



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

APPLICATION RECEIVED: October 16, 2022

APPLICATION COMPLETE: November 29, 2022

ACTION DATE: November 29, 2022

CASE NO.: UP2022-0037

OWNER: Whalers' Island Homeowners' Association

OWNER ADDRESS: Manor Association Attn: Denise Wallace, 1820 Gateway Drive, Ste 100, San Mateo, CA 94404

APPLICATION FOR: Adding new prototypical design guidelines for 1) Solar Power and Battery Storage; 2) HVAC and Generators

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 add new prototypical design guidelines for the Solar Power Generation, Battery Storage Projects, HVAC and Generator projects for residential units in the Whalers' Island Planned Development, as conditioned in Exhibits 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 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 Solar Power Generation, Battery Storage Projects, HVAC and Generators, 3) will maintain a noise level not to exceed 66 decibels consistent with 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 Solar Power Panels and conduit runs will be located to be minimally exposed and HVAC, generator and new electrical components will be located 5 feet from side and rear property lines 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 Solar Power Panels, Battery Storage Projects, HVAC and Generators are 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 Solar Power Panels, Battery Storage Projects, HVAC and Generators 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, 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,

Becki Hanan

p.p.

Marlene Subhashini
Community Development Director

Denise Wallace

(Owners Name) (Please Print)

Denise Wallace

Denise Wallace (Dec 5, 2022 12:48 PST)

(Owners Signature)

Planners Initials: bh

EXHIBIT A

WHALERS' ISLAND HOMEOWNERS' ASSOCIATION

Prototypical Design Guidelines for HVAC and Whole House Generator Projects
(Created on November 29, 2022)

The following conditions apply to HVAC and whole house generator projects in the Whalers' Island Planned Development:

CONDITIONS OF APPROVAL

1. Large components such as condensers, heat pumps and generators located outside the house or garage shall be installed at ground level on a concrete pad. Such components must be located in side yards or courtyards behind a fence unless it is impossible to meet setback requirements in these locations. The board may approve location exceptions as described below.
2. The operating noise level of outside components shall not exceed 66 decibels.
3. Whole house generators must be powered by solar power or natural gas. Whole house generators may not be powered by gasoline or gas from a propane tank. Large stationary propane tanks may not be installed on lots. This does not apply to small portable generators that can be stored inside a garage.
4. Outside components must be setback at least five feet from side fences and lot boundary lines. Components must not block walkways from the front to the rear of lots.
5. Outside components must not be visible from street or water views unless the board approves a location exception. Components attached to side walls must be behind a fence and the top of the component shall not be higher than five feet above ground.
6. Outside conduit attached to rooftops or side walls must have a color closely matching the adjacent surface. Wires and cables should be located inside attics, crawl spaces and garages whenever possible.
7. Generators may not be located in front yards or waterfront rear yards. Except as approved by the Whalers' Island HOA and indicated in the HOA approval letter.
8. The condenser must be positioned as close as possible to the inner edge of the flat roof to minimize visibility from ground level. If the condenser is visible from ground level then it shall be surrounded by a lattice enclosure painted to match the color of the roof shakes.

WHALERS' ISLAND APPROVAL PROCESS

Lot owners should submit the project request to the HOA for approval prior to submitting an application and plans to the City of Foster City. The request should be sent to the HOA community manager who will forward the information to the architecture review committee and the board. The committee will review plans for completeness and request additional information if necessary.

Note: If all the work for an HVAC project is entirely inside the house and garage with no addition of exterior components and conduit then HOA approval is not required. In this case, submit your plans directly to the city noting that all work is inside only.

The following information should be submitted for HVAC and whole house generator projects:

1. A written description of the project including the manufacturer, make and model of all large components that will be installed on the lot outside the house. State the operating noise level of active components such as condensers and generators. State the power source for generators.
2. A dimensioned top view lot diagram and side elevation diagrams as necessary showing:
 - a. The location of large outside components.
 - b. Lines indicating conduit paths for exterior conduit running across the roof and exterior walls.
 - c. Setback distances from fences and lot lines.
 - d. If a location exception is requested for ground level components then provide plans with a drawing showing how the component will be hidden by an enclosure or landscape shrubbery.
3. If a location exception is requested then provide a written justification for review by the committee and the board. Explain why a component cannot be installed in an approved location.
4. If a lot owner is requesting approval for rooftop installation of an AC condenser then written approval is required from the adjacent neighbors sharing side and rear lot boundaries. Copies of approval letters must be submitted with the plan.
5. Condensers may be located in front yards or waterfront rear yards only when it is not possible to install in a side yard or courtyard. In this case the condenser must be positioned as close to the house as possible and hidden by a lattice enclosure or landscape shrubbery. The lot owner must explain why a location exception is necessary before receiving approval.

The committee and the board will review and approve the plan. The HOA community manager will send an approval letter to the lot owner. Any approved exceptions to the conditions of approval will be stated in the letter. The lot owner and/or the contractor retained by the lot owner should then submit an application for the necessary review and permits to the City of Foster City after receipt of the HOA approval letter. Include a copy of the approval letter in the submission.

City of Foster City Permit Process:

1. HOA approval letter from Whalers' Island indicating their action on the project for HVAC, heat pump, and/or house generator and any exceptions. Approval letter should also indicate the location of HVAC, heat pump, and/or house generator.
2. A Building permit application, site plan and an elevation plan that shows the location of unit, electrical disconnect, setbacks to property lines, and all conduit runs.
3. A manufacturer's spec sheet, highlighting the dba level.
4. Electrical load calculation.
Please note air condensers, heat pumps and generators shall not block any window/door egress opening

Please submit at: <https://permit.fostercity.org/etrakit/> or you can submit 4 hard copies in-person at City Hall.

Denise Wallace

Denise Wallace (Dec 5, 2022 12:48 PST)

Denise Wallace, Community Manager
Whalers' Island Homeowners' Association

Dec 5, 2022

Date

Thai-Chau Le

Marlene Subhashini, Community Development Director
City of Foster City

Date