



*City of Foster City*

**ESTERO MUNICIPAL IMPROVEMENT DISTRICT**

610 FOSTER CITY BOULEVARD  
FOSTER CITY, CA 94404-2222

**NO BUILDING PERMIT  
REQUIRED**

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

APPLICATION RECEIVED: August 4, 2015

APPLICATION COMPLETE: February 20, 2016 **FOSTER CITY RECEIVED**

ACTION DATE: March 17, 2016 **MAR 17 2016**

CASE NO.: UP-75-018CC (Supersedes UP-75-018JJ) **PLANNING/**

OWNER: Whalers' Island Homeowners' Association **CODE ENFORCEMENT**

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

APPLICATION FOR: Rear Yard Deck and Patio Prototype (Amendment to previously approved Deck Prototype – UP-75-018JJ)

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. That the proposal to modify the previously approved prototype design for rear yard decks to include patios; minimum landscape coverage requirements in the rear yard; and materials for decks and patios for residential units in the Whalers' Island Planned Development, as conditioned in Exhibit A, is consistent with the Foster City General Plan and Title 17, Zoning, and Chapter 2.28, Planning, of the Foster City Municipal Code because the proposed prototypical design will maintain the existing appearance of residential units in the development, will allow for necessary maintenance and repair of houses and decks, will preserve "the quality of the City's residential neighborhoods" as stated in the Land Use and Circulation Goal (LUC-A) and Land Use Policies (LUC-38 and LUC-39) contained in the Land Use and Circulation Element of the Foster City General Plan, and will be consistent with the residential use of the residences in the development and the Whalers' Island Planned Development Prototypical Guidelines.
2. That the design of the proposal is appropriate to the City, the neighborhood and the lot in which it is proposed because the design and materials of the prototypical decks and patios will be compatible with the architectural style, character, and proportions of residential units in the development and they will be in keeping with similar improvements in the neighborhood.

3. That the design of the proposal is compatible with its environment with respect to use, forms, materials, colors, setbacks, location, height, design, or similar qualities as specified in Section 17.58.010, Intent and Purpose, of Chapter 17.58, Architectural Control and Supervision, of the Foster City Municipal Code because: 1) the prototypical designs for decks and patios will provide guidelines to ensure that deck replacements and patio installations 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 will 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 or the general welfare of the City because the prototypical design will ensure that all residential units 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 impacts on the neighborhood, the Whalers' Island Planned Development, or the property values in the area.

This action is subject to any conditions contained in Exhibit A, attached.

Expiration

Any Architectural Review or 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

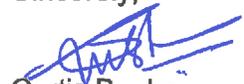
Pursuant to Section 17.06.150 of the Foster City Municipal Code, an action of the Community Development Director on an application may be appealed within ten (10) calendar days after the date of the Community Development Director's decision, in writing, to the Planning Commission. Appeals may be filed 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 Architectural Review or 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 Architectural Review or 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,

*for*   
 Curtis Banks  
 Community Development Director

Steve Torwilliger  
 (Owners Name) (Please Print)

  
 (Owners Signature)

Planners Initials: ms

**Exhibit A**  
**WHALERS' ISLAND HOMEOWNERS' ASSOCIATION**  
Prototypical Design Guidelines for Rear Yard Decks and Patios  
March 17, 2016

---

The following guidelines shall govern the construction of rear yard decks and patios in the Whalers' Island Planned Development:

**A. Definitions**

**Deck:** Construction attached to a building open to the sky with floor materials built at an elevation above natural grade and supported by posts or footings. Decks may also use detached construction.

**Patio:** A flat, leveled structure that is paved and detached or attached to a building by steps, or other construction, and having a base floor area at or below natural grade and open to the sky.

**Rear yard:** Rear yard means a yard extending across the full width of the lot and measured between the rear line of the lot (or from the bulkhead or rip-rap or water's edge for waterfront properties) and the nearest line of the main wall of the main building.

**B. General Specification**

1. The Board recommends that a minimum of 30% of the rear yard area should be landscaped with natural planted materials. Submitted plans should include a scaled site plan (top view diagram) showing the rear yard areas reserved for in-ground plants and container plants including calculations showing that a minimum of 30% of the rear yard is landscaped. If the landscaped area will include artificial turf, the homeowner must submit separate plans to the Association for approval of the artificial turf installation (See the HOA rules for installation of artificial turf).
2. Patios are to be constructed of hardscape material such as pavers, bricks, flagstone or tiles. The selected hardscape material must be described in the submitted plans and shall include color pictures of the material. The hardscape material shall be installed on an appropriate substrate material after the yard surface has been graded. Poured concrete may be used as a hardscape material with the use of a decorative finish such as exposed aggregate.
3. Decks are to be constructed of high quality materials such as wood or simulated synthetic wood decking material which is non-reflective. Wood or simulated synthetic wood shall be laid over a suitable understructure set on pre-cast concrete foundation posts and/or pressure treated posts embedded in concrete or poured footings.
4. Decks and patios are to be terraced from elevations higher than 18" above grade level or lower than deck level (i.e. no portion of the deck or patio greater than 18" above grade will be permitted).
5. No walls greater than 32" in height are permitted. Other low profile vertical walls such as retaining walls, seating walls, etc., shall be subject to review and approval by the Board prior to Architectural Review and approval. The top of any wall must not be higher than the top of lot line fences closest to the wall and may not create a visual impairment from adjacent lots.
6. Deck surfaces more than 6" higher than the top of the bulkhead cap may not be any closer than three feet (3') from the edge of the cap. An exception would be when the lot is an irregular shape and to maintain the design, a corner protrudes into this space. Deck surfaces within three feet (3') of the edge of the cap shall be either level with the top of the cap or 6" above the top in order to maintain a safe step down. Patio surfaces within three feet (3') of the edge of the cap may not be higher than the top of the cap.

7. No load bearing structural supports are to be erected or laid within the space between the edge of the bulkhead cap and a line four feet (4') from the edge of the cap. Patio hardscape materials may be used in this area as long as the surface is level with the top of the cap.
  8. No portion of a deck or patio can rest on the bulkhead cap.
  9. Visual appearance under decks as seen from the water level shall be shielded with either foliage or wood screens and fascia to avoid unsightly views of the deck understructure. The vertical drop between the patio and the lower adjacent grade must be shielded with foliage if the wall surface is unfinished substrate material. If foliage is to be used in place of wood fascia to soften the structural mass of the patios, decks and supporting structures, landscaping plans must be shown on the site plan accompanying the request. Raised planter boxes or other forms of terracing are acceptable except that the height of these elements must not exceed 18" when located within four feet (4') of the bulkhead.
  10. Deck safety railings may be made of wood or metal, but must be of an open design and meet necessary safety codes. Windscreens mounted to the top of decks must be wood framed or metal framed glass or clear plastic with non-reflective glazing and must be safety tempered, with a maximum height of nine feet (9') measured from the deck surface. Metal railings and frames must be a color that blends with the deck.
  11. Patio safety barriers at the edge of a terrace drop must be made from hardscape material and not exceed 18" in height. Safety railings for patio steps may be made from hardscape material, wood or metal and meet necessary safety codes. Patio windscreens must follow the same rules as for decks. Metal railings and frames must be a color that blends with the deck.
  12. Any deck or patio more than 12" from grade shall maintain a two foot (2') setback from side property lines except that a setback from a zero lot line wall is not required. Any small accessory structure built on the deck or patio surface must also maintain a two foot (2') setback if the top of the structure is higher than the top of the side fence line on the nearest adjacent property. The deck, patio or accessory structure shall not interfere with maintenance or replacement of the side fence. If the accessory structure is located in a waterfront yard, the accessory structure must not impair waterfront views from the subject property and adjacent properties. Small accessory structures may include BBQ islands, fire pits or other landscape elements. Generally, the height of accessory structures should not exceed the height of the adjacent fence on the side lot boundary. If the accessory structure is located within four feet (4') of the bulkhead, the height may not exceed 18".
  13. Decks on waterfront properties shall preserve neighbors' views of the water.
  14. Decks shall not cantilever over the bulkhead, rip rap or high water line.
  15. Exterior lighting of the building and site shall not be directed onto adjacent properties and the light source shall be shielded from direct off-site view.
- C. All construction is to conform to Foster City Building Codes.
- D. An example of a rear yard site plan and a photograph are attached as Exhibits B and C.
- E. Plans are to be approved by the Whalers Island Homeowners' Association, Architectural Review, prior to applying for a building permit.

**APPROVAL PROCESS FOR REAR YARD DECKS AND PATIOS**

1. The homeowner or contractor shall apply for an Architectural Review Permit and shall submit the following:
  - A letter from the Whalers' Island Homeowners' Association approving the proposed plans.
  - A completed application form, applicable fee and other items as listed in the Property Improvement Application Submittal Requirements for new and/or replacement decks.
2. The homeowner or contractor shall apply for a building permit from the Building Inspection Division and shall submit any required drawings and fees.
3. The Planning/Code Enforcement staff will review the building permit application to confirm that the proposal is consistent with the prototypical design approved for rear yard decks and patios.



\_\_\_\_\_  
Steve Terwilliger, Board President  
Whalers' Island Homeowners' Association

3/17/2016  
\_\_\_\_\_  
Date

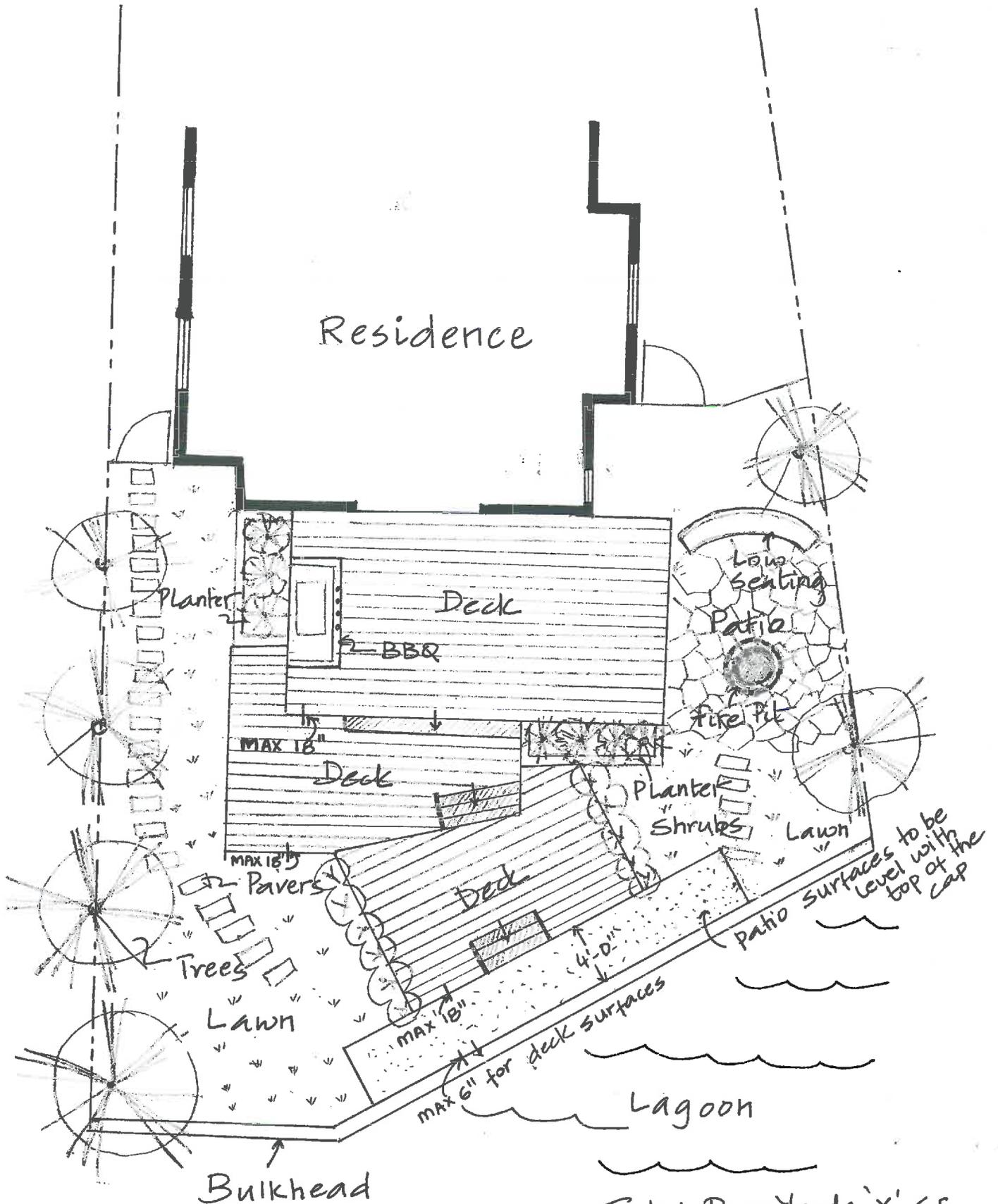


\_\_\_\_\_  
Curtis Banks, Community Development Director  
City of Foster City

3/17/16  
\_\_\_\_\_  
Date

# EXHIBIT B

## Example - Rear Yard



Total Rear Yard: 'x' s.f.  
Landscape: 30% of 'x' s.f.

# EXHIBIT C

