



*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: March 6, 2023

APPLICATION COMPLETE: April 27, 2023

ACTION DATE: May 2, 2023

CASE NO.: UP2023-0007

OWNER: Williams Landing Homeowners Association, Attn: Michael Boerio,  
103 Williams Lane, Foster City, CA 94404

APPLICATION FOR: Create new Prototype for Air Conditioner/Heat Pump Enclosure

LOCATION: Williams Landing Planned Development

ZONING: RT/PD (Townhouse Residence/Planned Development) District

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 Use Permit Modification application based on the following findings:

1. That the proposal to create an air conditioner/heat pump enclosure prototype in the Williams Landing Planned Development, as conditioned in Exhibit A are consistent with the Foster City General Plan and Title 17, Zoning, and Chapter 2.28, Planning, of the Foster City Municipal Code because the proposed prototypical design guidelines to include style and design of air conditioner/heat pump enclosures with lattice screening will be sympathetic to the character and style of the existing houses 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. That the design of the proposal is appropriate to the City, the neighborhood and the lot in which it is proposed because the: 1) lattice screen design for air conditioning and heat pump enclosures will be made of wood material and painted to match the color of the adjacent house and the size, location and design of the enclosures will be reviewed for architectural compatibility for existing houses within the development.

3. That the design of the proposal is compatible with its environment with respect to use, forms, materials, colors, setbacks, location, height, design, or similar qualities as specified in Section 17.58.010,

Intent and Purpose, of Chapter 17.58, Architectural Control and Supervision, of the Foster City Municipal Code because: 1) the air conditioner and heat pump enclosure prototypical design will provide guidelines to ensure enclosures are orderly and consistent for all residential units in the development, and therefore, the overall architectural style and characteristics throughout the planned development will be preserved.

4. That the proposal will 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 or the general welfare of the City because the air conditioner and heat pump enclosure prototypical design guidelines will ensure that all residential units 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 impacts on the neighborhood, the planned development, or the property values in the area.

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,

*Becki Hanan*

Sofia Mangalam  
Community Development Director

Planners Initials: bh

Michael Boerio

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William's Landing Homeowners Association  
Board Member & Treasurer

*Michael Boerio*

Michael Boerio (May 12, 2023 10:02 PDT)

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William's Landing Homeowners Association  
Board Member & Treasurer Signature

## **Exhibit A**

### **Williams' Landing Homeowners Association Air Conditioner and Heat Pump Enclosure Prototype Guidelines**

All air conditioner or heat pump installations at Williams' Landing that are installed on a unit owner's lot and visible from the street or cul-de-sac in front of the unit shall comply with the following guidelines, and be approved by the Williams' Landing Architectural Committee or by Board vote, consistent with these Guidelines:

#### **Provisions Required by the City of Foster City**

1. Prior to construction, all necessary building permits shall be obtained from the Foster City Building Division.
2. All construction shall be located, designed, constructed, installed and maintained in a professional manner and appearance.
3. 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. The construction or placement of unapproved features or unapproved changes to buildings or structures which were a part of approved plans can and will result in the issuance of a "Stop Work Order" by the City, the need to revise plans and obtain City approval for all changes prior to recommending work, and the possibility of penalty fees being assessed for unauthorized work.
4. Prior to any final building inspection approval, these conditions and all improvements shall be completed in accordance with the approved plans and to the satisfaction of the City.
5. Once a building permit is issued, it is the permit holder's responsibility to ensure that the project receives a final inspection before the building permit expires (180 days after the last inspection). Failure to receive and/or pass a final inspection will result in the expiration of the building permit which will require additional fees to reactivate.
6. A "lattice screen" enclosure shall be constructed around the air conditioner or heat pump and air conditioner disconnect similar to the screen shown on Exhibit B, to surround the air conditioner or heat pump and electrical disconnect to minimize the visual impact to the surrounding community.
7. The lattice screen enclosure shall be constructed with wood material with a frame approximately 1-5/8" x 1-5/8" and slats approximately 2-11/16" x 5/8" and shall have approximately 50% openness or opacity. The slats shall be constructed in a vertical and a horizontal pattern as shown on the accompanying diagram. The front and sides of the frame should be screwed together for rigidity.
8. The lattice screen enclosure shall be approximately six inches higher than the air conditioner or heat pump it encloses.
9. The lattice screen enclosure should be constructed of decay resistant naturally durable wood in conformance with the California Residential Code. The enclosure should have legs approximately

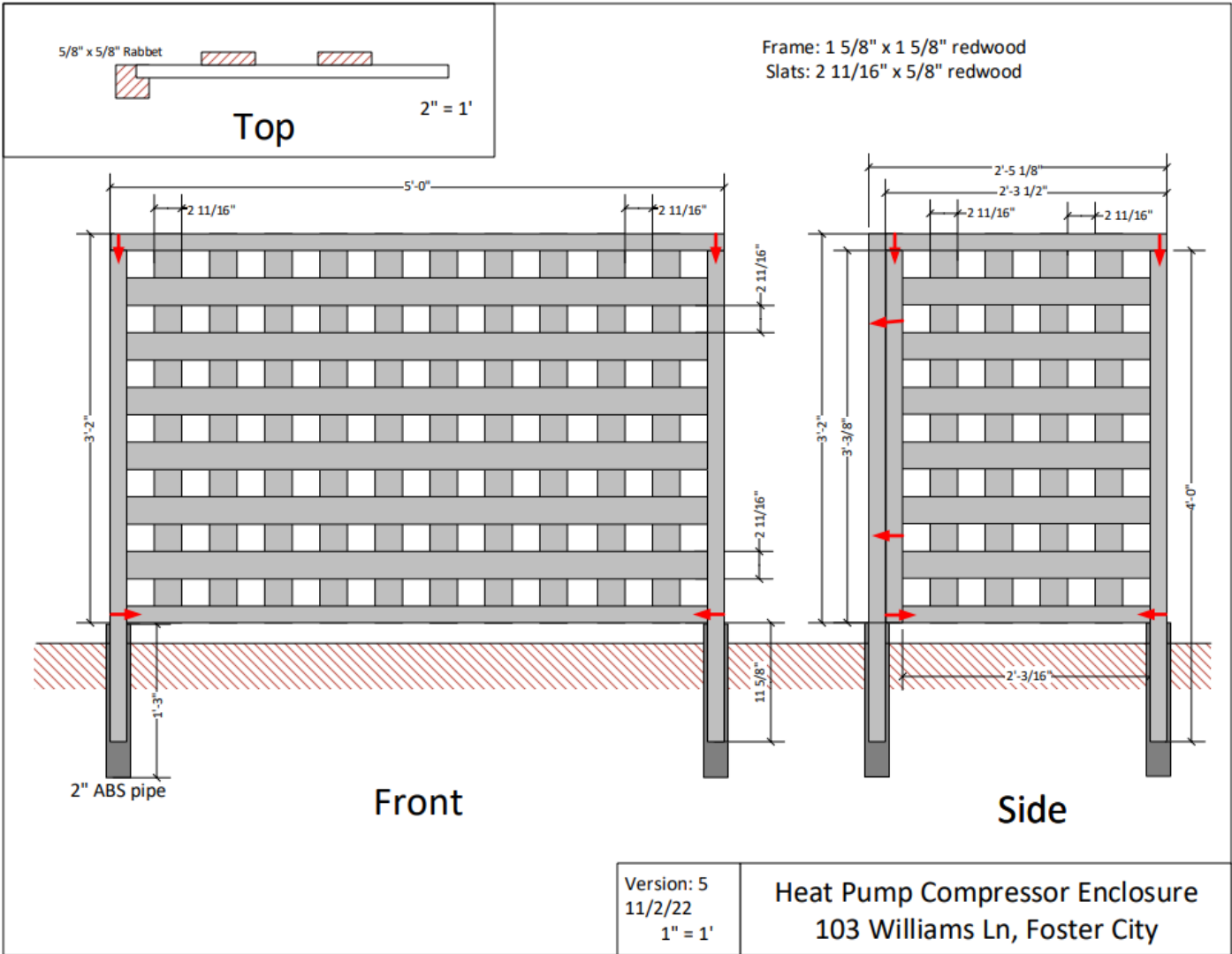
twelve inches long, and should be set into black ABS plastic pipe approximately fifteen inches long with an internal diameter of approximately two inches. The leg width should be shaved down to the extent necessary to easily fit into the ABS pipe. The ABS pipe should be set in post holes with small stones at the bottom to protect the wooden legs from moisture, and the top of each ABS pipe should be levelled relative to the others.

10. The width and sides of the enclosure shall be scaled to fit the particular structure it is enclosing. The distance the enclosure is away from the enclosed structure should be based on the manufacturer's recommendations, and should comply with any requirements imposed by the City of Foster City.

11. The lattice screen enclosure shall be painted to match the main color of the home to which it is adjacent.

12. The plans for the lattice screen enclosure must be approved by the Homeowners Association prior to installation, and all work on the lattice screening, including construction, painting and installation shall be completed prior to final inspection by the City of Foster City.

# EXHIBIT B



## Approval Process For Air Conditioner and Heat Pump Enclosures

1. The homeowner/applicant shall obtain an approval letter from the Williams' Landing Homeowners Association for the air conditioner or heat pump and air conditioner disconnect prior to installation. The letter shall indicate that the proposed enclosure conforms with the established design criteria of the enclosure prototypical design.
2. The homeowner or contractor shall apply for a building permit from the Building Inspection Division and shall submit any required drawings and fees, including the approval letter from the Williams' Landing Homeowners Association. The homeowner or applicant shall submit the following:
  - A Building Permit application and fee indicating the location, size, color, material, and dimensions of the enclosure.
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 the enclosure.

*All permit applications and accompanying documents may be submitted in person at the CDD Counter at 610 Foster City Blvd. or online on the City's online permitting portal <https://permit.fostercity.org/etrakit/>.*

*Michael Boerio*

Michael Boerio (May 12, 2023 10:02 PDT)

Williams Landing Homeowners' Association

Date

*Thai-Chau Le*

Thai-Chau Le (May 12, 2023 10:26 PDT)

Sofia Mangalam, Community Development Director  
City of Foster City

Date

Rev. 03/04/2023