City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222

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**PROTOTYPE**

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

| | |
|---|---|
| APPLICATION RECEIVED: | March 3, 2015 |
| APPLICATION COMPLETE: | March 3, 2015 |
| ACTION DATE: | March 12, 2015 (Revised April 21, 2015) |
| CASE NO: | UP-75-018AAA (Supersedes UP-75-018XX) |
| OWNER: | Whaler's Island Homeowners' Association |
| ADDRESS: | C/O: Mulqueeney & Assoc., PO Box 4726, Foster City, CA 94404 |
| APPLICATION FOR: | Amend Whaler's Island Prototypical Design Guidelines for siding replacement to allow homes with shingle siding to replace their siding with HardieShingle Siding in a straight edge panel layout and amend exterior house color guidelines |
| LOCATION: | Whaler's Island Planned Development |
| ZONING: | R1/PD (Single Family/Planned Development) District |
| CEQA DETERMINATION: | CEQA Exempt as per Section 15301 |
| 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. The proposal to amend the Whaler's Island Prototypical Design Guidelines for Siding Replacement to allow houses with shingle siding to replace the siding with HardieShingle Siding in a straight edge panel layout and to amend the exterior house color guidelines as conditioned in Exhibit A; would be consistent with the Foster City General Plan, Chapter 17.12 (R-1 Single-Family Residence District) of Title 17 (Zoning), and Chapter 2.28 (Planning) of Title 2 (Administration and Personnel) of the Foster City Municipal Code, because the addition of a siding replacement option of HardieShingle Siding with straight edges and the amendment to the exterior house color guidelines: 1) will be sympathetic to the character and style of the existing development and will be designed to be harmonious with the existing neighborhood and therefore, will promote "proper site planning, architectural design and property maintenance" and will preserve "the quality of the City's residential neighborhoods" as stated in the Land Use and Circulation Goals (LUC-A and LUC-B) and Land Use Policies (LUC-38 and LUC-39) contained in the Land Use and Circulation Element of the Foster City General Plan; 2) will be integrated into the existing development and designed such that the

architectural character of the homes is maintained and such that solar and privacy impacts will not be created on adjacent properties, consistent with Section 2.28.010 of the Foster City Municipal Code; and 3) will improve a typical residential use consistent with the Land Use Plan designation of Single-Family Residential.

2. That the proposed siding material and the proposed amendment to the exterior house color guidelines are consistent with and appropriate to the City, the neighborhood, and the Whaler's Island Planned Development because the design of the HardieShingle Siding in a straight edge panel layout as a siding replacement option will be compatible with the design of the houses in the planned development in which it is located, and the amended exterior house color guidelines will allow more flexibility for homeowners to paint or stain their homes in the future.

3. That the HardieShingle Siding in a straight edge panel layout and the amended exterior house color guidelines would be compatible with the site's environment with respect to use, forms, materials, colors, location, design or similar qualities as specified in Section 17.58.010 of Chapter 17.58 (Architectural Control and Supervision) because; 1) they will be compatible with the Whaler's Island Planned Development and therefore 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 therefore, will be 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 character of the existing houses and neighborhood, and therefore, will enhance the site and will be harmonious with the highest standards of improvement in the surrounding area consistent with Section 17.58.010.B.3 of the Foster City Municipal Code.

4. 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 the HardieShingle Siding in a straight edge panel layout and the amended exterior house color guidelines 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.

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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

President
(Owner's Name) (Please Print)

Planners Initials: kl

(Owner's Signature)

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# EXHIBIT A

## WHALERS ISLAND HOMEOWNERS' ASSOCIATION

Prototypical Design Guidelines for Exterior House Color and Siding Replacement

(Conditions attached to approval of UP-75-018AAA by the Community Development Director on April 21, 2015)

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The following guidelines shall govern the selection of exterior house colors and the installation and replacement of all siding in the Whalers Island Planned Development:

**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 and flashings shall be painted to blend in with their surrounding surfaces. Gutters and downspouts shall be painted to either match or contrast 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.

6. Prior to construction, all necessary building permits shall be obtained from the Foster City Building Division.

8. **The exterior house colors for paint or stain may be selected by the homeowner(s) subject to two conditions. First, adjacent properties which front on the same street shall not use the same color scheme. Second, house colors shall not be bright pastel, fluorescent or primary colors, or out of character with the existing colors in the neighborhood. There is no color palette for the Whalers Island Planned development. However, all selected colors shall be reviewed and approved by the HOA Board of Directors if the existing colors are changed.**

9. **Paint or stain colors selected for trim, fences and attached structures such as a trellises and doors shall be compatible with the body color.**

10. **A change in siding material shall not create more than two (2) units in a row of the same exterior siding, finish or color. If the request does create more than two (2) such units in a row, it may still be allowed if the siding is painted or stained a color approved by the HOA Board of Directors that is different than the two existing units.**

11. **Upon completion of work, the body siding on all sides of the house and garage must be the same type of material and have a uniform color on all sides of the house and garage. Different types of**

**material cannot be intermixed except that wood trim may be used in combination with HardiTrim when HardiTrim is not available in a necessary shape or pattern.**

12. **Homes with vertical board siding shall replace siding with: vertical siding only (like for like), or with the Associations' written approval, shingled siding (refer to COA # 13) or horizontal four to six inch exposure HardiePlank Lap Siding Select in the cedarmill finish (see Exhibit B).**

13. **Homes with shingled siding shall replace siding with shingled siding only (like for like) (see Exhibit C), or with the Association's written approval, HardieShingle Siding with shingles in a straight edge panel layout. Trim at the corners of the house shall match the same color as the shingles. Trim around the windows and doors and where the siding meets the roof shall be a contrasting color to the shingles.**

11. **Homes with the horizontal narrow lap siding shall replace siding with horizontal narrow lap siding only (like for like) (see exhibit D) or, with the Association's written approval, horizontal four to six inch exposure HardiePlank Lap Siding Select in the Cedarmill finish.**

**Bold indicates site specific condition.**

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**APPROVAL PROCESS (If there is NO change in siding material or house color – like for like replacement)**

If the homeowner is painting or staining only without replacing siding, then a building permit is not required. If siding is replaced, other than minor repairs using the existing siding material, the homeowner or contractor shall apply for a building permit and submit the following;

1. The homeowner or contractor shall apply for a Building Permit from the Building Inspection Division and shall submit any required drawings and fees.

   - Provide a photograph that clearly shows the siding of the existing house.

2. 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 siding replacement in the Whaler's Island Prototypical Design Guidelines.

**APPROVAL PROCESS (If there is a change in the existing exterior body and trim colors and/or change the type of siding material).**

1. The homeowner/applicant shall obtain an approval letter from the Whaler's Island Homeowners' Association for the proposed siding change. The letter shall indicate that the proposed changes conform with the established design criteria of the prototype. To obtain approval when painting or staining, submit five 8 ½" by 11" "brush outs" each showing the body and trim colors with the paint company name, color name and color number on the back side of each brush out. Also, samples of the body requested color shall be applied to both the generally east and generally west sides of the house next to some trim 12" wide from near the foundation to near the eaves and with the trim also painted with the trim requested color. To obtain approval when replacing siding with pre-painted Hardie material, submit a material sample for each color under consideration with the color name and color number marked on the back of the sample. The HOA will provide an approval letter to the homeowner after the plans are approved by the HOA Board.

2. If the homeowner is painting or staining only without replacing siding, then a Building Permit is not required. If siding is replaced, the homeowner or contractor shall apply for a Building Permit from the Building Inspection Division and shall submit the required drawings and fees:
   - A copy of the HOA approval letter.
   - A building permit application and filing fee.
   - Manufacturer's brochure and sample of the type of siding and color to be used when Hardie siding material is selected.
   - A photograph of the home showing the existing siding.

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 siding change.

Dan James, Managing Agent
Whalers Island Homeowners Association

4/22/2015
Date

Curtis Banks, Community Development Director
City of Foster City

4/23/15
Date

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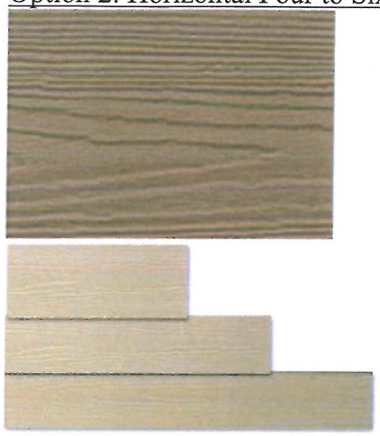
# EXHIBIT B

**Original Vertical Board Siding:**

Option 1: Like for Like (Vertical Board Siding)

Option 2: Horizontal Four to Six Inch Exposure Hardiplank Lap Siding in the Select Cedarmill© Finish



Option 3: Shingle Siding (see Exhibit C)

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# EXHIBIT C

**Original Shingled Siding**

OPTION 1: Like for Like Wood Shingles

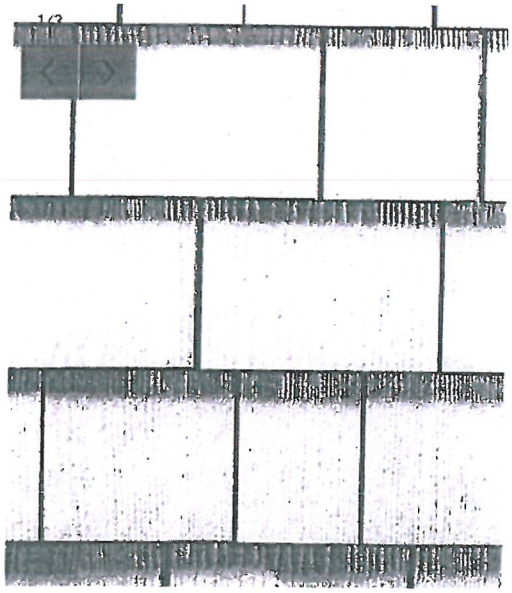
OPTION 2: HardieShingle Siding arranged in straight edge panels

HardieShingle® Siding

**STRAIGHT EDGE PANEL**

A clean-lined, tailored look

**DESIGN ADVICE:** Shingles can soften a contemporary design



*Download Product Catalog*

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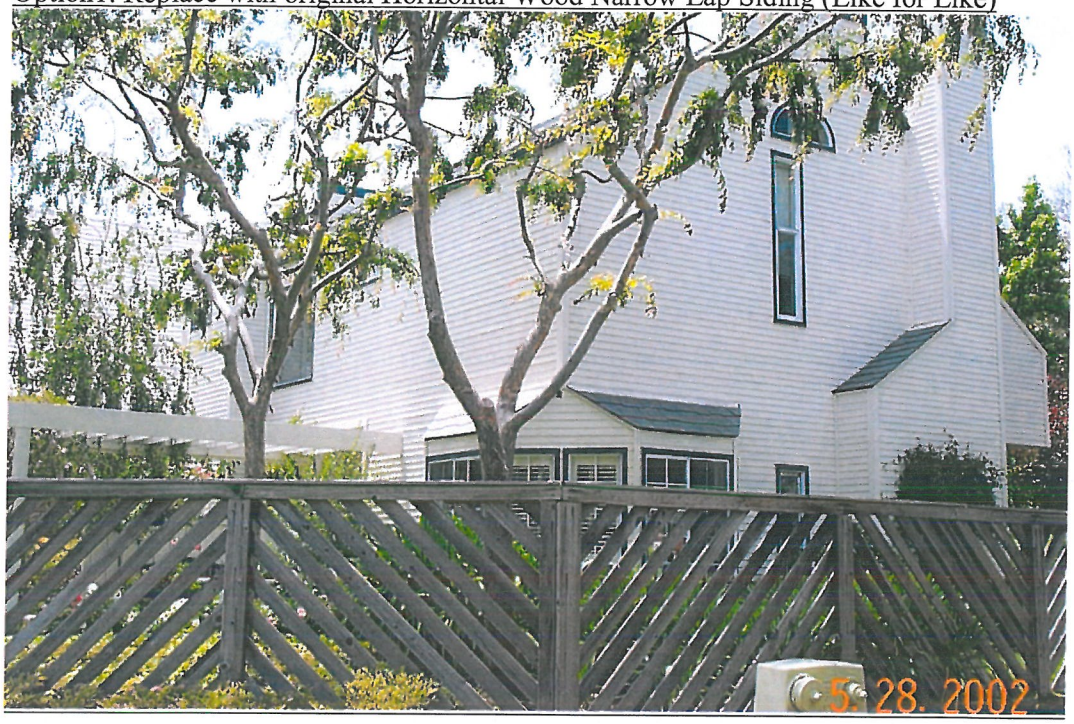
# EXHIBIT D

## Original Horizontal Narrow Lap Siding

Option1: Replace with original Horizontal Wood Narrow Lap Siding (Like for Like)




Option 2: Horizontal Four to Six Inch Exposure Hardiplank Lap Siding in the Select Cedarmill© Finish

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