



City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222

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

**FOSTER CITY
RECEIVED**

NOV 17 2016

**PLANNING/
CODE ENFORCEMENT**

APPLICATION RECEIVED: August 31, 2016

APPLICATION COMPLETE: November 7, 2016

ACTION DATE: November 8, 2016

CASE NO.: UP-75-018EEE – Consolidates UP-75-018W, UP-75-018H, UP-75-018K, UP-75-018O, UP-75-018U; UP-75-018PP and UP-75-018WW

OWNER: Whalers' Island Homeowners' Association

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

APPLICATION FOR: Prototypical design guidelines for the addition and replacement of windows and patio doors

LOCATION: Whalers' Island Planned Development

ZONING: R-1/PD (Single Family Residence/Planned Development) District

CEQA DETERMINATION: Exempt – Pursuant to Section 15301, Existing Facilities

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 consolidate the prototypical design guidelines for the replacement and addition of windows and patio doors for residential units in the Whalers' Island Planned Development, as conditioned in Exhibits A and B, 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 prototypical design guidelines: 1) will be sympathetic to the character and style of the existing house 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 building and designed such that the architectural character of the house is maintained and such that solar and privacy impacts will not be created on adjacent properties by the addition of the new window and/or patio doors, consistent with Section 2.28.010 of the Foster City Municipal Code; and 3) will be consistent with the residential use of the Whalers' Island Development.

2. That the design of the proposal would be consistent with and appropriate to the City, the neighborhood, and the lot on which they are proposed because the design, frame color, style, width, materials and trim of the windows and patio doors will be compatible with the style, character and proportions of residential units in the development and will be in keeping with similar improvements in the neighborhood.
3. 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, of the Foster City Municipal Code because the prototypical design guidelines will provide guidelines: 1) to ensure that the replacement and addition of windows and patio doors are orderly and consistent for all residential units in the development while providing some flexibility to homeowners, 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 and to preserve waterfront views from existing houses within the development.
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 proposed prototypical design guidelines for the replacement and addition of windows and patio doors in the Whalers Island Development will ensure that all residential units within the planned development 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 impact on the neighborhood, the Whalers' Island planned development, or property values in the area.

This action is subject to any conditions contained in Exhibits A and B, attached.

Expiration

Any 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 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 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,

to
Curtis Banks
Community Development Director

Planners Initials: ms

DENNIS MILANO

(Owners Name) (Please Print)



(Owners Signature)

EXHIBIT A

WHALERS' ISLAND HOMEOWNERS' ASSOCIATION Prototypical Design Guidelines for the Addition and Replacement of Windows and Patio Doors Updated on November 8, 2016

The following guidelines shall govern the addition or replacement of windows and patio doors and the addition or replacement of bay windows in the Whalers' Island Planned Development. This prototype consolidates and supersedes all previous Windows and Door Prototypical Design Guidelines.

DEFINITIONS

Window Cluster - a group of windows on an elevation in which adjacent windows are in close proximity.

Door Cluster - a group of doors on an elevation in which adjacent doors are in close proximity.

Artistic Window – a window or window panel within a door having an artistic pattern made with materials such as stained, cut, frosted or etched glass.

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. Standard residential security requirements as established by Chapter 15.28 of the Foster City Municipal Code shall be provided.
4. Prior to any final inspection approval, these conditions and all improvements shall be completed in accordance with the approved plans and conditions of approval to the satisfaction of the City.
5. All new and/or replacement windows and patio doors shall have white frames and cladding materials in a smooth untextured finish.
6. The operational type and style of all new and/or replacement windows and patio doors on the same elevation shall conform to the following:
 - o A mix of two different operational types and styles shall be allowed for windows per elevation.
 - o All operational windows on an elevation wider than 24 inches shall be the same operational type.
 - o All operational windows on an elevation narrower than 24 inches shall be the same operational type.
 - o First floor kitchen window on a side elevation may be allowed to install a garden window or a bay window as the type of kitchen window.
 - o A mix of sliding glass doors, folding glass doors, French doors and/or other doors as approved by the Whalers' Island Homeowners' Association shall be allowed on an elevation.

- Transom windows may be added above rear facing sliding doors and windows as long as the width of the window is the same as the sliding door or window width and the height does not exceed 24 inches. Spacing between the top of the sliding door/window and the bottom of the transom window must be 6 to 8 inches and must be consistent for all transom windows added.
7. New and/or replacement windows and patio doors made of different approved frame materials (such as aluminum, vinyl, fiberglass, fibrex, wood clad or an equivalent material approved by the Association) may be mixed on an elevation as long as they are substantially similar to the existing window and door frames on that elevation and conform to the following:
- The width and thickness of frame and cladding materials for all windows on an elevation may not vary by more than half an inch (1/2”).
 - The width of frame and cladding materials for all glass doors on an elevation may not vary by more than two inches (2”) with the following exception: side-hinged French doors may have frames up to five inches (5”) wide.
 - Windows and doors on an elevation are allowed to mix single-pane, double-pane and triple-pane glass as long as all glass on the elevation is either clear or tinted the same shade and is non-reflective.
 - When windows or doors of different materials are used on one elevation, the homeowner would be required to provide a sample or photographs of the existing frame and new frame for staff review and approval.
8. The use of grids or no grids must be consistent within a window cluster and a door cluster on each elevation with the following exceptions:
- If any square or rectangular windows have grids then all square or rectangular windows on that elevation must have grids.
 - In a window cluster with both rectangular and non-rectangular windows (such as quarter circle, half circle, triangular, etc.), it is permissible to have grids for all of the rectangular windows and none on the non-rectangular windows.
 - In a window cluster with both rectangular and non-rectangular windows, if any non-rectangular windows have grids, then all of the windows on that elevation must have grids.
 - The grid pattern must be approved by the Association.
 - Windows less than 12 inches in height or width are exempt from this requirement.
 - Original bay windows installed by the builder with grids are exempt from this requirement. Original bay windows on a front or side elevation may use grids while none of the other windows on the elevation use grids.
 - Within a door cluster, all of the doors may have grids or none of the doors may have grids as long as it matches the use of grids or no grids on the window cluster on that same elevation.
 - When grids are used on a multi-panel door, all panels must have grids.
 - On the rear elevation (only), the windows and patio doors on the 1st story may be a mix of grids and no grids.
9. Artistic window panels may be installed with prior approval from the Association. Submitted plans must include a picture or drawing showing the design and color scheme. The plans should state whether or not the artistic window panel will be installed behind the existing clear glass of an existing window or door panel.
10. No modifications to the window and/or door design including size, operational style, material or color shall be made without prior review and approval from the Planning/Code Enforcement

Division. Modifications to previously approved design may require a revised letter from the Whalers Island Homeowners' Association.

11. Any damage to siding and/or window/door trim shall be repaired and painted in kind, to achieve a seamless transition from the area of repair to the existing trim and/or wall surface.
12. New windows/doors shall meet the U-factor per the California Energy Standards and shall be noted on the building permit plan sets.
13. Once a building permit is issued, it is the permit holder's responsibility to ensure that the project receives a final inspection before the building permit expires (180 days after the last inspection). Failure to receive and/or pass a final inspection will result in the expiration of the building permit which will require additional fees to reactivate.

EXHIBIT B

WHALERS' ISLAND HOMEOWNERS' ASSOCIATION

Prototypical Design Guidelines for the Addition or Replacement of Bay Windows (All Models)

The following guidelines shall govern the addition or replacement of bay windows in the Whalers' Island planned development for all house models.

1. The size and location of a new bay window addition must be approved by the Whalers' Island Homeowners' Association and the Planning/Code Enforcement Division.
2. The bay window frame color shall be white to match the windows and patio doors on the same elevation.
3. New and/or replacement bay windows made of different approved frame materials may be mixed on an elevation as long as the frame width, style, color and appearance matches or are substantially similar to the existing windows and doors on that elevation. Material may be aluminum, vinyl, fiberglass, fibrex, wood clad or an equivalent material approved by the Association. When windows including bay windows of different materials are used on one elevation, the homeowner would be required to provide a sample or photographs of the existing frame and new frame for staff review and approval.
4. A replacement bay window shall be of the same size and in the same location as the existing window unless a change in size and location is approved by the Association and the Planning/Code Enforcement Division.
5. The material, color and size of the trim around the bay window shall match the trim around the existing windows and patio doors.
6. The header height of the bay window (the top of the bay window) must align horizontally with the header heights of existing windows of comparable size on the same elevation and story.
7. The roof material and any visible flashing material over the bay window shall match the roof material and flashing material of the main house and must be the same color.
8. Bay windows shall be either clear or slightly tinted (non-reflective) double pane glass.
9. The use of grids must be consistent within a window cluster (including addition or replacement of bay windows) and a door cluster on each elevation per Exhibit A.
10. Soffits shall be finished to match the siding material used on the house and shall be painted or stained to match the house.
11. No modifications to the bay window design including size, operational style, material or color shall be made without prior review and approval from the Planning/Code Enforcement Division. Modifications to a previously approved design may require a revised letter from the Whalers' Island Homeowners' Association.
12. The bay window shall have a consistent operational style. For example, it cannot have a mix of single hung and sliding operational style. However, it may have a mix of fixed and/or casement style along with a sliding operation style.

APPROVAL PROCESS FOR REPLACEMENT WINDOWS AND/OR PATIO DOORS INCLUDING BAY WINDOWS OF THE SAME OPERATIONAL STYLE AND SIZE (INCLUDING CHANGE OF MATERIALS AND/OR GLAZING)

1. The homeowner or contractor shall apply for a building permit from the Building Inspection Division and shall submit the following per the building permit submittal requirements for window and door modifications listed on the City of Foster City website:
 - Building permit application and applicable fee;
 - Four copies of fully dimensioned plans/drawings and photographs;
 - A completed window schedule; and
 - Manufacturer's brochure/Specifications for the windows/doors
2. The Planning and Code Enforcement Division staff will review the building permit application to confirm that the proposal is consistent with the prototypical design guidelines for replacement windows and doors for Whalers' Island prior to signing off on the building permit.
3. Construction may proceed when the plans are approved, the necessary fees are paid and the building permit is issued.
4. Any installation of bay windows must follow the prototypical rules stated in Exhibit B.

APPROVAL PROCESS FOR NEW WINDOWS INCLUDING BAY WINDOWS AND PATIO DOORS AND REPLACEMENT WINDOWS INCLUDING BAY WINDOWS AND PATIO DOORS THAT ARE OF A DIFFERENT OPERATIONAL STYLE AND/OR SIZE

1. An approval letter from the Whalers Island Homeowners' Association indicating their action on the proposal. The letter shall indicate that the proposal conforms to the prototypical design guidelines for windows doors modifications as identified in the attached exhibits.
 - The homeowner/applicant shall submit 3 sets of plans and elevation drawings to the Managing Agent of the Association showing the location, size, style and type of windows and/or patio doors to be installed. Submitted plans should include manufacturer brochures and specifications for the proposed windows and doors and a completed window schedule for the windows.
 - The changes must preserve the original Whalers' Island architecture principles based on the New England coastal fishing village.
 - Page 2 of the Whalers' Island Exterior Home Renovation Procedure provides the timeline of approval when an Association approval letter is required.
2. Prior to issuance of a building permit, the homeowner or contractor shall apply for an Architectural Review Permit and shall submit the following:
 - An Architectural Review application and filing fee.
 - A copy of the Whalers Island Homeowners' Association letter stating the actions taken on the proposal.
 - Information requested in the Property Improvements Application Submittal requirements for windows and door modifications including 4 copies of fully dimensioned plans, measuring 8.5" x 11" or 11" x 17"
 - An existing and proposed material sample or photographs if applicable.
 - If the proposal is for a new door or window opening on the second floor or for a bay window that is located on the side yard, then an Architectural Review Notification Report is required indicating that an Architectural Review Form and plans have been provided to the affected adjacent property owner(s). These forms are available in the Planning Division office and the city's website.
3. The Planning and Code Enforcement staff will review the application to see if it is in conformance with the prototypical design guidelines for windows and patio doors for Whalers Island prior to approving the Architectural Review permit.

4. Once the Architectural Review permit is approved, the homeowner or contractor shall apply for a building permit from the Building Inspection Division and shall submit the following per the building permit submittal requirements for window and door modifications listed on the City of Foster City website:

- Building permit application and applicable fee;
- Four copies of fully dimensioned plans/drawings and photographs;
- A completed window schedule; and
- Manufacturer's brochure/Specifications for the windows/doors



Deno Milano, Board President
Whalers' Island Homeowners' Association

11.15.2016

Date



Curtis Banks, Community Development Director
City of Foster City

11/17/16

Date