



City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

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

**CITY OF FOSTER CITY
PLANNING COMMISSION ACTION**

July 25, 2005

Dan James
Mulqueeney & Associates
P. O. Box 4726
Foster City, CA 94404

Dear Mr. James:

For information and easy reference, the Planning/Code Enforcement Division of Foster City, subsequent to Planning Commission meetings, provides a letter describing action taken by the Planning Commission. Should you disagree with our interpretation of the action of the Commission, please contact the Planning/Code Enforcement Division. Permits shall not be issued until ten (10) days have elapsed from the granting thereof. The subject of the application is described below:

MEETING DATE:	JULY 21, 2005
CASE NO.:	UP-75-018X
APPLICANT:	WHALERS' ISLAND HOMEOWNERS' ASSOCIATION
APPLICATION FOR:	USE PERMIT MODIFICATION REQUEST OF A PROTOTYPE FOR TREE REMOVAL AND REPLACEMENT
LOCATION:	WHALERS' ISLAND PLANNED DEVELOPMENT
ZONE:	R-1/PD (SINGLE FAMILY RESIDENCE/PLANNED DEVELOPMENT) DISTRICT

ACTION TAKEN:

On June 21, 2005, the Planning Commission adopted Resolution No. P-28-05 approving UP-75-018X. A copy of the Resolution and Conditions of Approval is attached.

APPEAL:

An action of the Planning Commission on a Use Permit Modification application may be appealed within ten (10) calendar days after the date of the Planning Commission decision, in writing, to the City Council. Actual construction on or implementation of projects shall not begin prior to the expiration of the appeal period. If a project/permit is appealed, construction or implementation of it shall not begin prior to a final decision being rendered by either the Planning Commission and/or City Council.

ACKNOWLEDGMENT BY APPLICANT:

In order to demonstrate that you are aware of the Commission's action and understand the conditions attached to this approval, please sign the original of this letter and return it to the Planning/Code Enforcement Division.

Sincerely,


Richard B. Marks
Community Development Director

Applicant (Please Print)

(Signature)

- cc: Building Inspection Division
 Dave Kramar, 1196 Essex Lane, Foster City, CA 94404
 Bill Dickey, 651 Greenwich Lane, Foster City, CA 94404
 Debra Shaw, 605 Gloucester Lane, Foster City, CA 94404
 Walter Fuji, Ralph Otterling Consultants, Inc., 1650 Borel Place, Suite 204, San Mateo, CA 94402-3508

(Mailed: July 25, 2005)

RESOLUTION NO. P- 28 -05

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY APPROVING A MODIFICATION OF A USE PERMIT TO APPROVE PROTOTYPICAL GUIDELINES FOR REMOVAL AND REPLACEMENT OF TREES IN THE ISLE PORTION OF THE WHALERS' ISLAND DEVELOPMENT (GREENWICH, PORTSMOUTH, WATERBURY, AND GLOUCESTER LANES) – WHALERS' ISLAND HOMEOWNERS' ASSOCIATION – UP-75-018X

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, the Whalers' Island Homeowners' Association has applied to establish prototypical guidelines for the removal and replacement of trees in the "Isle" portion of the Whalers' Island Development; and

WHEREAS, many of the existing trees are causing extensive damage to driveways, curbs, and streets and have created hazards for pedestrians and bicyclists; and

WHEREAS, the Planning Commission reviewed the proposal at a Special Study Session on June 16, 2005; and

WHEREAS, the proposal has been determined by the Community Development Director to be categorically exempt from the California Quality Act of 1970; and

WHEREAS, a Notice of Public Hearing was duly posted, published, and mailed for consideration of the Use Permit request at the Planning Commission meeting of July 21, 2005, and on said date the Public Hearing was opened, held and closed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on facts and analysis in the Staff Report, written and oral testimony, and exhibits presented, finds:

- A. The proposed Use Permit Modification would be consistent with the Foster City General Plan, Chapter 17.12 (R-1 Single-Family Residence District) and Chapter 17.36 (PD Planned Development District) of Title 17, (Zoning), and Chapter 2.28, (Planning), of Title 2, (Administration and Personnel), of the Foster City Municipal Code, because the proposal: (1) would provide for a safer environment by allowing the removal of trees that are causing damage and hazards; and (2) will maintain the attractive appearance of the development by providing guidelines for replacement of the trees.
- B. That the proposal would be consistent with and appropriate to the City, the neighborhood because the prototype includes criteria for retaining the trees when possible and includes criteria for replacing the trees when they cannot be retained.

- C. 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 (1) safety of the streets and sidewalks will be improved by eliminating the lifted sidewalks and pavement; and (2) the appearance of the development will be maintained through the inclusion of criteria requiring the retention of trees where possible and replacement of the trees where they cannot be retained.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Foster City hereby approves UP-75-018X as indicated in Exhibits A and B, attached hereto and incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on July 21, 2005, by the following vote:

AYES, COMMISSIONERS: PATTUM, WERDEN, CHAI AND KIESEL

NOES, COMMISSIONERS: NONE

ABSTAIN, COMMISSIONERS: NONE

ABSENT, COMMISSIONERS: NONE

RECUSED, COMMISSIONERS: CHAIRMAN AVRAM



NOEMI AVRAM, CHAIRMAN

ATTEST:



RICHARD B. MARKS, SECRETARY

EXHIBIT A

Whalers' Island Homeowners' Association Tree and Landscape Sidewalk Plan

Approved by the Foster City Planning Commission on July 21, 2005

1. Those trees deemed to be a hazard by the Project Arborist are to be inspected for removal or retention.
2. If a tree can be retained by moving the sidewalk around a tree in the configuration shown on the attached diagram (Exhibit B), the owner will then be asked for permission to move the sidewalk onto his/her front yard. (The attached diagram shows rerouted sidewalks and trees planted "inboard.") The Association will pay certain costs including sidewalk installation, the adjustment of irrigation, brick or paver replacement and associated repairs.
3. If the tree must be removed then:
 - a. The sidewalk will be installed next to the curb.
 - b. A tree will be installed in the front yard and the tree planting will not compromise utilities services.
 - c. Sidewalk and replacement tree costs shall be the responsibility of the Association.
4. The replacement tree species shall be a Bloodgood Sycamore (*Platanus acerifolia* "Bloodgood"). No other replacement tree species shall be permitted.
5. The container size shall be a 15-gallon or 24-inch box. The size shall be determined by conditions in the yard (existing vegetation, location of utility services, etc.) and if the owner will pay the difference for the larger tree. The 15-gallon tree is recommended over the 24-inch box. A tree container size larger than a 24-inch box is not permitted (i.e. 36 inch box).
6. If a tree is damaging the sidewalk and the owner wishes to landscape her/his yard, the Association will remove the tree at the owner's request. Tree removal and replacement costs shall be the responsibility of the Association.
7. If a tree is not damaging the sidewalk or presenting a clear hazard as determined by the Project Arborist, the tree will not be removed.
8. If there is at least one other Sycamore tree in the front yard (including on the side property line bordering the front yard), then the sidewalk will be replaced in its current location but a replacement tree will not be required.
9. The process for an individual homeowner will be as follows:
 - a. Submit a request to the Homeowners' Association to have the Project Arborist inspect the tree proposed to be removed.
 - b. If the removal is approved by the Homeowners' Association, then submit an Architectural Review application to the City for review by the Community Development Director, including:
 - i. Letter from the Project Arborist indicating whether the tree should be removed pursuant to the prototypical guidelines;
 - ii. Letter from the Homeowners' Association indicating their decision on the proposal;
 - iii. Sketch or aerial photo noting the location and species of trees in the front yard including the tree to be removed;
 - iv. Proposed location and size of replacement tree (if any); and
 - v. Proposed changes in sidewalk (if any).

Whalers Island HOA Tree and Sidewalk Options

EXHIBIT B

Tree and Sidewalk Options

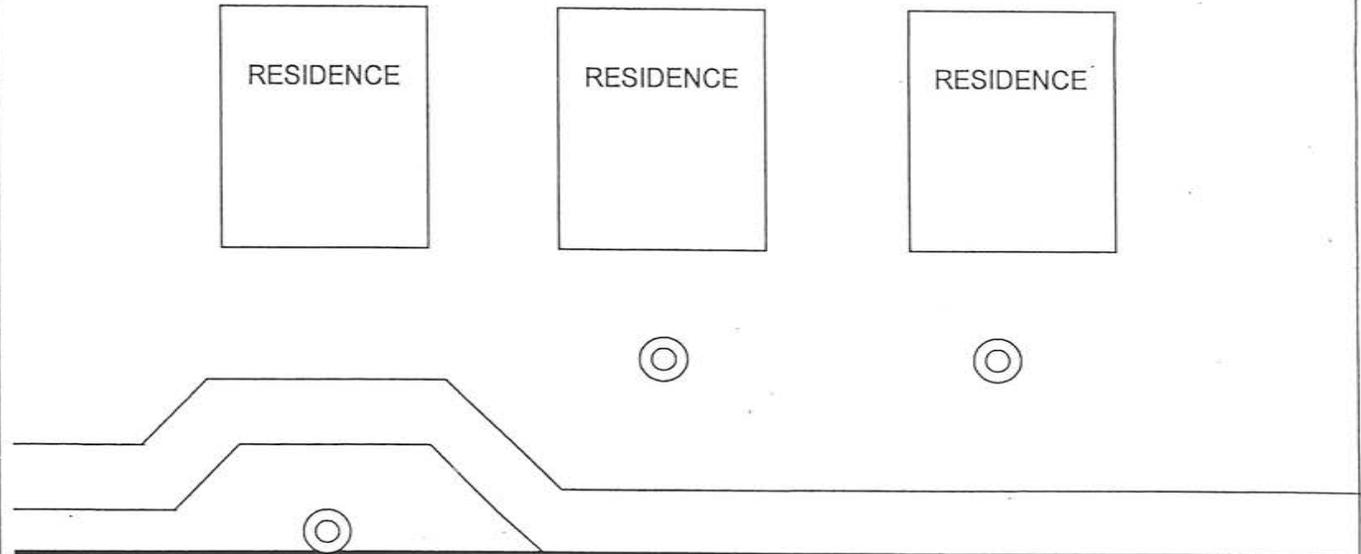
This drawing depicts the options found to be most aesthetic and practical to maintain the look and feel of our neighborhood.

Our purpose is to save our large mature trees for as long as possible.

When the roots of a large tree greatly displaces a sidewalk, it will be inspected by a Certified Arborist to determine if:

1. A sidewalk can be installed around the tree with minimal damage to the roots. Option 1 will then be used.
2. If tree roots will be severely damaged in order to install a sidewalk, then Option 2 will be used.

Option 2a will be used where a tree was removed prior to 2005 and not replaced. Essentially, it is the same as Option 2.



Option 1
Retain the tree in its present location. Move the sidewalk from the street.

Option 2
Remove the tree. Move the sidewalk to the curb. Plant the tree in the front yard.

Option 2a
Where a tree was not replaced prior to 2005. A replacement tree will be planted in the front yard and the sidewalk will be moved to the curb.

MAP IS NOT TO SCALE.

