

**CITY OF FOSTER CITY
PLANNING COMMISSION POLICY**

Subject: Boat Docks (New Construction; Repair; Modification; Renovation; Remodeling)

Policy No.: 1-90

Date of Planning Commission Approval: July 5, 1990

Effective Date of Policy: July 6, 1990

Background and/or Problem Statement: Within Neighborhoods 1, 2, and 3, there are numerous parcels of residential property with boat docks which were built prior to City incorporation, or since incorporation, without benefit of City permit. Currently, there is an “unwritten policy” never formally adopted which discourages, although doesn’t prohibit, private residential boat docks.

Many of the existing docks are now in need of repair. Some new owners of waterfront property wish to construct boat docks, and if told it is not “legal” will point to the many existing docks in the City as proof that docks are legal (or at least not subject to zoning abatement action). If told not to construct a dock, people may perhaps build one anyway, without permits and perhaps unsafely.

The Planning Commission does not see any reason why private residential boat docks should be discouraged, although only floating docks should be used in the future and those which are on piles should be phased out as they wear out or are replaced. If properly designed (size limitations, design, materials, etc.), the Planning Commission believes boat docks should be allowed, subject to an Architectural Review permit.

Purpose of Policy: 1) To clarify the Planning Commission’s policy with respect to the construction, repair, and modification of existing and new residential boat docks and/or access gangways and ramps and to develop a policy that can be consistently applied over time by all City Departments that will result in consistent and fair treatment of residents who own waterfront property and request boat docks and/or access gangways and ramps;

2) To present a set of design criteria for boat docks and/or access gangways and ramps that the Planning Commission and staff can apply to all such applications and which will bring clarity to the design review process.

Policy: Subject to an Architectural Review permit, privately owned residential boat docks and/or access gangways and ramps shall be allowed on residential waterfront abutting waterways that are within the incorporated limits of the City, excluding Belmont Slough. Private residential boat docks and/or access gangways and ramps shall be subject to the following design criteria and review procedures:

A. Definitions

- “Wide waterway” is defined as any portion of a waterway which has a width equal to or greater than 150’.

- “Narrow waterway” is defined as any portion of a waterway which has a width less than 150’.

B. Design Criteria

- The size allowed for a private boat dock in any lagoon area shall be determined on a case-by-case basis subject to the following restrictions:
 - a. On wide waterways, the maximum length (parallel to the shore) shall be 20 feet, and the maximum width (perpendicular to the shore measured from the average waterline) shall be between 10’ and 12’ depending on location and site conditions;
 - b. On narrow waterways, the maximum length (parallel to the shore) shall be 16 feet; maximum width (perpendicular to the shore and measured from the average waterline) shall be between 6’ and 8’ depending on location and site conditions.

At no point shall the unobstructed width of a waterway be reduced to less than 45 feet.

- The length of the dock shall be defined as those sides of the structure which run parallel, to the bulkhead/shoreline or property line of the subject property. The width shall be defined as those sides of the structure projecting into the water and running perpendicular, or approximately perpendicular, to the bulkhead/shoreline or property line. All docks shall be placed with their length parallel to the bulkhead/shoreline or property line. In all cases, the length and width of the dock shall be defined and determined by staff.
- Where docks are proposed to be installed by or next to lagoon walls, they shall not be anchored to the wall nor shall they be allowed to make contact with the wall.
- The boat dock shall be anchored independently of any lagoon walls, Due to the seasonal fluctuations of the lagoon water level, the dock shall have a hinged or sliding attachment to the anchor and must have a minimum of two-foot (2’) lift/drop capability.
- In order to provide dock flotation, styrofoam or similar plastic material shall be used. Metal tanks or wood shall not be used for flotation purposed in the construction or reconstruction of boat docks.
- With respect to the materials allowed in the construction of boat docks, framing members and the deck shall be constructed of redwood, cedar or pressure-treated lumber.
- No portion of a private boat dock shall be allowed to extend into a publicly owned water area.
- Boat docks and/or access gangways and ramps may be left unstained or they may be stained with a redwood stain but in all cases they shall be treated with a wood preservative; they shall not be painted.

- All metal used in construction of a boat dock or used to fasten a dock to a lagoon way shall be stainless or galvanized steel.
- In cases where the lagoon adjacent to a property is not deep enough to allow a dock, the homeowner must obtain written permission from the Public Works Department to deepen or dredge the lagoon area. If permission to deepen the lagoon cannot be obtained, the boat dock shall not be allowed.

C. Applicability

This policy shall apply to all new boat docks and/or access gangways and ramps and to any renovation, remodeling, or reconstruction of existing boat docks and/or access gangways and ramps where fifty percent (50%) or more of the dock and/or access gangway and ramp is being renovated, remodeled or reconstructed. Fifty percent (50%) shall be defined as meaning fifty percent (50%) of the value of the dock and/or access gangway or ramp or fifty percent (50%) of its total construction.

D. Permits Required

Requests to construct a new boat dock and/or access gangways and ramps and requests to renovate, remodel or reconstruct a boat dock and/or access gangways and ramps shall be processed in accordance with the provisions of Section 17.02.030 Waterfront Property Development-Permits Required and Section 17.58.040 Architectural Review Procedures Subsection C.2 of Title 17 of the Foster City Municipal Code. All Architectural Review permit applications shall include an application, plans, information and fee as provided in Section 17.58.040 Architectural Review Procedures of Title 17 of the Municipal Code. Plans and information shall be complete as set forth in the “Residential Property Improvements” application and information packet prepared by the City of Foster City (criteria for decks shall be followed since the requirements for decks are readily applicable to boat docks and/or access gangway and ramp improvements), and prior to approval, be found to be in accordance with the City’s adopted Architectural and Solar Guidelines (City Council Resolution No. 89-198).

E. Standard Conditions of Approval

Standard conditions of approval that shall be attached to any boat dock and/or access gangways and ramps approved by the Planning Commission include the following:

- There shall be no overnight docking of boats in the water.
- No live-aboards shall be allowed on boats stored or docked temporarily in public or private waters within City limits.
- Boat docks and/or access gangways and ramps shall only be used to store boats/masts/sails on; no storage of other equipment, material, goods or other items not of a nautical nature shall be permitted.