY**

In addition to our standard lifetime warranty we go a step further with our Quad Bilt composite support posts. The superior characteristics of these posts combined with our 17 years experience with them give us the confidence to back them with a lifetime warranty against both breakage and bending. This is in addition to the lifetime warranty against defects in materials and workmanship. This bending and breakage warranty is the only one of its kind in the industry.

Fence Spec's:

UP-75-018 BBB

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Pool Fences by Protect-A-Child Pool Fence Systems Mesh Removable Pool Fencing

This fence incorporates Quad Bilt composite posts, Textilene mesh, all stainless steel fasteners and components, polyvinyl sleeving, point lock secure latches, and the availability of our *Lock in Deck* system.

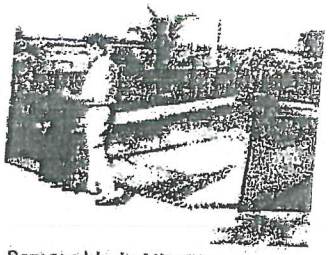
Composite post colors: black, brown, desert tan, white.
Textilene@ mesh colors: transparent black, brown, or desert tan.
Optional border colors: white, tan, brown, and black.
Available in heights of: 3 1/2' (1.07m) 4' (1.22m), and 5' (1.52m).
(Not all colors available in all heights.)

The Quad Bilt warranty is to the original purchaser and includes breakage and bending under normal wear and tear circumstances. It does not include deliberate acts or acts of nature.

Read more about Quad Bilt posts in our Frequently Asked Questions section.

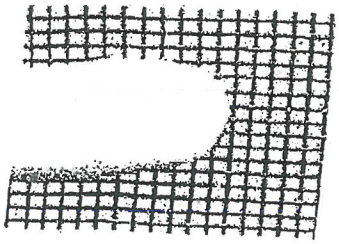
Contact Us for more information.

Features



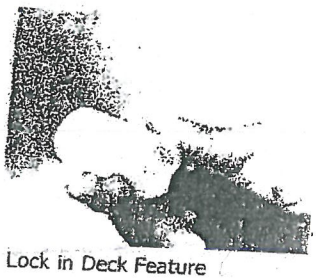
Removable in Minutes

Color Keyed Patio Caps



Climb Resistant Mesh

Point -Lock ™ Section Latch



Lock in Deck Feature

UP-75-018BBB
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WITH CONDITIONS

EXHIBIT D

Photoshop-ed mockup of cable wire fence:

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WITH CONDITIONS

SIDE YARD FENCING

General style:

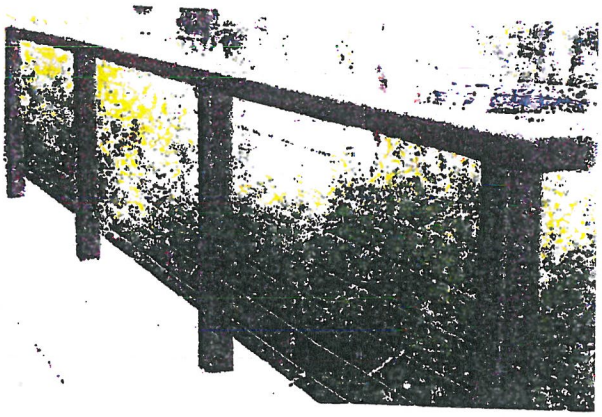
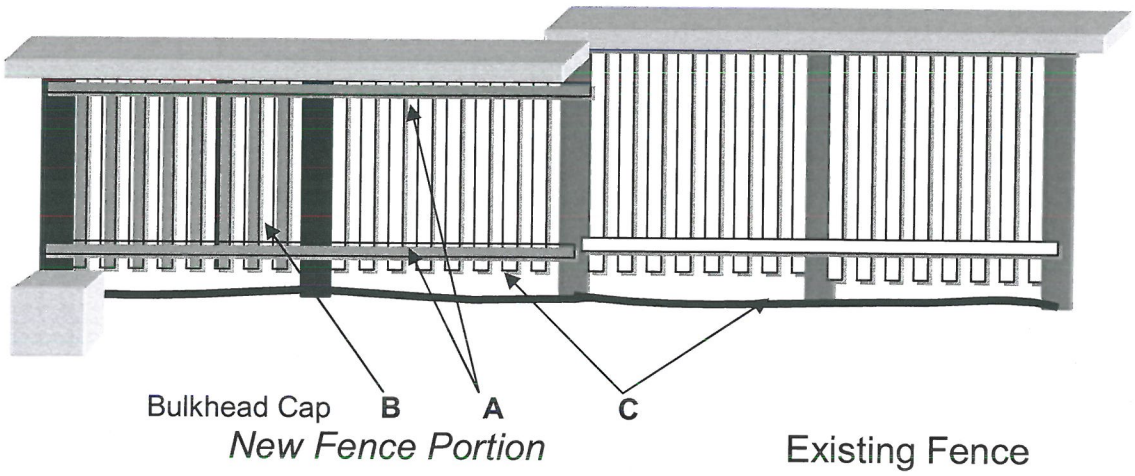


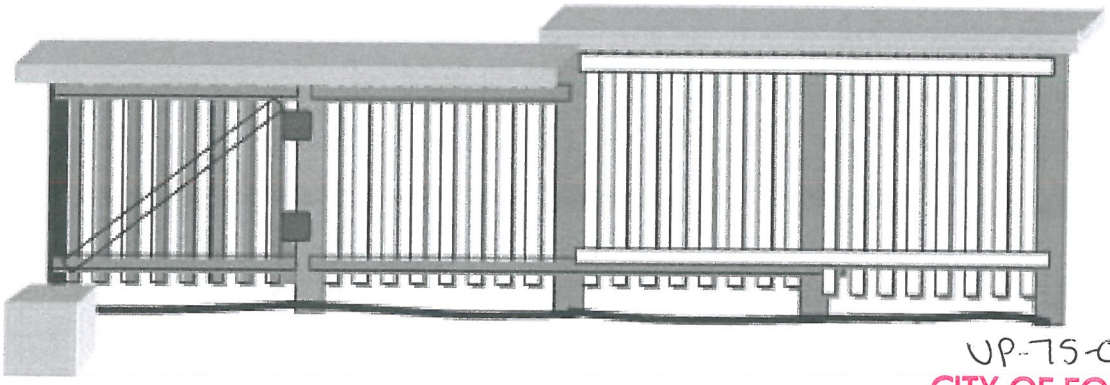
EXHIBIT E

Prototype for fence extentions at the bulkhead as reccomended by your Architectural Review Committee



The new fence will be constructed of rough sawn cedar or redwood except that new posts may be of pressure treated material. The new 4x4 post (B) that can extend on to the bulkhead cap, can rest on top, but not be ***attached*** *to it in any way.* The old 2x4 stringers top and bottom (A) should be replaced with new ones that extend out to the new 4x4 decorative post (B), cantilevering out and tying back into the two existing 4x4 posts (C) should provide enough stability for the new section. If your fence requires replacement, the last section could be rebuilt to extend closer to the bulkhead, so the cantilever section is shorter, *but no load bearing post closer than 3 feet from the inside of the cap will be allowed*. These last 2 sections should be no taller than they presently are with a maximum of 36" tall from the ground to the top of the fence. This will allow these extensions to appear as if they were originally built this way, rather than just tacked on. If you have any questions regarding these fence extensions contact the Architectural Review Committee.

Fence Extension with gate. Same Construction except that post closest to the water is a 2x4 instead of a 4x4. And hinges off the 4x4 closest to the bulkhead



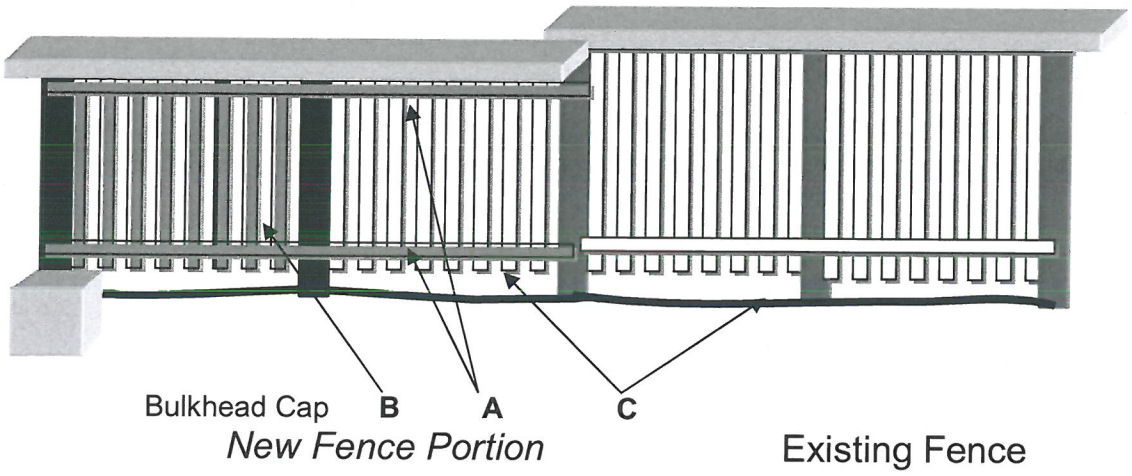
UP-75-018BBB

CITY OF FOSTER CITY
PLANNING DEPARTMENT

APR 06 2015 VTR

ADMINISTRATIVE APPROVAL
WITH CONDITIONS

Prototype for fence extentions at the bulkhead as reccomended by your Architectural Review Committee



FILE COPY

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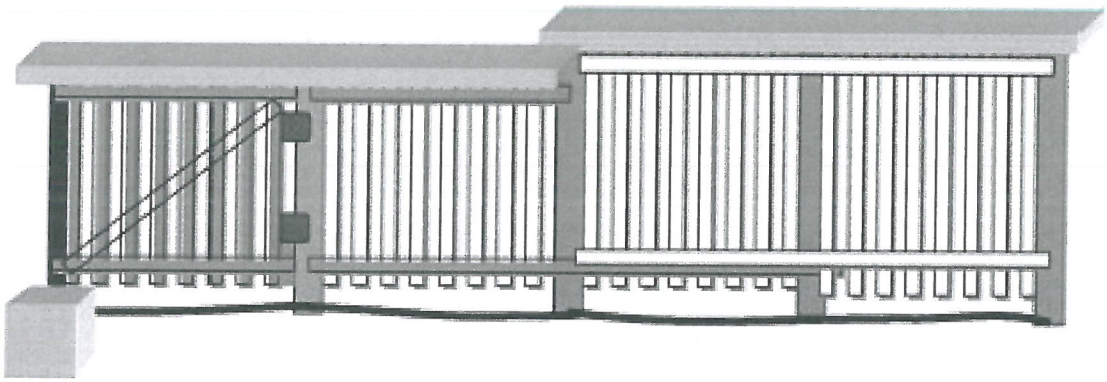
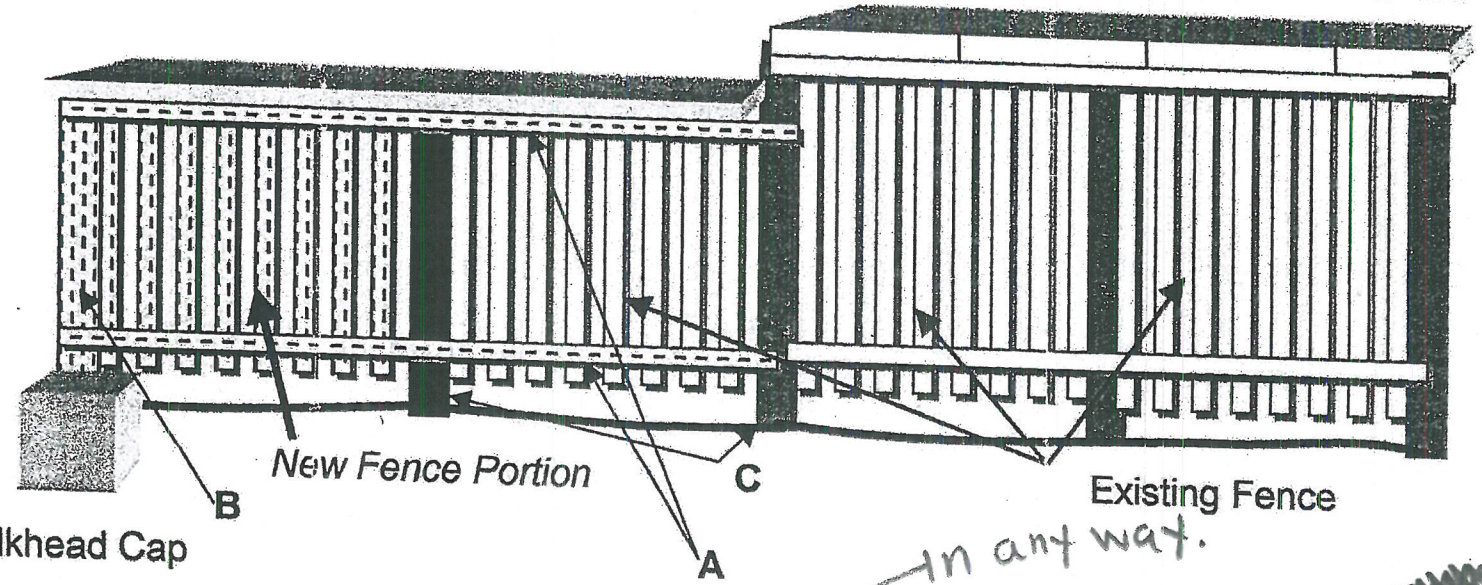
Fence Extension with gate. Same Construction except that post closest to the water is a 2x4 instead of a 4x4. And hinges off the 4x4 closest to the bulkhead



Met w / Dave Kramer @ 7:30 AM 3/23 - He will revise

Prototype for fence extentions at the bulkhead as reccomended by your Architectural Review Committee



FILE COPY

New fence should be constructed of rough sawn cedar or redwood except that new posts may be of pressure treated material. The new 4x4 post that extends over the bulkhead cap, can rest on top ~~and~~ of the bulkhead ~~doesn't need to~~ ***be attached to the bulkhead cap.*** The old 2x4 stringers top and bottom (A) should be replaced with new ones that extend out to the new 4x4 post (B). Cantilevering out and tying into the two exsisting 4x4 posts (C) should provide enough stability for the new section. If your fence requires replacement, the last section could be rebuilt to extend closer to the bulkhead so the cantilever section is shorter. These last 2 sections should be no taller than they presently are. We are trying to make these extensions appear as if they were originally built this way, rather than just tacked on. If you have any questions regarding these fence extensions please give me a call. Thank you for your cooperation in helping us maintain continuity.

If you have any questions please call Dave Kramar @ 573.5535.

out shall not

in any way.

w/ a max height of 36".

decorative (faux) which is not attached to the

but no support post closer than 3' from the inside edge of the bulkhead

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KOHAR'S NOTES/COMMENTS
DISCUSSED W/ KRAMAR 3/23/15

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Kohar Kojayan

From: Kohar Kojayan
Sent: Wednesday, March 18, 2015 3:54 PM
To: David Kramar (david.kramar@gmail.com)
Cc: Dan James (mulqueeney@sbcglobal.net)
Subject: Whalers Island Fence Extension Prototype

Hi Dave,

I hope you are doing well. I received your request to establish a prototype for fence extensions at the bulkhead. After reviewing the request with our Public Works and Building Divisions, we need to make some changes to the proposal. Do you have time sometime this week to either meet in person or discuss over the phone? I think meeting in person would be easier but I am available to do either. Please let me know your availability.

Best Regards,

Kohar Kojayan, AICP
Planning Manager
Community Development |City of Foster City
610 Foster City Boulevard
Foster City, CA 94404
D: 650.286.3237 | F: 650.286-2537
email: kkojayan@fostercity.org | website: www.fostercity.org

Whalers' Island Homeowners Association

c/o Mulqueeney & Associates
PO Box 4726
Foster City CA 94404
Telephone 650-574-3835
Facsimile 650-341-1140
E-mail Mulqueeney@sbdglobal.net

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March 6, 2015

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Curtis Banks, Community Development Director
City of Foster City
610 Foster City Boulevard
Foster City, CA 94404

Dear Mr. Banks:

Whalers' Island Homeowners Association board of directors approved amending the fence design prototype UP-75-018YY, June 26, 2014 to allow side fencing on water front lots to be extended over the concrete cap of the bulkhead as illustrated in the attachment.

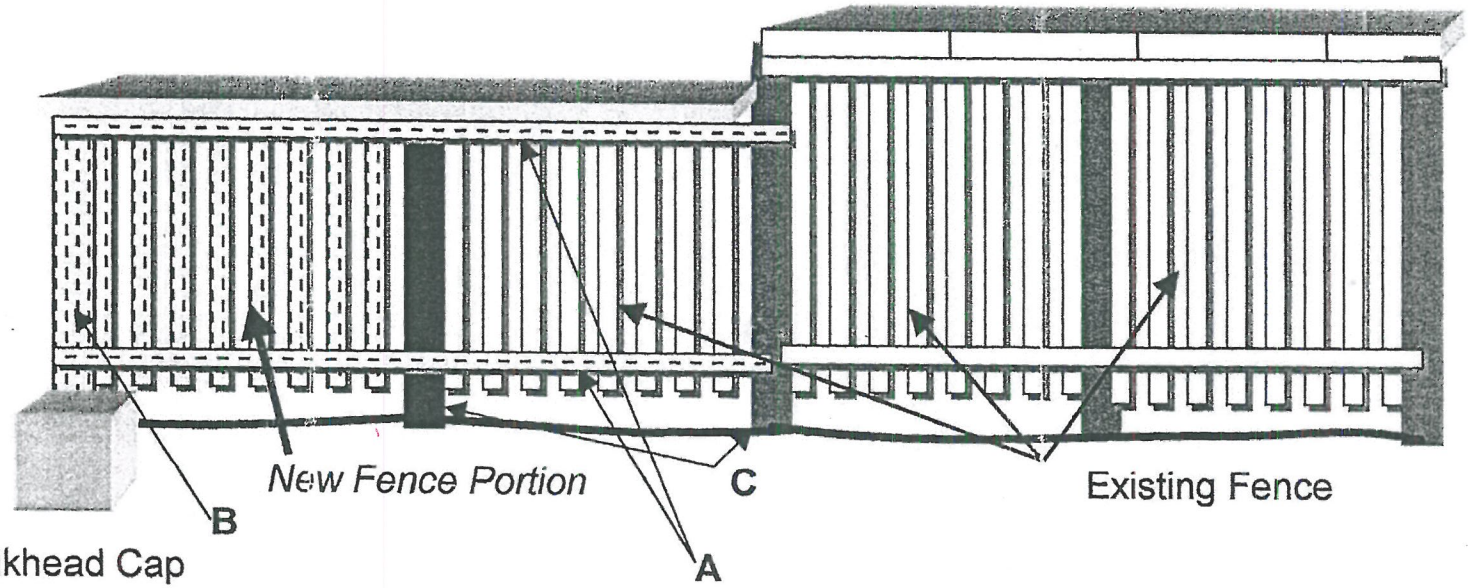
Call if you have any questions.

Respectfully,

Dan James,
Managing Agent

cc: File

Prototype for fence extentions at the bulkhead as reccomended by your Architectural Review Committee



New fence should be constructed of rough sawn cedar or redwood except that new posts may be of pressure treated material. The new 4x4 post that extends over the bulkhead cap, can rest on top and ***doesn't need to be attached to the bulkhead cap.*** The old 2x4 stringers top and bottom (A) should be replaced with new ones that extend out to the new 4x4 post (B). Cantilevering out and tying into the two exsisting 4x4 posts (C) should provide enough stability for the new section. If your fence requires replacement, the last section could be rebuilt to extend closer to the bulkhead so the cantilever section is shorter. These last 2 sections should be no taller than they presently are. We are trying to make these extensions appear as if they were originally built this way, rather than just tacked on. If you have any questions regarding these fence extensions please give me a call. Thank you for your cooperation in helping us maintain continuity.

If you have any questions please call Dave Kramar @ 573.5535.

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City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222

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Community Development Department
General Application

Planning/Code Enforcement Division staff will assist you in completing this application and can be reached at (650) 286-3225. Planning/Code Enforcement counter hours are 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m., Monday through Thursday. No Planners are available on Friday. You may also reach us at our email address: cdd@fostercity.org

LOCATION OF PROPERTY: Street Address(es) WHALERS' ISLAND HOA

BRIEF DESCRIPTION OF PROJECT: Amend fence design prototype UP-75-018YY, June 26, 2014 to allow side fencing on water front lots to be extended over the concrete cap of the bulkhead.

NEW OR ADDITIONAL BUILDING SQUARE FOOTAGE: (if applicable) _____

PROPERTY OWNERSHIP		APPLICANT	
Name:	WHALERS' ISLAND HOA	**Name:**	SAME
Company:	Mulqueeney & Associates	**Company:**	
Address:	PO BOX 4726	**Address:**	
	FOSTER CITY CA 94404		
Telephone:	650-574-3835	**Telephone:**	
Fax:	650-341-1140	**Fax:**	
Email:	mulqueeney@sbcglobal.net	**Email:**	

Please read all of the applicable sections of this two-page application and all information in the application information handout <u>before</u> signing this application.

TYPE OF PERMIT(S) REQUIRED

- ☐ Architectural Review Permit
- ☐ Architectural Review Amendment
- ☐ General Plan Amendment
- ☐ Negative Declaration/EIR
- ☐ Planning Commission Interpretation/Opinion
- ☐ Rezoning
- ☐ Preliminary Review
- ☐ Sign Permit
- ☐ Sign Use Permit
- ☐ Tentative Subdivision/Parcel Map
- ☐ Use Permit
- ☒ Use Permit Modification
- ☐ Temporary Use Permit
- ☑ Other Amend Prototype UP-75-018YY

FOR CITY COMPLETION:

Date Application/Fee received: 3/6/15

Received by: KAK

Assessors Parcel No: _____

Amount Fee Paid: 0 - Free Prototype Period

File Number: UP-75-018BBB

FILE COPY

NOTES:

1. It is understood that any permit issued pursuant to this application will not grant any right or privilege to use any building or land contrary to the provisions of law or of any ordinance of the City of Foster City. All provisions of law and of ordinance governing the use of the aforesaid building or land will be complied with, whether specified or not.

2. The applicant or any interested aggrieved person may appeal the determination of the Community Development Director or the Planning Commission within ten (10) calendar days from the date of such determination. All appeals must be filed within ten (calendar) days after the decision of the Community Development Director or Planning Commission. The appeal must be in writing. The required appeal fee as adopted by the City Council must accompany an appeal to the Planning Commission of a decision of the Community Development Director (Planning Director) or an appeal to the City Council of a decision of the Planning Commission or it will be considered incomplete. Prior to submitting your appeal, please check with staff regarding the amount of the appeal fee due. A Building Permit will not be issued until after this 10-day appeal period. If an action of the Commission is appealed, the City Council will hear the appeal and render a final decision.

3. I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the City grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the City and also agree to defend, indemnify and hold the City harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorneys' fees that might result from the third party challenge.

4. ***The applicant understands that projects reviewed by staff are billed on a time and materials basis which means that all staff time spent reviewing the project and any extraordinary materials required to process the project are charged to the applicant. If staff time spent on a project exceeds the deposit (the initial application fee/deposit), the applicant will be billed accordingly.*** _____ **Initials**

5. **It is understood that approval of this application does not constitute approval of construction plans from the Building Inspection Division, which must be applied for separately and subsequent to the approval of this application.**

6. Public Noticing: Use Permits, Variances, and some other applications require a Planning Commission Public Hearing, for which property owners within a 300-foot radius of the project must be notified. The Notice of Public Hearing must be mailed two weeks prior to the scheduled meeting. Some Architectural Review applications require that the applicant notify adjacent property owners before the application can be determined to be complete. Please refer to the Submittal Requirements for procedures.

7. Plan Preparation and Submittal Information: Prior to plan preparation and submittal, applicants are strongly encouraged to read as applicable, the: 1) Residential Property Improvements Information Package; 2) Major Property Development (relevant to environmental assessments, General Plan amendments, rezonings, tentative maps, vesting tentative maps, and use permits) handout; or: 3) Signs Application and Information handout. This information describes the type of plans required for all applications and the information to be contained on plans.

8. If an applicant has been notified in writing that his/her application is incomplete and the reasons why the application has been so deemed, and there is no resubmittal of required information for a period of six months from the date of notification, or no activity has occurred on the application for a period of six months, the Community Development Director or his/her designee shall deem the application withdrawn and so notify the applicant. The applicant may reapply at any time with a new application and filing fee.

9. The applicant and property owner hereby grant permission for City staff to enter and inspect the subject property as required to evaluate this application.

SIGNATURES – I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the City Ordinances, and I hereby certify that the information given is true and correct to the best of my knowledge and belief. I hereby certify that this application and supporting submittals is an application for a development permit and therefore subject to time limits for processing as established by State law. I have read all applicable sections of this application and other relevant information and understand what is required of me during this project review process.

Applicant: Waters' Island HOA **Date**: March 6, 2015

Owner:* Van James, Managing Agent **Date**: March 6, 2015

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*If different than applicant, owner must either sign this application or attach a signed letter authorizing this application.