

City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

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DEC 01 2008

PLANNING
DIVISION

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

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NOV 24 2008
BY: _____

FILE
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APPLICATION RECEIVED: November 18, 2008

APPLICATION COMPLETE: November 18, 2008

ACTION DATE: November 20, 2008

CASE NO: UP-72-021T

OWNER: Winston Village Homeowners' Association

ADDRESS: PML Management, 655 Mariners Island Blvd. #301, San Mateo, CA 94404

APPLICATION FOR: Garden Window prototype

LOCATION: Winston Village Planned Development

ZONING: R-T/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. The proposal to create prototypical design guidelines for garden windows for the Winston Village Homeowners Association, 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 prototype design for garden windows: 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, 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 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 location, size, and design of the garden windows will be compatible with the location, size, and design of the prototypical windows and houses in the Winston Village Planned Development in which it is located.
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) because the prototype design for garden windows: 1) will be compatible with the prototypical windows, houses and the Winston Village 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 proportions and character of the existing house and neighborhood, and therefore, will enhance their site and will be harmonious with the highest standards of improvement in the surrounding area consistent with Section 17.58.010.B.4.
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 location, massing, and design of the prototypical garden windows 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 are 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,



 Richard B. Marks
Community Development Director

Planners Initials: kas

STEPHEN A. FOX

(Owner's Name) (Please Print)



(Owner's Signature)

EXHIBIT A

WINSTON VILLAGE HOMEOWNERS' ASSOCIATION Prototypical Design Guidelines for Garden Windows

The following guidelines shall govern the installation and replacement of Garden Windows in the Winston Village 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. The construction or placement of unapproved features or unapproved changes to buildings or structures which were a part of approved plans can and will result in the issuance of a "Stop Work Order" by the City, the need to revise plans and obtain City approval for all changes prior to recommending work, and the possibility of penalty fees being assessed for unauthorized work.
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 building inspection approval, imposed conditions and all improvements shall be completed in accordance with the approved plans and to the satisfaction of the City.
5. All architectural elements such as soffits, screens, etc. not shown or detailed on the plans shall be finished in a material and color in harmony with the exterior of the building.
- * 6. Garden windows shall match the existing windows in color, materials and style (including grids or no grids) and shall have a white vinyl frame.
- * 7. The Garden window shall only be located in the kitchen to replace the existing kitchen windows.
- * 8. The Garden window shall range in size from 42" -62" in width; 36" – 42" in height and 14" – 16" in depth.

APPROVAL PROCESS

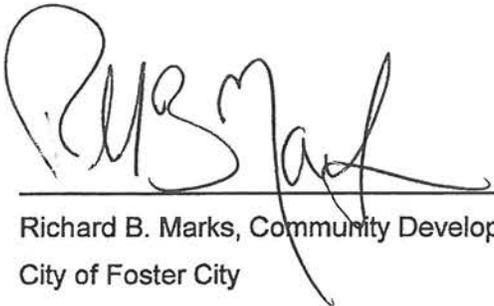
1. The homeowner or contractor shall apply for an Architectural Review Permit from the Planning/Code Enforcement Division and shall submit the following:
 - A letter from the Winston Village Homeowners Association (HOA), indicating their action on the proposal.
 - An Architectural Review application and filing fee.
 - Three copies of a site plan and elevation (dimensioned) indicating location of proposed Garden Window.
 - A manufacturer's brochure or specifications for the proposed Garden Window.
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2. The Homeowner or applicant shall apply for a Building Permit from the Building Inspection Division and shall submit the following:
 - A signed copy of the Architectural Review Permit Notice of Decision.
 - Three copies of the site plan and elevations (dimensioned).
 - A Building Permit application and filing fee.
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 replacement/construction of a Garden Window.



Stephen A. Fox, Managing Agent
PML Management Corporation, for
Winston Village Homeowners' Association

12/3/08

Date



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

12/03/08

Date