



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

APPLICATION RECEIVED: March 23, 2022

APPLICATION COMPLETE: February 21, 2024

ACTION DATE: February 27 2024

CASE NO.: UP2022-0010 (Supersedes Antigua Prototype for Gazebos)

OWNER: Antigua Homeowners Association

OWNER ADDRESS: C/O Joel Martins, Manor Inc., 1820 Gateway Dr. #100, San Mateo, CA 94404

APPLICATION FOR: Amendment to the prototypical design guidelines for accessory structures (gazebos, trellis, pergolas, and patio covers).

LOCATION: Antigua Planned Development

ZONING: R-1/PD (Townhouse 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 Use Permit Modification application based on the following findings:

1. The proposal to amend the prototypical design guidelines for gazebos and to include other accessory structures such as pergolas, trellises, and patio covers, as conditioned in Exhibit A, are consistent with the Foster City General Plan, Chapter 17.12 (R-1 Single-Family Residence District) and Chapter 17.36 (Planned Development Combining District) of Title 17 (Zoning), and Chapter 2.28 (Planning) of Title 2 (Administration and Personnel) of the Foster City Municipal Code because the proposed amendment will provide new flexible guidelines for the design of accessory structures which will help maintain consistency in the replacement and construction of new accessory structures throughout the Antigua Planned Development and 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-8) 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 proposed amendment to the prototypical design guidelines would be consistent with and appropriate to the City, the neighborhood, and the lot on which it is proposed and 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 amendment: (1) would allow only high quality materials such as metal,

wood, composite, and vinyl for the structure and exterior metal, wood, composite, vinyl, or high-quality cloth/soft material for the roof; (2) would allow only colors that consist of natural wood tones, white, gray, tan, brown, black or painted/stained to match the existing home; and (3) would limit the height of the accessory structure to 10'-10", the size of the accessory structure to no more than 30% of the required rear yard, and the setback to a minimum of 3'-0" which would ensure that new or replacement accessory structures are constructed in an orderly and consistent manner for all residential units in the development, and therefore, the overall architectural style and characteristics throughout the development will be preserved and consistent with Section 17.58.010.B.1.

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 the location, size, height, colors and materials of the accessory structure will be such that it will be compatible with the design of the existing complex, and will not adversely affect the visual of functional aspects of on-site or adjacent uses.

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 Architectural Review or 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,



Sofia Mangalam  
Community Development Director

Joel Martins

\_\_\_\_\_  
(Owners Name) (Please Print)

Planners Initials: KM



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(Owners Signature)

## Exhibit A

### **ANTIGUA HOMEOWNERS' ASSOCIATION** Prototypical Design Guidelines for Accessory Structures

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The following guidelines shall govern the construction of accessory structures in Antigua Planned Development:

#### **CONDITIONS OF APPROVAL**

- 1. Prior to commencement of work, an Architectural Review approval from the City of Foster City shall be required for any accessory structures above the fence line. If structure is more than 120 square feet, attached to the house, has plumbing, electrical or mechanical components, or is subject to a Building Permit per the California Residential Code a Building Permit shall be obtained from the City of Foster City prior to construction.**
2. All construction shall be designed, constructed, installed and maintained in a professional manner and appearance.
3. All materials and colors shall be as approved. Once construction 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. All vents, gutters, downspouts, flashings, etc. shall be painted to match the color of 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.
5. All construction shall be located, designed, constructed, installed and maintained in a professional manner and appearance.
6. 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 (1. 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.
7. Prior to any final building inspection approval, any imposed conditions and all improvements shall be completed in accordance with the approved plans and to the satisfaction of the City.
8. The only plumbing facilities to be permitted on any accessory structure shall be a cold-water faucet and drain and rainwater runoff disposal plumbing, and there shall be no other plumbing of any kind.
9. Ingress and egress shall be directly from the living unit which a patio cover is designed to serve. No ingress or egress shall be obstructed by the proposed accessory structure.
- 10. Construction activities shall be limited to the hours of 8 a.m. to 5 p.m. on weekdays Monday through Friday. No construction shall take place on Saturdays, Sundays or legal holidays. All construction-related activities including but not limited to noise, vibration, dust etc. shall be in accordance with Chapter 17.68, General Performance Standards, of Title 17, of the Foster City Municipal Code.**
- 11. Accessory structures shall have a maximum height (including decorative roof**

features) of 10'-10". For accessory structures with a sloped roof the average height of the roof will be used to determine the height of the structure.

12. No accessory structure shall occupy more than 30% of the rear yard.
13. All accessory structures shall have a minimum setback of 3' to the nearest property line and a minimum 3' setback to the dwelling unit provided that the structure is constructed using fire rated material when within 5' of the fence line or dwelling unit.
14. Acceptable materials for the accessory structures shall consist of exterior metals, wood, composite, or vinyl as determined by the HOA per the HOA Approval Letter.
15. Metals shall be non-reflective, powder coated, or painted to reduce glare.
16. Acceptable roof material for accessory structures shall consist of exterior metals, wood, composite, vinyl, or high-quality clothes/soft material as approved by the HOA per the HOA Approval Letter.
17. Roofs shall not have a high shine or be reflective to cause any glare to the adjacent properties.
18. Colors shall consist of natural wood tones, white, gray, tan, brown, black, or painted/stained to match the existing home.
19. Bolts and brackets do not have to be painted to match the adjacent surface. Any exposed metal shall be non-reflective.

#### APPROVAL PROCESS

1. For accessory structures above the fence line the homeowner or contractor shall apply for an Architectural Review Permit and shall submit the following:
  - A letter from the Antigua Homeowners Association approving the proposed plans. The letter shall indicate that the proposed changes conform with the established design criteria of the prototypical design as identified in the attached Exhibits.
  - A completed application form and filing fee.
  - Four copies of complete plans or one complete electronic submittal indicating location and dimension of the gazebo.
2. The Foster City Planning/Code Enforcement staff will review the Architectural Review application to confirm that the proposal is consistent with the Antigua HOA prototypical design approved for accessory structures.
3. If a building permit is required, the homeowner or contractor shall apply for a building permit from the Building Division and shall submit four copies or electronic submittal of any required drawings and fees.



Rich Domingo, HOA President  
Antigua Homeowners Association

3.13.2024

Date



for Sofia Mangalam, Community Development Director  
City of Foster City

3.13.2024

Date