



City of Foster City

PROTOTYPE

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: February 28, 2019

APPLICATION COMPLETE: July 16, 2019

ACTION DATE: July 22, 2019

CASE NO: UP2019-0008 (supersedes UP-75-018BBB)

OWNER: Whalers Island Homeowners' Association

ADDRESS: Manor Association, Attn: Denise Wallace, 1800 Gateway Drive, Suite 100, Foster City, CA 94404

APPLICATION FOR: Fences and Gates Prototype Amendment

LOCATION: Whalers Island Planned Development

ZONING: R-1/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. That the proposal to amend the Whalers Island prototypical design guidelines to 1) allow fences perpendicular to the water to be a maximum height of 42"; 2) permit loading bearing posts no closer than 1 foot from the inside edge of the bulkhead cap; 3) allow wood or cable-wire panels for rear waterfront fences, and as conditioned in Exhibit A, is consistent with the Foster City General Plan, Title 17, Zoning, and Chapter 2.28, Planning of the Foster City Municipal Code because: the proposed prototypical design for fences will 1) preserve the architectural character and scale of the neighborhood; 2) assure that all new and/or replacement fences are compatible throughout the Whalers Island Development and therefore will be consistent with the residential use of the subject property and the Whalers Island Development per Section 17.52 of the Foster City Municipal Code.
2. 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 prototypical design guidelines for fence replacements in the Whalers Island Planned Development will be compatible with the existing houses within the development because 1) the fence height adjacent to the water will not exceed 42", 2) the permitted materials are cedar and redwood, consistent with fence materials used throughout the development, and allowed metal gates shall be black or a natural metal finish that is not shiny or reflective 3) no load bearing posts will be permitted closer than 1 feet from the inside edge of the bulkhead cap. Therefore, the prototypical design guidelines for fence

replacements will preserve the architectural scale and character of the planned development and community consistent with Section 17.58.010 and will be sympathetic to the proportions and character of the existing houses in the Whalers Island Development.

3. 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 of the new and replacement fence prototype established will be consistent with Section 17.58 of the Foster City Municipal Code.

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,


for Marlene Subhashini
Community Development Director

Planners Initials: BH


Denise Wallace, Managing Agent

(Owner's Name) (Please Print)

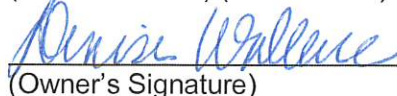

(Owner's Signature)

EXHIBIT A

WHALERS ISLAND HOMEOWNERS' ASSOCIATION Prototypical Design Guidelines for Fences and Gates Amended July 22, 2019

The following guidelines shall govern the installation and replacement of all fences and gates 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, gutters, downspouts, flashings, etc. shall be painted to match 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.

Front Yard Fences Facing the Street

6. The approved fence materials include:
 - (a) Cedar or redwood using one inch nominal dimension lumber for slats;
7. The approved fence styles include:
 - (a) Vertical slats 50% open; 1"x4" nominal slats with 2" spacing
 - (b) Diagonal slats 50% open; 1"x4" nominal slats with 2" spacing
 - (c) Board-on-board closed; 1"x8" nominal slats with 2" overlap
8. Front yard fences must be set back at least 20' from the inner edge of the sidewalk or 23' from the inner edge of the curb if there is no sidewalk.
9. The maximum height of front yard fences must not exceed 5' except when there is a lattice at the top of the fence. A 1' lattice may be added to the top of the fence for a maximum height not to exceed 6'. Fence should be measured at the highest grade level.
10. Lattices must be made of the same material as the fence. Approved lattice styles are:
 - (a) Horizontal/vertical 50% open weave.
 - (b) Diagonal 50% open weave.

- (c) A custom lattice with decorative elements in character with the Whalers' Island neighborhood may be installed after receiving prior HOA approval of the design.
11. Decorative elements may be installed on the tops of fence posts as long as they are not shiny or reflective. Prior HOA approval must be received.
12. Front yard fences may be painted, stained or left natural. Refer to Exhibit F for allowable colors and rules.

Rear Waterfront Fences Parallel to Bulkhead

13. The approved fence materials include:
- (a) Wood frames with tempered glass panels as shown in Exhibit B.
 - (b) Wood frames with welded wire panels as shown in Exhibit D. Welded wire must be 12-, 14- or 16-gauge with a minimum of 2"x4" grid spacing.
 - (c) Wood frames or posts with cable-wire panels as shown in Exhibit C. Cables and posts must satisfy the following specifications:
 - Cable wire 1X19 1/8" diameter or larger. 316 stainless steel is the recommended cable material.
 - Adjacent cables spaced at 3" intervals. All cables must have a tensioning device on one end of the cable. Tensioning must be adjusted during construction so that maximum deflection between any two adjacent cables does not exceed 4".
 - Fence posts must be 4x4 wood set in a rigid base material that prevents movement. Gate posts may be 2x4 or larger as long as the maximum deflection specification is satisfied. The gate must be attached to a 4x4 fence post.
 - Spacing between fence posts must be 5' maximum. A gate must be installed in the fence with a width between 30" and 36".
 - (d) Wood frames and posts must be left natural or stained to enhance the natural color of the wood. Refer to Exhibit F for allowable colors and rules.
 - (e) All types of waterfront fences must have a top rail to provide stability. The top rail material should match the post material and should generally be 2X4 lumber.
14. Temporary, removable safety fences may no longer be installed and will not be approved by the HOA after this prototype goes into effect. Previously approved and installed safety fences may be left in place on a temporary basis.
15. Fences running parallel to the bulkhead must be 36 to 42 inches in height at the highest grade level and must be set back a minimum of 1' from the inside edge of the bulkhead cap. If the rear fence is joined to side fences at corners, the lowest section of the side fence near the bulkhead and the rear fence should both be the same height.
16. All fences running parallel to the bulkhead are to appear at least 80% open when viewed from the water.

Side and Non-waterfront Rear Fences

These prototypical rules apply to all side fences and non-waterfront rear fences except those facing public streets (see later section concerning public streets). Side and non-waterfront rear fences must be installed on lot boundary lines. If the side fence is on a boundary line between adjacent lots, both lot owners must agree to the plans prior to submission for HOA approval. If the fence is adjacent to HOA common area, the fence must not encroach on the common area. Side fences must be a single, uniform height except for the portion of the side fence

outside the front gate(s).

17. The approved fence materials include:

- (a) Cedar or redwood using 1 inch lumber for slats;

18. The approved fence styles include:

- (a) Vertical slats 50% open; 1"x4" nominal slats with 2" spacing
- (b) Diagonal slats 50% open; 1"x4" nominal slats with 2" spacing
- (c) Board-on-board closed; 1"x8" nominal slats with 2" overlap

19. The maximum height of side and rear fences on non-waterfront lots must not exceed 6' except when there is a lattice at the top of the fence. A 1' lattice may be added to the top of the fence for a maximum height not to exceed 7'.

20. At corners where front yard fences or rear fences are joined to side fences, both joined fences must be the same height. The side fence height may be stepped up behind the front gate(s) behind the front wall of the house or garage.

21. The front starting point for side fences must be set back at least 20' from the inner edge of the sidewalk or 23' from the inner edge of the curb if there is no sidewalk.

22. Lattices must be made of the same material as the fence. Approved lattice styles are:

- (a) Horizontal/vertical 50% open weave.
- (b) Diagonal 50% open weave.

23. No decorative elements may be installed on the top of the fence.

24. Side and non-waterfront rear yard fences must be stained or left natural. Refer to Exhibit F for allowable colors and rules.

25. If the side lot boundary line has a zero lot line house touching the boundary line then a side fence may not be installed on the portion of the boundary line touching the house. Any fence post or portion of the side fence in this situation must be at least 1 ½" from the edge of the house.

Side Fences on Waterfront Lots

These rules apply to the section of side fence extending from the rear wall of the house to the bulkhead.

26. Fences on the side property lines (between two neighbors, running perpendicular to the bulkhead) shall not exceed 42" in height at the highest grade level within 3 feet of the inside edge of the bulkhead cap, but then can be stepped up to be a maximum of 60" from grade until reaching the rear wall of the nearest house. The fence materials and design must comply with Exhibit E (see Exhibit E). At corners where rear waterfront fences are joined to side fences, both joined fences must be the same height.

27. The number of stepped up sections may vary depending on the distance from the rear wall of the house to the bulkhead cap. Each section should have a maximum length not exceeding 8' and a maximum height difference between adjacent sections not exceeding 24".

28. All fences built in the side yard and up to the neighboring (zero lot line) home must not be attached to the neighbor's home in any way, and the last supporting post should be at least 1 ½ inches away.

29. Fences on the side property line, running perpendicular to the bulkhead, may extend on to the bulkhead cap but shall not in any way be attached to the bulkhead. The fence extension shall be consistent with the requirements as listed in Exhibit E. There shall be no load bearing post closer than one foot measured from the inside edge of the concrete

bulkhead cap as long as no load is applied to bulkhead.

All Fences Facing Public Streets

Fences facing Dewey Drive and Farragut Boulevard must be installed on the lot line and must not encroach on City public right-of-way or HOA common area. Fences on corner lots adjacent to public streets may not be installed within a corner triangular area 25' on a side as required by Foster City Municipal Code section 17.52.030.

30. The approved fence materials are cedar or redwood using 1 inch lumber for slats.
31. The approved fence style is diagonal slats 50% open; 1x4 slats with 2" spacing.
32. The maximum height of fences facing public streets must be 5' and lattices may not be installed on these fences.
33. Fences facing public streets must be left natural or stained. Refer to Exhibit F for allowable colors and rules.

Gates

Wood gates must be the same height, material, style and color as the adjacent fence with one exception. Front wood gates may have an arched top that is a maximum of 1' higher than the adjacent front fence.

Front gates may optionally be made of ornamental, wrought metal:

34. The basic design must use vertical bars that are at least 80% open.
35. The top of the metal gate must either be level with the top of the adjacent fence or may have an arched top that is a maximum of 1' higher than the adjacent fence.
36. The color of the metal gate shall be:
 - (a) Black or,
 - (b) Same as the adjacent fence or trim or,
 - (c) A natural metal finish that is not shiny or reflective.
37. The metal gate may include decorative elements subject to HOA approval of the design.
38. An arbor up to seven feet six inches in height may be constructed over a front yard fence gate or opening not to exceed four feet in width and two feet in depth, (not to exceed eight square feet), that is one hundred percent open on two sides and at least seventy-five percent open on two sides. Refer to Exhibit F for allowable colors for the arbor.

See Exhibits B through E for all illustrations of examples.

Bold Indicates Site Specific Conditions

APPROVAL PROCESS

1. The homeowner/applicant shall obtain an approval letter from the Whalers Island Homeowners' Association for the proposed fence. The letter shall indicate that the proposed changes conform to the established design criteria of the prototype.
2. The Homeowner or contractor shall apply for an Architectural Review Permit for the proposed fence from the Planning/Code Enforcement Division and shall submit any required drawings and fees.
3. The Homeowner or applicant shall submit the following:
 - A letter from the Whalers Island Homeowner's Association (HOA), indicating their action on the proposal.
 - An Architectural Review permit application and materials required by the Community Development Department and filing fee.
 - Manufacturer's brochure (if any) indicating the type of fence that is to be used.
 - Four (4) sets of Site Plan and Elevations or photographs showing where the proposed fence will be located and demonstrating the height, colors, materials and any proposed decorative caps or finishes.



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



Date



Marlene Subhashini, Community Development Director
City of Foster City

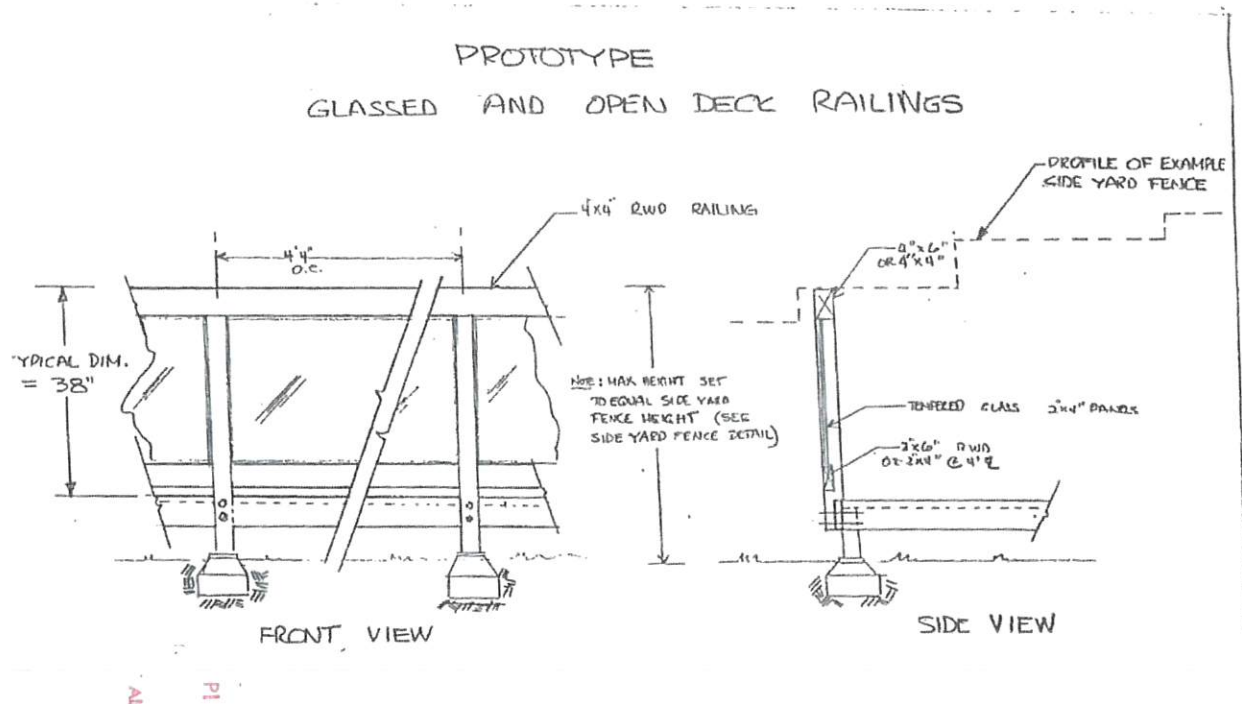


Date

EXHIBIT B

Example of Glass Railing and Panel Construction

Permanent glass panel safety fences near the bulkhead and glass panel safety railings at the edge of decks should follow this example of construction and design:



Prototype details for deck railings are described in the "Rear Yard Deck and Patio" prototype document. The design of the glass panel safety fence should:

- Have a maximum height of 42" and a minimum height of 36"
- Have a gate allowing access to the bulkhead
- Use clear tempered glass framed in cedar or redwood
- Set back at least one foot (1') from the inner edge of the concrete bulkhead cap



EXHIBIT C

Example of a Wire Cable Fence



EXHIBIT D

Example of a Welded Wire Fence



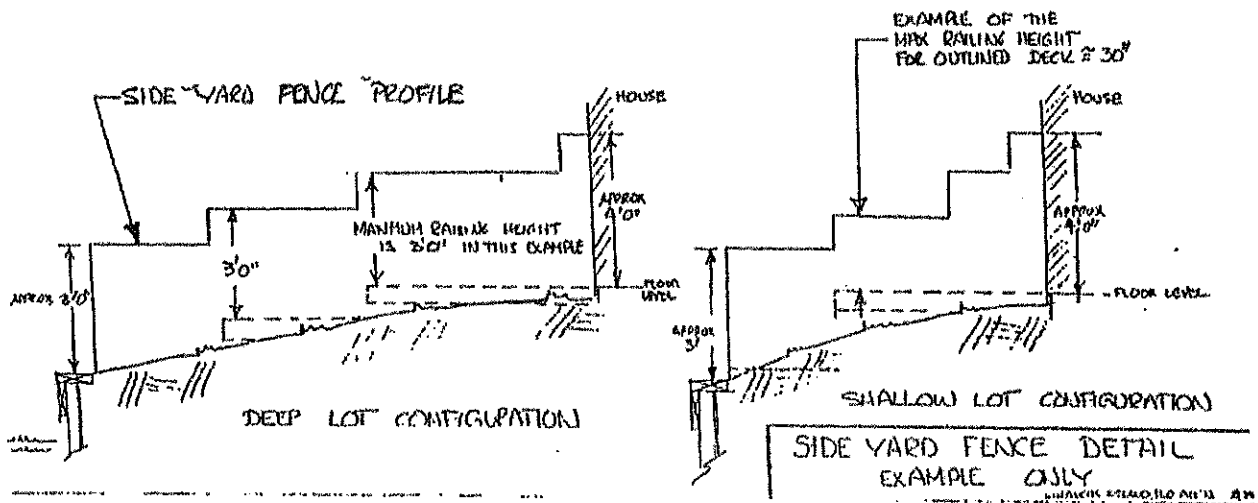
EXHIBIT E

Prototype design for side fences from the rear of the house to the bulkhead.

The side fence sections from the rear wall of the house to the bulkhead should step down in two to four sections as shown in the following illustration. The maximum height of the upper section near the rear wall of the house may not exceed 60". The maximum height of the lowest section near the bulkhead may not exceed 42" but may range from 36" minimum to 42" maximum. Adjacent sections should each step down 4" to 24" from the upper section to the lowest section. The side fence should be constructed from rough sawn cedar or redwood. The fence style may be:

- Vertical slats 50% open using 1x4 slats with 2" spacing
- Vertical board-on-board slats using 1x8 slats with 2" overlap

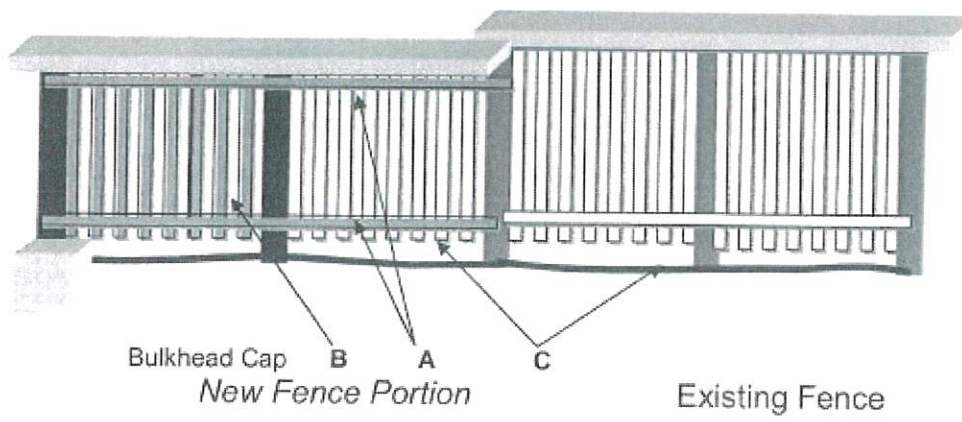
Posts should be 4x4 pressure treated material set in concrete.



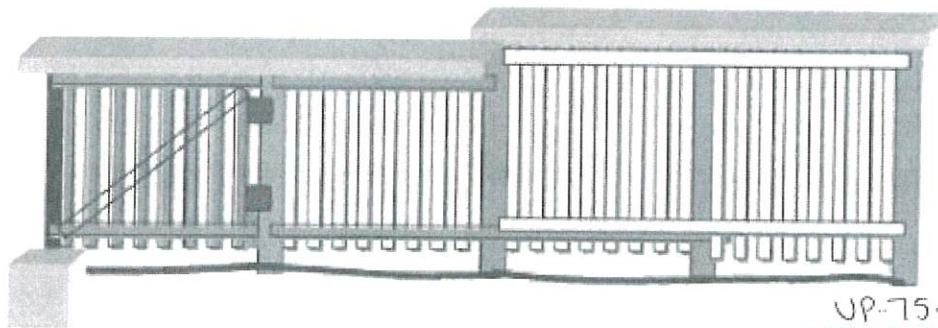
Prototype design for fence extensions across the bulkhead cap.

The extension across the cap must match the material and style of the existing side fence from the rear wall of the house to the bulkhead. The height of the extension may range from 36" minimum to 42" maximum. Load bearing fence posts set in concrete must be installed no closer than 1' from the inner edge of the concrete bulkhead cap. The extension may be constructed as either a fixed extension or as a hinged gate. The fence extension may rest on the top of the concrete bulkhead cap but may not be physically attached to the cap.

Fixed fence extension



Fence extension with a gate



UP-75-018 BBB
CITY OF FOSTER CITY
PLANNING DEPARTMENT

Construction Example

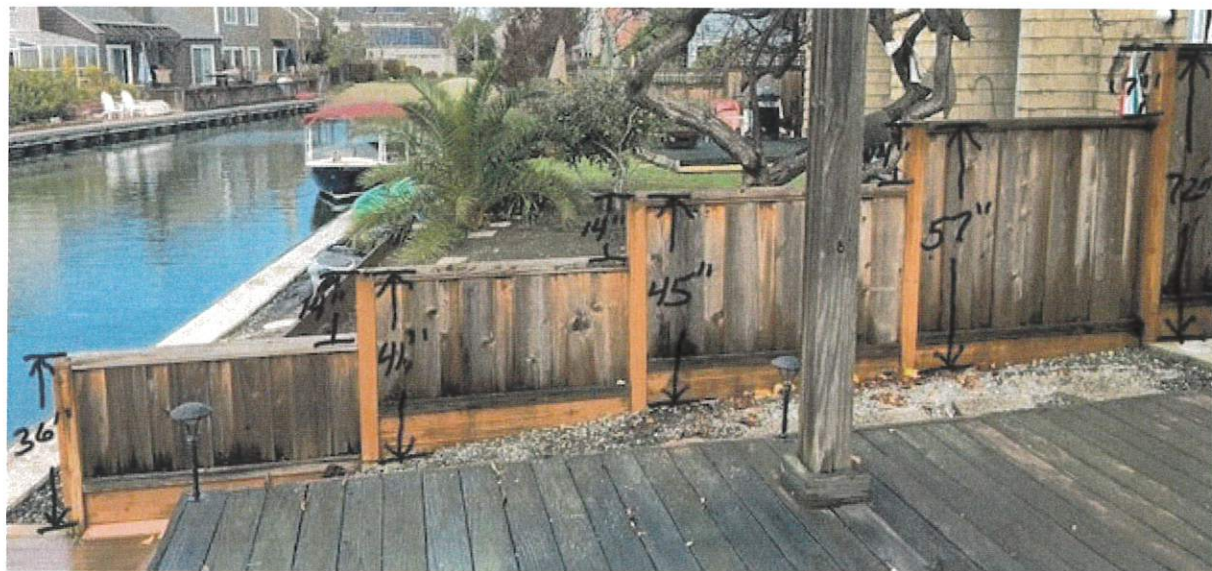


EXHIBIT F

Fence and Gate Color Rules

Side and rear wood fence lumber must be left natural or stained to enhance the natural color of the wood. Front yard fences and gates facing the street may be left natural, stained or painted. The following table summarizes the color rules:

Fences, wood gates and arbors	<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.• 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