

Property Improvements

in residential and commercial developments

*a practical guide to assist property managers in
understanding Foster City's review processes for
property improvements
in residential and commercial planned developments*



Prepared by
CITY OF FOSTER CITY
COMMUNITY DEVELOPMENT DEPARTMENT
610 Foster City Boulevard

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www.fostercity.org

Introduction

In Foster City almost every type of property improvement requires a permit issued by the City.

This includes common projects like changes to common-area landscaping, installation of lighting, installation of new windows, doors and skylights, repainting with new colors, and many more. Before starting any construction project or property improvement, it must be reviewed and approved by the City.

Foster City has very high standards for property maintenance and architectural design, as these standards are what help keep the City's private and public properties looking well-maintained. As improvements are made to various developments, it is staff's duty to ensure that those improvements continue to maintain the City's existing high-quality appearance. In residential planned developments for example, property improvements are evaluated to ensure that they uphold the specific architectural character of each development, thereby preserving its high-quality appearance and maintaining its overall value.

To help property managers better understand how the City administers the review and approval of various property improvements, the Community Development Department has prepared this general information guide. It addresses the "who, what, where, when, why, and how" of property improvements to both residential and commercial developments. Property managers often indicate that they are unaware of the City's requirements for property improvements. This guide is intended to answer common questions regarding the City's regulations and review processes.

Applicable City Ordinances, Regulations, and Guidelines.

There are several sections of the Foster City Municipal Code, as well as specific Policies adopted by the City Council and Planning Commission, that guide the City's review of property improvements in residential and commercial developments. Some of these are highlighted below.

- *Chapter 17.36 (Planned Development Combining District)* of the Foster City Municipal Code – This chapter establishes the development standards for properties in a Planned Development zoning district, including the establishment of General Development and Specific Development Plans.
- *Chapter 17.58 (Architectural Control and Supervision)* of the Foster City Municipal Code – This chapter establishes the procedures and criteria for property improvements to ensure that the high standards of architectural design that distinguish the City are maintained.
- *Chapter 2.28 (Planning) of the Foster City Municipal Code* – This chapter establishes the City's ability to regulate land development through planning and includes the purposes and principles of architectural and site plan review.
- *Planning Commission Policy P-1-94 (Prototype Designs in Residential Planned Developments)* – This Policy establishes the process for review and approval of prototypical designs for property improvements in residential planned developments. (Ordinance No. 433 approved by the City Council on August 19, 1996, and Ordinance No. 551 approved on October 19, 2009 supersede some of the information contained in the policy).

If the City's Ordinances and policies are not followed, there are several actions the City can take. The City can require property improvements to be removed or modified to conform to City standards, or penalty fees can be assessed to property owners for beginning construction without the approved permits, making the cost of a permit up to twice its normal cost. **It is important to always contact the City before starting work on any kind of property improvement.**

Projects that Require City Review

Because virtually all types of property improvements require City review, it is important to contact the Community Development Department *prior* to beginning a project. Although staff might determine that a proposed improvement does not require formal review and is "exempt," it is always safe to check first. Most improvements do require City review and are not exempt because they result in changes from existing conditions that affect the overall appearance or design of a site or building. The table below highlights some of the projects that require City review:

Type of Improvement	Reviewing Authority
Accessory structures (sheds, patio covers, trellises, arbors)	Community Development Director
Antennas (some types and sizes are exempt)	Community Development Director or Planning Commission (if antennas are not completely screened from off-site view)
Emergency Generators	Community Development Director
Exterior Lighting	Community Development Director
Fences	Community Development Director
Landscape modifications (<u>any</u> change in plant materials)	Community Development Director
Parking lot re-striping	Community Development Director or Planning Commission (if changing design of parking lot)
Painting/repainting exterior of building	Community Development Director or Planning Commission (if a shopping center)
Play structures/playgrounds/tot lots	Community Development Director
Prototype designs for residential developments ✓ awnings ✓ exterior siding ✓ garage doors ✓ roof materials and colors ✓ solariums ✓ windows	Community Development Director or Planning Commission, per Planning Commission Policy P-1-94
Rooftop Equipment (air conditioning, solar panels, skylights)	Community Development Director or Planning Commission (if resulting in substantial change to exterior appearance of building)
Signage	Community Development Director or Planning Commission (if Sign Use Permit)
Special events (block parties, parking lot events, multi-property garage sales)	Community Development Director
Temporary Uses	Community Development Director
Trash enclosures	Community Development Director
Tree or plant removal/replacement	Community Development Director
Windows and Doors	Community Development Director

It is important to note that the list above is not exhaustive and that there are other property improvements that require City review. Before beginning any property improvement, it is important to contact the City to verify whether or not a permit is needed.

Types of City Review

Depending on the type of property improvement, there can be various “stages” of the City’s review. Because most improvements require review by the Community Development Director (as noted in the table above), approval of a “zoning” permit is usually the first step. After approval of the planning permit, a building permit is typically required.

Zoning Permits – Typically referred to as “Architectural Review permits” or “Use Permits,” these permits allow the City’s planning staff to review the placement, impacts, appearance and/or architecture of a project, including its consistency with any of the City’s applicable zoning laws. Although most zoning permits only require review and approval by the Community Development Director, sometimes improvements must be evaluated by other review bodies:

- *Interdepartmental Evaluation Committee (IDEC) review.* IDEC is a committee with a representative from every City department that meets weekly to review general business in the City. When a proposed Improvement concerns matters not directly regulated by the Community Development Director, IDEC review is necessary to allow professionals in other City departments (such as Police, Fire, Parks, or Public Works) to evaluate the proposal and assess any public health, safety, or other issues.
- *Planning Commission review.* The Planning Commission is a committee of residents appointed by the City Council to review general planning matters in the City. Some property improvements cannot be approved by the Community Development Director and must be reviewed by the Planning Commission, pursuant to the City’s Municipal Code.

Building Permits – These permits approve the actual *construction* of a property improvement and are typically the second step in the City’s review process. Even if a property improvement is exempt from “Planning” review, it does typically require a building permit.

How to Obtain City Approval

Contacting the Community Development Department is the best way to initiate a property improvement. This should be done before buying any supplies or materials, before entering into a contract with an architect, a landscape architect, a contractor, or before beginning any construction. This will allow staff to determine whether any permits are needed, and if so, the extent of the approval process.

A typical approval process is highlighted below:

- Call the Community Development Department staff to discuss your project (or drop by City Hall)
- Apply for the zoning permit (Architectural Review, Sign Permit, Use Permit, etc.). This includes submitting:
 1. an application, signed by the property owner or homeowners association president/manager.
 2. a fee/deposit for the review.
 3. plans that clearly outline the nature of the project (scaled, dimensioned plans that illustrate existing conditions, what is going to be constructed/modified, it’s size, location, design, etc.).
 4. Catalogue brochures/cut sheets to illustrate features (window prototypes, etc.).
- Apply for Building Permit. This includes submitting:
 1. a completed application.
 2. a fee (amount varies, taken as a percentage of the total job cost).
 3. plans/construction documents (4 sets) that clearly illustrate the details of all proposed work.
- After approval of any zoning and building permits, begin construction.

At the beginning of each year from January through March, the City offers a “no cost” review of prototype design applications for residential homeowners associations. Prototype designs are discussed in the next section. This annual review provides homeowners associations an opportunity to develop prototypical designs for residential property improvements, at no cost to the Association.

Prototype Designs in Residential Developments

The City has established a system of encouraging and approving "prototype designs" to ensure that the architectural character of each residential development is maintained in the long term. A prototype design establishes the specific design parameters for a property improvement (window replacements, for example) that can be applied uniformly throughout all the homes in a planned development. Prototypes ensure that as improvements are made to properties within a development, the design and appearance of each home remains consistent with the original design of the development.

The system provides many benefits to homeowners:

- Streamlined review process leads to fast issuance of building permits; sometimes this process may eliminate the need for a homeowner to obtain an Architectural Review permit (a typical requirement of any exterior home improvement) and immediately apply for a building permit.
- Reduces and/or eliminates fees associated with an Architectural Review permit.
- Ensures that design continuity is maintained in a development, thereby maintaining its overall appearance and preserving property values for homeowners.

The table below outlines the types of property improvements that require prototype designs prior to installation on a home in a planned development:

Improvement Requiring Prototype Design		Improvement NOT Requiring Prototype Design*	
(Approved by Planning Commission)	(Approved by Community Development Director)	(Requires Architectural Review approved by Community Development Director)	(Exempt from Architectural Review)
<ul style="list-style-type: none"> • Roof materials and colors • Awnings 	<ul style="list-style-type: none"> • Windows • Garage doors • Solariums • House colors • Exterior siding 	<ul style="list-style-type: none"> • Fences • Skylights • Front doors (new size) • Spas • Decks (not otherwise exempt) • Trellises • Gazebos • Patio covers • Air conditioning condenser units (not otherwise exempt) • All other improvements lower than the fence line 	<ul style="list-style-type: none"> • Front doors (same size) • Decks (non-waterfront, lower than 18", at least 5' from prop. line, and in R-1/PD district) • Air conditioning condenser units (ground-mounted units on non-waterfront properties in R-1/PD district) • Sun tunnels

* When a homeowners' association has previously established a prototype for one of these improvements, applicants shall follow the specific approval process outlined when that prototype was approved by the City.

Information & Suggestions for Residential Property Managers

- Take advantage of the City's annual no cost review of proposed prototype improvement designs. At one of the Association's Fall meetings, discuss property improvements that homeowners want to install or construct the following Spring. Submit the required information for prototype designs (discussed in this Guide) to the City in December. The City will review the proposed improvements and respond so that by early Spring, when most homeowners want to have the work done, the designs have been reviewed.
- Through newsletters and flyers, remind property owners several times each year about the need to have the Association and the City approve review and approve all improvements to their property prior to installation or construction.

Information & Suggestions for Commercial Property Managers

- Obtain a copy of the zoning district regulations that apply to the subject building(s). Also, obtain a copy of the building's Architectural Review permit resolution and Conditions of Approval or Use Permit resolution and Conditions of Approval. These resolutions and conditions of approval also govern the construction, maintenance, permitted uses and general operations of the building(s) and site. If you have any questions, call the Community Development Department.
- Prior to entering into a lease agreement with a potential tenant be certain that the business use and/or density of the use proposed is allowed in the subject building and in the zoning district in which the building is located (The use or the density of a use may be regulated by the building's Architectural Review or Use Permit). If you have any questions, call the Community Development Department prior to entering into a lease.
- Obtain a copy of the City's Sign Control Ordinance (Chapter 15.12, of Title 15, Buildings and Construction, of the Foster City Municipal Code) and any special sign regulations pertaining specifically to the subject building(s). Prior to entering into a lease agreement with a potential tenant, inform them of the City's Sign Control Ordinance and any applicable special sign regulations.
- All newly installed rooftop equipment (EX. HVAC; special vents) requires review by the Community Development Department. Such equipment may require an Architectural Review permit and a Building Permit and must be screened by an existing or new parapet wall or specially designed equipment screen.
- Parking stalls, parking lots, driveways and driving aisles which were approved as a part of the original site permit may not be eliminated, converted to other uses or modified without the prior review and approval of the City.
- Landscaped areas and plant/hardscape materials approved as a part of the original site permit may not be eliminated, substituted, or converted to other uses without the prior review and approval of the City.
- Buildings may not be painted or stained a new color without the prior review and approval of the City. Buildings may be repainted or re-stained without prior City review using the original (or subsequently approved) paint or stain colors.
- Heating or air conditioning units may not be placed in window areas. Ground mounted HVAC equipment or generators require the prior review and approval of the City.

Common Problems and Mistakes

- A new property manager (or a new property management firm) takes over the duties of managing a property in Foster City but does not contact the City to advise it of the change, or to inquire about any special local rules and requirements that apply to the property.
- When a prototype design for an improvement is sought, a property owner, tenant or a contractor, (rather than the property manager who may/should have experience), is given the task of obtaining City approval even though the property owner, tenant, or contractor has little or no experience obtaining approval for a prototype design. This often leads to the submittal of incomplete information to the City and a longer amount of time for the City review the proposal than would be the case if an experienced person worked with the City.
- Homeowners associations and property managers often have incomplete records of their past transactions with the City and therefore do not know what may already be approved or denied by the City.

Best Practices

In order to avoid the common mistake of beginning a project that might require prior City review, the following “best practices” are recommended:

- Anytime you are contemplating any property improvement to any property, prior to expending any money, signing any contracts, or installing any improvements, call the Community Development Department and ask for a meeting to discuss the idea. No plans or professional design assistance is required for the meeting and there is no cost for such a meeting.
- When talking in person with any member of the Community Development Department staff, ask for their business card and write the date on the back of the card. If talking with staff by telephone, ask for and write down their name, position and telephone number or electronic mail address.
- Take advantage of the annual “no cost” City review of proposed prototypical property improvements.
- Whenever seeking approval for (or submitting an application for) a new “prototype” improvement for one of the Planned Developments you manage, bring a manufacturer’s brochure and/or pictures of the improvement to discuss with City staff. Also, prepare a letter that outlines all details of the prototype design and answers the basic questions of “Who?, What?, Where?, When?, Why? and How?”
- Do not rely on the experience of contractors or sales people who may tell you that your project does not require a permit in Foster City because it does not require a permit in other nearby cities. Cities often have different laws regarding zoning and what types of projects need a permit and what projects do not.
- Prior to purchasing an improvement or entering into a contract with a contractor, contact the staff in the Community Development Department regarding the feasibility and acceptability of the improvement, required permits, application fees, and approval processes.
- Do not make an improvement first and seek a permit later. This can lead to the imposition of penalty fees by the City (which can more than double the cost of the permit) and worse, if it is not approved, the improvement may be required to be removed (resulting in the money spent being wasted).
- Subscribe to and read the local newspapers serving Foster City. Local news stories will give you a feel for the issues being addressed in the City and their possible impacts to the people who live in or work at the property that you manage. Additionally, press releases, special advertisements and legal advertisements are placed in these newspapers advising the public of important upcoming City Council or Planning Commission meetings which may be of interest to your clients.
- Regularly review the City’s website at www.fostercity.org. The site is filled with information about the City that may be of use to you or your clients and is a convenient way to review press releases, public notices and the agendas for City Council and Planning Commission meetings.
- When landscaping changes or changes to the exterior of a building are contemplated, call Planning/Code Enforcement Division staff and request a field meeting at the site or building to discuss ideas. (There is no charge for this service.)
- Notify residents/tenants prior to beginning any major property improvement and inform them of the work being done and when it is expected to be completed.
- The City should be contacted when property managers or homeowners association presidents change to ensure that the City’s contact list is kept current and maintained accurately.
- Property managers should keep a file with copies of all prototype designs for each homeowners association they manage. Copies of missing prototype designs may be obtained at City Hall.
- Prior to purchasing or installing a property improvement, or hiring a contractor to perform the work, **call the Community Development Department to verify whether a permit is needed!**

Working with the City

The role of a property manager as viewed by the City is that of the key liaison between the City and homeowners associations/property owners, commercial building owners, or commercial building tenants. Residential associations and commercial property owners expect the City to work with them when they want to improve or repair property. They expect the permit review process to work smoothly, quickly, and with a minimum of uncertainty. The most practical way the City can meet these expectations is to work directly with, and through, property managers. This requires that property managers become and remain knowledgeable about Foster City's ordinances, requirements, and processes.

If you are new to managing a property in Foster City, please call the Community Development Department and arrange an appointment with staff. We will provide copies of all ordinances and special requirements affecting the property that you are managing, and will review the permit review processes affecting the property.

Who to Contact with Questions

The Community Development Department is located at City Hall, 610 Foster City Boulevard, at the corner of East Hillsdale and Foster City Boulevards, in Foster City. Each division may be contacted as noted:

for questions regarding zoning permits:

Planning/Code Enforcement Division

tel: 650/286-3225

email: planning@fostercity.org

for questions regarding building permits:

Building Inspection Division

tel: 650/286-3227

email: building@fostercity.org

Additional information is also available on the web. Visit the City's web site at:

www.fostercity.org

and click on the "City Services" link to find "City Permit Information"

If you would like to be added to the Community Development Departments email list,

send us an email at:

planning@fostercity.org