



# 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**

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(Owners Name) (Please Print)

*Denise Wallace*

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

(Owners Signature)

Planners Initials: bh

## EXHIBIT A

### WHALERS' ISLAND HOMEOWNERS' ASSOCIATION

Prototypical Design Guidelines for Solar Power Generation and Battery Storage Projects  
(Created on November 29, 2022)

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The following conditions apply to solar power generation and battery storage projects in the Whalers' Island Planned Development.

#### CONDITIONS OF APPROVAL

1. Solar panels may only be installed on rooftops with flush mounting. Reverse-tilt mounting of panels parallel to the ground on a raised platform is not allowed. The top of the panels shall not be more than six inches above the surface of the roofing material. Ground level installation of panels is not allowed because of the small lot sizes in Whalers' Island that average 5,000 square feet.
2. Panels must be installed on rooftop sections with a south/southwest orientation that achieves the maximum generating efficiency for the panels. North or nearly northern orientation is not allowed unless the lot owner/contractor demonstrates that a south orientation is not possible.
3. Conduit and cables for projects should be located inside attics, crawl spaces and garages whenever possible. Conduit located on the exterior must have a color closely matching the adjacent rooftop or exterior wall surface.
4. The support structure for solar panels must be non-reflective and closely match the color of the underlying roof tiles.
5. Battery storage and other large solar components such as inverters and control panels may be located inside a garage or outside adjacent to a wall. Such components located outside must meet the following conditions:
  - a. The components must be near the ground with the top of the component no higher than five feet above the ground.
  - b. None of the components shall be visible from a street view. On waterfront lots none of the components shall be visible from a water view.
  - c. All components must be setback at least five feet from lot boundary lines and shall not obstruct walkways along the sides of a house or garage.

All work must be done by a licensed California solar contractor. If a new roof is required as a prerequisite the lot owner must submit separate plans for the roof project.

## WHALERS' ISLAND APPROVAL PROCESS

These rules are compliant with the California Solar Rights Act as stated in the California Civil Code. The board will approve exceptions to certain conditions of approval when financial justification is submitted by a lot owner.

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.

The following information should be submitted for solar and battery storage projects:

1. A written description of the project including a list of all large components that will be installed on the lot at ground level outside the house.
2. A dimensioned top view lot diagram and side elevation diagrams as necessary showing:
  - a. The location of solar panels and 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.
3. If the solar contractor has already provided a detailed permit package with drawings, then this package may be submitted to provide the required diagrams. If exceptions are requested, then provide a written justification for review by the committee and the board. If the request for an exception is based on the California Solar Rights Act then explain the financial considerations.
4. Solar panels may not be installed on a roof in poor condition. The board recommends installation only on a roof with a plywood underlay and no damaged or broken shakes.

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 Solar Power Generation and Battery Storage projects and any exceptions.
2. A Building permit application, site plan and an elevation plan that shows the location of solar panels, height of solar panels, new electrical equipment, setbacks to property lines, and all conduit runs.
3. Single line diagram.
4. Electrical load calculation.
5. Manufacturer's specification sheets.

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)

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Denise Wallace, Community Manager  
Whalers' Island Homeowners' Association

Dec 5, 2022

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Date

*Thai-Chau Le*

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Marlene Subhashini, Community Development Director  
City of Foster City

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Date