



City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222

ROTOTYPE

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

APPLICATION RECEIVED: January 17, 2024

APPLICATION COMPLETE: February 26, 2024

ACTION DATE: February 28, 2024

CASE NO: UP2024-0002 (Supersedes UP2019-0010)

OWNER: Whalers' Island Homeowners' Association

ADDRESS: Manor Association, Attn: Denise Wallace, 353 Main Street,
Redwood City, CA 94063

APPLICATION FOR: Amend Whalers Island Prototypical Design Guidelines for exterior
colors and siding replacement.

LOCATION: Whalers' Island Planned Development

ZONING: R1/PD (Single Family/Planned Development) District

CEQA DETERMINATION: Exempt pursuant to CEQA 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 amend the Whalers' Island Prototypical Design Guidelines for exterior colors and siding replacement to allow HardiePlank Horizontal siding with a maximum 7" exposure and define the "trim" requirements in order to update the approved materials; 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 proposal: 1) will be sympathetic to the character and style of the existing development and 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-A-1 and LUC-B-1) contained in the Land Use and Circulation Element of the Foster City General Plan; 2) will be integrated into the existing development and designed such that the architectural character of the homes is maintained, 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 proposed amendments to the exterior color and siding prototype are consistent with and appropriate to the City, the neighborhood, and the Whalers' Island Planned Development because: 1) revision to allow horizontal lap siding with a maximum 7" exposure and clarifying the trim requirements will ensure that siding replacements are orderly and consistent for all houses in the development; 2) the addition of the HardiePlank Horizontal Siding option with 7" maximum exposure for horizontal siding will be compatible with other allowed siding types in the development as well as with the design of the houses in the planned development in which it is located; 3) the revised siding requirement to allow a HardiePlank Horizontal Siding with a 7" maximum exposure would be consistent with current products that are available, and 4) the amended siding prototypical guidelines will allow flexibility for homeowners to choose from a variety of siding design, materials, and colors.
3. That the proposed amendment to the Whalers' Island exterior colors and siding prototypical guidelines would be compatible with the site's environment with respect to use, forms, materials, colors, location, design or similar qualities as specified in Section 17.58.010 of Chapter 17.58 (Architectural Control and Supervision) because: 1) they will be compatible with the existing houses in the Whalers' Island 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 character of the existing house and houses in the neighborhood, and therefore, will enhance the site and will be harmonious with the highest standards of improvement in the surrounding area consistent with Section 17.58.010.B.3 of the Foster City Municipal Code.
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: 1) the proposed amendment will allow for the replacement of existing siding with new high quality durable materials that will improve the appearance of the houses and therefore, will not have any negative significant visual or property value impacts to the Whalers' Island Planned Development, the streetscape or the adjacent neighborhood and 2) all new and/or replacement siding will require issuance of a building permit to ensure that the products are installed safely and in compliance with applicable regulatory standards.

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

Sofia Mangalam
Community Development Director

Denise Wallace Managing Agent

(Owner's Name) (Please Print)

Planners Initials: KM

DocuSigned by:
Denise Wallace

(Owner's Signature)

EXHIBIT A

WHALERS ISLAND HOMEOWNERS' ASSOCIATION Prototypical Design Guidelines for Exterior Colors and Siding Replacement

(Conditions attached to approval of UP2024-0002 by the
Community Development Director on February 28, 2024)

The following guidelines shall govern the selection of exterior colors and the installation and replacement of all siding in the Whalers Island 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.
3. All vents and flashings shall be painted to blend in with their surrounding surfaces. Gutters and downspouts shall be painted to either match or contrast the color of the adjacent surfaces. No electrical conduits or similar piping shall be allowed on the exterior of the building unless approved prior to installation by the Community Development Director.
4. Standard residential security requirements as established by Chapter 15.28 of the Foster City Municipal Code shall be provided.
5. Prior to any final inspection approval, these conditions and all improvements shall be completed in accordance with the approved plans and to the satisfaction of the City.
6. Prior to construction, all necessary building permits shall be obtained from the Foster City Building Division.
7. **The exterior house colors for paint or stain may be selected by the homeowner(s) subject to two conditions. First, adjacent properties which front on the same street shall not use the same color scheme. Second, house colors shall not be bright pastel, fluorescent or primary colors, or out of character with the existing colors in the neighborhood. There is no color palette for the Whalers Island Planned development. However, all selected colors shall be reviewed and approved by the HOA Board of Directors or the Architectural Committee if the existing colors are changed. A maximum of three exterior colors may be used: the body color, the trim color and white for the window/patio door cladding. Refer to the Exterior Color Rules table below for additional details.**
8. **Paint or stain colors selected for trim, fences and attached structures such as trellises and doors shall be compatible with the body color. "Trim" refers to the material used to cover the edges or corners of the exterior body or the seams around window and door openings and where some walls/sides of the house meet**

the roof line. The trim color cannot be the same as the body color. Refer to the Exterior Color Rules table below for additional details.

9. Three styles of wood siding matching the original Whalers’ Island construction like-for-like may be used: vertical board siding; horizontal lap siding and shingled siding. The maximum exposure for horizontal siding is 7”. Wood trim material must be used with wood body siding material. The following synthetic Hardie siding materials may be used in place of wood siding: HardiePlank Lap Siding, HardieShingle Siding, HardiePanel Vertical Siding and HardiTrim. Additional synthetic siding materials equivalent to the Hardie materials will be considered for approval by the Board when requested by a homeowner. Refer to the James Hardie website to view the approved Hardie siding styles.

The approved Hardie siding material characteristics are:

- HardiePlank Lap Siding in Select Cedarmill finish with a maximum 7” exposure.
- HardieShingle Siding with Straight Edge Panels
- HardiePanel Vertical Siding in Select Cedarmill finish.

10. A change in siding material shall not create more than two (2) units in a row with the same type of exterior siding.
11. Upon completion of work, the body siding on all sides of the house and garage must be the same type of material and have a uniform color on all sides of the house and garage. The color of the garage door must follow the rules in the Exterior Color Rules table below. Different types of material cannot be intermixed except that wood trim may be used in combination with HardieTrim when HardieTrim is not available in a necessary shape or pattern.
12. Homes may change the current style of siding to another style of siding only with the Association’s written approval. The Association will not approve a change of siding style or type that does not comply with COA#7 – COA#11.

Bold Text Indicates Site Specific Conditions

Exterior Color Rules Table

Use the following table to guide your color choice for all exterior elements to be painted a new color or installed with a manufactured color. High gloss, reflective paint may not be used.

Exterior Element	Color Rules
Body	Owners may choose a color: <ul style="list-style-type: none"> • Not out of character with neighborhood colors • No bright pastel, fluorescent or primary colors • Color scheme contrasts with adjacent houses • Body may not be painted white or black

Trim	<ul style="list-style-type: none"> • Same as the Body color rules except: <ul style="list-style-type: none"> ○ Trim color must be different than the body color. ○ Trim may be painted white.
Window and sliding door cladding	<ul style="list-style-type: none"> • Only white cladding is allowed
Roof vents and flashing	<ul style="list-style-type: none"> • Color should be compatible with the color of the roofing material or the exterior body color
Rain gutters	<ul style="list-style-type: none"> • Match the trim color
Gutter downspouts	<ul style="list-style-type: none"> • Match the body color if attached to the body • Match the roof material or body color if resting on the roof surface • Match the vertical trim color if attached to a vertical trim surface
Garage doors	<ul style="list-style-type: none"> • Match the body color or the trim color
Fences and wood gates	<ul style="list-style-type: none"> • If painting, match the body and trim colors. The vertical face of the fence should be the same as the body color. The cap at the top of the fence can be either the body color or the trim color. Only front yard fences facing the street may be painted. • If staining, accent the natural color of the wood to complement the body and trim colors.
Ornamental gates	<ul style="list-style-type: none"> • Metal gates may be painted black • May be painted to match body and trim colors • Metal with a dark non-reflective finish may be left unpainted
Trellises, pergolas, arbors and attached structures	<ul style="list-style-type: none"> • If staining, complement the body and trim colors • If painting, match either the body or trim color • If staining, accent the natural color of the wood • Wood structures may be left unpainted/unstained
Roof material	<ul style="list-style-type: none"> • Select an approved color from the prototype • Compatible with body color • Paint vents and flashing with a color compatible with the roofing material or with the body color
Driveways, walkways and hardscape areas	<ul style="list-style-type: none"> • The color of pavers or the surface hardscape material must be compatible with the exterior body color of the house

APPROVAL PROCESS (If there is NO change in siding material or house color – like for like replacement)

If the homeowner is painting or staining only without replacing siding, then a building permit is not required. If siding is replaced, other than minor repairs using the existing siding material, the homeowner or contractor shall apply for a building permit and submit the following:

1. The homeowner or contractor shall apply for a Building Permit from the Building Inspection Division and shall submit any required drawings and fees.
 - Provide a photograph that clearly shows the siding of the existing house.

2. 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 siding replacement in the Whalers' Island Prototypical Design Guidelines.
3. If painting without color changes but the current body and trim colors do not comply with the prototype rules then the newly painted color scheme must be brought into compliance.

APPROVAL PROCESS (If there is a change in the existing exterior body and trim colors and/or change the type of siding material).

1. The homeowner/applicant shall obtain an approval letter from the Whalers' Island Homeowners' Association for the proposed siding change. The letter shall indicate that the proposed changes conform to the established design criteria of the prototype. To obtain approval when painting or staining, submit five 8 ½" by 11" "brush outs" each showing the body and trim colors with the paint company name, color name and color number on the back side of each brush out. Also, samples of the requested body color shall be applied to both the walls of the generally east and generally west sides of the house next to the nearest 12" wide trim from near the ground to the roof and with the requested trim color also painted. Alternatively, submit a reference to the paint manufacturer's website with color codes for the body and trim colors so the colors can be viewed on the website. To obtain approval when replacing siding with pre-painted Hardie material, submit a material sample for each color under consideration with the color name and color number marked on the back of the sample. The HOA will provide an approval letter to the homeowner after the plans are approved by the HOA Board.
2. If the homeowner is painting or staining only without replacing siding, then a Building Permit is not required. If siding is replaced, the homeowner or contractor shall apply for a Building Permit from the Building Inspection Division and shall submit the required drawings and fees:
 - A copy of the HOA approval letter.
 - Building permit application and filing fee.
 - Manufacturer's brochure and sample of the type of siding and color to be used when Hardie siding material is selected.
 - A photograph of the home showing the existing siding.
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 siding change.

DocuSigned by:

Denise Wallace

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Denise Wallace, Managing Agent Manor Association
Whalers' Island Homeowners Association

2/29/2024

Date

Sofia Mangalam

for Sofia Mangalam, Community Development Director
City of Foster City

3/5/24

Date