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DATE: DECEMBER 7, 2023

## STAFF REPORT

AGENDA ITEM NO. 6.1

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TO: FOSTER CITY PLANNING COMMISSION

PREPARED BY: KEVIN MCGILL, ASSISTANT

PLANNER CASE NO.: UP2023-0102

OWNER(S): AYUSH PARASHAR & NITASHA UPRIT

PROJECT LOCATION: 717 MATSONIA DR (NEIGHBORHOOD 1)

APN: 094-030-360

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### **REQUESTED ACTION/PURPOSE**

Use Permit request to approve a 960 square foot (SF) second story addition and to legalize the existing 184 SF waterfront deck extension to an existing 2,220 SF single-story single-family home located at 717 Matsonia Dr. in Neighborhood 1.

### **RECOMMENDATION**

The Planning Commission adopt a Resolution 1) approving the Use Permit request (UP2023-0102) subject to the Conditions of Approval in Exhibit A (Attachment 1) to allow a 960 square foot (SF) 2<sup>nd</sup> floor addition and approving a 184 square foot rear yard deck expansion to an existing 2,200 square foot, one-story single family waterfront home located at 717 Matsonia Drive in Neighborhood 1; and 2) finding that the project is categorically exempt pursuant to California Environmental Quality Act Section 15301 (Class 1).

### **GENERAL INFORMATION**

GENERAL PLAN DESIGNATION: Single-Family

ZONING DISTRICT: R-1 (Single-Family Residence) Zoning District

ZONING HISTORY: None

SURROUNDING LAND USE: North: Single Family Residences at 164, 168, and 172 Flying Cloud Isle  
South: Single Family Residence at 712, 718, and 722 Matsonia Dr.  
East: Single Family Residence at 721 Matsonia Dr.

West: Single Family Residences at 708  
Matsonia Dr.

LOT SIZE:                      Lot: Land & Water – 8,127 SF (San Mateo County  
Assessor's Record)  
Lot: Land Only – 6,534 SF dry land (Submitted by  
Applicant)

## **PUBLIC NOTICING**

In order to inform the most immediately affected property owners, the neighborhood and the general public, the Public Hearing was noticed in the following ways:

- Published in the Islander on November 22, 2023
- Emailed out to the Planning Listserv on November 16, 2023
- A Public Notice was mailed to residents within 300 feet radius on November 22, 2023
- Posted on the Foster City website at [www.fostercity.org](http://www.fostercity.org) on November 22, 2023
- Posted on-site and at all of the City's official posting locations on November 21, 2023
- Electronic marquee at Leo Ryan Park on November 22, 2023 through December 7, 2023

## **NEIGHBOR NOTIFICATIONS**

Consistent with the Use Permit process and procedures, the applicant is required to provide neighborhood notification to the immediately adjacent properties of the proposed project site. The intent of the Neighbor Notification Form is to inform potential interested parties of the proposal on site and encourage neighbors to submit any questions or concerns about the proposal. Neighbor Notification Forms were provided to the eight (8) adjacent properties of 377 Mullet Ct. (711, 712, 718, 722, and 723 Matsonia Dr. as well as 164, 168, and 172 Flying Cloud Isle.). Below is a summary of the Neighbor Notification Forms:

- **Adjacent Property to the West:**
  - 711 Matsonia Dr. returned Neighbor Notification to staff with no objections to the proposed plans.
- **Adjacent Property to the East:**
  - 721 Matsonia Dr. returned Neighbor Notification to staff with no objections to the proposed plans.
- **Adjacent Properties to the South:**
  - 718 & 722 Matsonia Dr. returned Neighbor Notifications to staff with no objections to the proposed plans.
  - 712 Matsonia Dr. did not return a Neighbor Notification Form or bring any concerns to the staff's attention during the review process.
- **Adjacent Properties to the North:**
  - 164 & 168 Flying Cloud Isle returned Neighbor Notification to staff with no objections to the proposed Plans.
  - 172 Flying Cloud Isle did not return a Neighbor Notification Form or bring any concerns to the staff's attention during the review process.

In addition to the neighbor notification forms provided by the applicant to the adjacent property owners, a Public Hearing notice was sent to the adjacent property owners informing them of the December 7, 2023, Planning Commission Meeting.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The California Environmental Quality Act (CEQA), includes a list of classes of projects which have been determined not to have a significant effect on the environment, and therefore, are exempt from the provisions of CEQA. The project would be a partial demolition of a single-family home and a second story addition. The site would continue to be a single-family home and therefore, the proposed project would qualify for CEQA Guidelines Section 15301.

### **BACKGROUND**

#### **PROJECT SITE AND LOCATION**

The existing one-story house is located on an approximately 8,127 SF waterfront lot with 5,447 SF of land located at 717 Matsonia Dr. The existing waterfront home, built in 1964, features three (3) bedrooms and three (3) bathrooms with 2,210 SF of living space. The subject property is surrounded by an existing two-story house to the east (right), another two-story house to the west (left), along with a two-story house and two single-story houses to the south (front, across from street), and one two-story house and two single-story houses to the north (rear, across lagoon) (Figure 1). Houses in the neighborhood are a mix of one and two-story homes, including Mediterranean, Ranch Style and Eichler homes.



Figure 1: Vicinity Map; Source: Nearmap.com (November 9, 2023)

The existing house features a front and rear-facing gable-style roof that incorporates two (2) hipped roofs with front-facing gables on each side of the front elevation. The garage extends past the front elevation of the primary dwelling to create an enclosed courtyard in the center of the house. The façade consists of board and batten siding with vertical trim (Figure 2). Given that the property is a waterfront property the rear elevation is visible from the public right-of-way. The project includes the legalization of an unpermitted deck facing the waterfront.



Figure 2: Front Elevation (Existing); Source: GoogleMaps.com (November 9, 2023)

## PROJECT PROPOSAL

On September 16, 2022, staff received the initial submittal for the second story addition at 717 Matsonia Dr. On October 13, 2022, an incompleteness letter outlining unfulfilled submittal requirements (including Solar Impact Study) and design comments were sent to the applicant and the homeowner. Staff continued to work with the applicant and the architect from September 2022 through October 2023 to address design concerns, solar impacts to neighboring properties, and design alternatives. On October 4, 2023 staff received a near complete submittal that included a Solar Impact Study provided by Design Everest Consulting Engineers providing, in detail, a summary of the impacts during the required days and times per the [Foster City Solar Impact Policy](#). Staff provided minor comments on September 6, 2023, with comments responses and revisions submitted on October 4, 2023.

Staff determined the application to be complete on October 4, 2023, when all revised plans and supplemental materials were resubmitted and scheduled the project for a Planning Commission Public Meeting. The complete architectural plans with solar impact studies are available in Attachment 3.

The final project proposal consists of a 960 SF second floor addition that will include new exterior materials that will complement the addition and existing building. The proposed addition will include a master bedroom, master bathroom, walk-in closet, and a bonus room. The addition to the roof will use Eagle Roofing Concrete Tile in the Brown Gray color, which will match the existing roof material and color. The addition will include a 3'-0" x 5'-0" Vellux skylight to provide natural light to the addition area. The existing and proposed siding will use a mix of smooth white stucco and Western Red Cedar Wood Horizontal Panels with a natural wood stain. The new windows will use white aluminum frames with a similar white wood trim. The deck will use Western Redwood Cedar Wood Horizontal Panels for the decking and skirting. The guardrail will use a frameless clear glass railing with a stainless-steel metal cap and stainless-steel spigot brackets.

In addition, the project also includes a request for the approval of a previously unpermitted deck on the rear elevation and waterfront side that was constructed in 2021. The unpermitted deck will use matching material to the proposed addition with the use of

Western Red Cedar Wood and clear glass guardrail. The deck uses Western Red Cedar Wood for skirting where the deck is raised above the ground level. The deck provides rear access and a usable space to the existing house.

## **ANALYSIS**

### **ZONING REQUIREMENTS**

The subject property is located in the R-1 Single-Family Residence zoning district and is subject to the City's adopted [Architectural & Solar Guidelines](#). Staff has evaluated the proposed design for compatibility with the architecture of the existing house and others in the surrounding neighborhood, as well as with the zoning requirements for properties located in the R-1 zoning district.

The proposed project must comply with the standards of the R-1 zoning district related to setbacks, height, lot coverage, minimum lot size, minimum floor area, and all other relevant development standards. Table 1 identifies the applicable standards of the R-1 zoning district, including the property's compliance with development standards as existing and proposed.

Table 1. R-1 District Development Standards

	CODE REQUIREMENTS	EXISTING	PROPOSED
<b>Height*</b>	Average 25'-0" max.	± 15' – 6.5"	± 19' – 7"
<b>Front Setback</b>	20' minimum	1st Story	± 6' – 2"
		2nd Story	N/A
<b>Rear Setback</b>	20' minimum	1st Story	± 13' – 9"
		2nd Story	N/A
<b>Left Side Setback</b>	5' min.	1st Story	± 7' – 2"
		2nd Story	N/A
<b>Right Side Setback</b>		1st Story	± 5' – 0"
		2nd Story	N/A
<b>Lot** Coverage</b>	50% max.	42.11%	Unchanged
<b>Floor Area***</b>	1,800 sq. ft. min. (excludes garage)	2,242 SF	3,202 SF

\* Section 17.04.240, Definitions, Height of building, of the Foster City Municipal Code defines building height as the average height of a sloped roof.

\*\* Coverage includes the land area covered by all buildings on a lot, including all projections except eaves.

\*\*\* Floor area does not include outside patios, balconies, terraces or utility rooms, garage or areas under stairs.



Table 2. Exterior Construction

	EXISTING MATERIALS & COLOR	PROPOSED MATERIALS & COLORS
<b>Exterior Wall Finish</b>	Board & Batten Siding Brown Brick Accent - Red	Smooth Stucco – White Western Red Cedar Wood Horizontal Panels - Natural
<b>Trim</b>	Wood trim – White	Wood trim – White
<b>Roof</b>	Eagle Roofing Concrete Tile – Brown/Gray Blend	Same
<b>Windows &amp; doors</b>	Aluminum - White	Same
<b>Facia Boards</b>	Wood – Burgandy	Same

Based on the tables above, the proposed project is consistent with the required R-1 Zoning requirements.

The applicant is proposing a 960 SF second floor addition to the existing waterfront house with a master bedroom, master bathroom, walk-in closet, and bonus room. As per Section 17.58.040(b) Architectural review procedures of the Foster City Municipal Code, on waterfront properties, room additions (on the second floor) reviewed by the Planning Commission shall be subject to a use permit approved by the planning commission.

Further, section 17.060.070 Use permit- Grant or denial of the Municipal Code includes that the Planning Commission shall determine whether or not the establishment, maintenance or cooperation of the use applied for will, 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, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.

Section 17.44.010 of the Municipal Code includes a list of considerations by the Planning Commission for a use permit for waterfront property, including considerations specified in Section 17.58.010. Furthermore, Section 17.58.010(3) includes “to prevent the erection of structures, additions or alterations or other property improvements which significantly impact the privacy of adjacent properties; cause a significant diminution of sunlight to the interior of an adjacent building or to the exterior of adjacent properties; cause undue glare or noise impacts to adjacent properties; and significantly block or limit existing views from the interior and exterior of adjacent properties, and that individual rights are weighed against the needs and requirements of the community”.

As noted earlier, the applicant is also requesting the approval of a previously unpermitted 184 SF deck extension to the rear of the property. The deck has a height of 18” above grade with 3’ 6” tall clear glass guardrails required by the California Residential Code. The deck will meet all setback requirements and is exempt from lot coverage per Section 17.50.020.A.3. The deck will not create any waterfront view impact with the use of clear glass guardrails maximizing adjacent views.

## PRIVACY AND SOLAR IMPACTS

### Privacy Impacts:

Staff reviewed the proposed new windows alignment with the adjacent property and concluded that the windows on the left elevation did not directly align with the windows on the right elevation of 711 Matsonia Dr. The one (1) window in question (window #14 – master bath) will have an etched window to create additional privacy for 717 & 711 Matsonia Dr. All other windows will either be set back or face the public right of way to minimize any potential privacy impacts.

### Solar Impacts:

The Planning Commission and City Council adopted [Solar Impacts Policy P-1-2000](#) on January 18, 2000, which provides staff and the Planning Commission specific criteria to evaluate potential solar impacts on adjacent properties. The Policy calls for the analysis to answer to the following questions:

1. From which direction does the adjacent house receive direct sunlight?
2. When does the adjacent house currently receive direct sunlight?
3. Will the addition create ANY loss of sunlight to ANY window of an adjacent house?
  - If yes, what room(s) will be impacted (i.e., kitchen, living room, bedroom, etc.)?
4. Which season(s) of the year is there an impact?
5. During each season with an impact, what hours of the day will the sunlight be lost?
6. How many hours of sunlight are lost during each season?
7. How many hours of direct sunlight will be retained at each impacted season, and at what approximate time of day is this?

The Policy categorizes kitchens, living rooms, dining rooms and rear yards as “high use” spaces and bedrooms as “low use” spaces. The Policy defines impact to the adjacent property as significant if the addition does the following:

- Completely eliminates all direct sunlight to any high-use living space in an adjacent house.
- Reduces more than two (2) hours of direct sunlight to a high-use living space (living/dining room or kitchen), or if it reduces more than four (4) hours of direct sunlight to low use space (bedroom, but not including bathroom).
- Reduces the amount of time that an adjacent house’s window receives direct sunlight by more than 50 percent at any season where an impact occurs.

The Solar Policy states, “These thresholds of significance shall be considered as ‘guidelines’ and not performance standards or ‘rules.’” While the Policy does outline criteria to use when evaluating solar impacts, the criteria is “intended to be flexible” so that staff and the Planning Commission can use their judgment when evaluating the impacts relative to each case. The Planning Commission has the discretion to evaluate solar impacts on a case-by-case basis.

A Solar Impact Study for this project is included in Attachment 3. Based on the analysis, the only impact on the adjacent house located at 711 Matsonia Dr. Table 3 summarizes the solar impacts to this property.

Table 3. Solar Impacts to 711 Matsonia Dr

Season	House Room	High/Low Use	Time of Sunlight Lost	Duration of Sunlight Lost
Winter	Bonus Room & Garage	Low	11:45 AM to 1:00 PM	1 Hour & 15 Minutes
Fall	Bonus Room & Garage	Low	9:00 AM to 11:00 AM	2 Hours
Spring	Bonus Room/Garage	Low	9:15 AM to 11:00 AM	1 Hour & 45 Minutes

As indicated in Table 3, the adjacent property located at 711 Matsonia Dr. will experience an additional loss of direct sunlight to their bonus room and garage on the right side of their property from 11:45 AM to 1:00 PM (1 hour 45 minutes) on December 21<sup>st</sup>, from 9:00 AM to 11:00 AM (2 hours) on September 21<sup>st</sup>, and from 9:15 AM to 11:00 AM (1 hour 45 minutes) on March 21<sup>st</sup>. There will be no other solar impacts to any other rooms at any other times throughout the year to the adjacent properties.

According to Section C of the [Solar Impact Policy \(Thresholds of Significance\)](#), the additional loss of sunlight on the adjacent properties does not exceed the threshold of significance for high use or low use rooms/spaces and therefore does not create a significant solar impact.

In addition, staff received Neighbor Notifications from each directly adjacent property (711 & 721 Matsonia Dr) that expressed no objections to the proposed plans.

#### Staff Comments:

Based on the information provided staff does not believe there will be any significant privacy or solar impacts per the Foster City Municipal Code, Architectural & Solar Guidelines, and Foster City Solar Impact Policy. In addition, the legalization of the 184 SF deck extension will not create any waterfront view impacts and is consistent with the requirements per Section 17.50.020.D.

### PROPOSED ARCHITECTURAL DETAILS

#### Front Elevation (South)

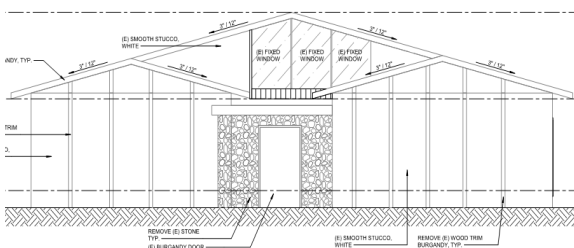


Figure 3: Front Elevation (Existing & Proposed)  
Source: Plans Submitted by Design Everest

- The siding material will be changed from a brown Board & Batten siding material



with brown wood trim to smooth stucco painted white to a Western Red Cedar Wood Horizontal Panels on the garage, courtyard wall, and addition to compliment the same material that is used on the rear elevation and waterfront deck. The proposed material is consistent with the Architectural & Solar Guidelines and Foster City Municipal Code per [Section 17.58.020.B.18](#).

- The proposed second-story will be located over the left-third of the house. The placement of the second story is consistent with other two-story houses in the neighborhood and the [Architectural & Solar Guidelines](#) since the bulk of the addition will be set back from the street and garage.
- The addition project will introduce six (6) new white aluminum frame picture windows to the second story and two (2) white aluminum frame picture windows on the front elevation of the existing garage. The new windows will be consistent with the requirements of the Window Policy P-18-10. The material and colors of the existing and proposed windows will match on the front elevation.
- The first and second-story roof will have an Eagle Roofing Concrete Tiles in the Brown Gray Range color and is on the City's list of approvable roof material subject to Planning Commission's Approval per the [Reroofing Policy P-18-19](#).
- The roof on the second-story addition will introduce a new front and rear facing gable design with a 3:12 pitch to simulate and provide a smooth transition from second floor to first floor.
- There will be one (1) new 3' – 0" x 5' – 0" Velux skylight, which will be flush-mounted, have clear smoked glass, metal frame to match the adjacent surface, and raised no more than ten inches from the surface of the roof to be consistent with the requirements in the Architectural and Solar Guidelines for Skylights.
- The courtyard entry will remain open, to be consistent with the existing layout of the house. The courtyard will also maintain the front access through the courtyard to be consistent with the use and appearance of the existing building.

### Left Elevation (West)

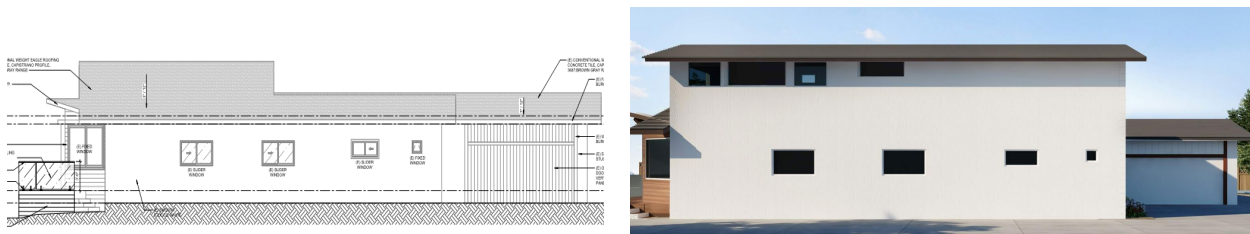


Figure 4: Left Elevation (Existing & Proposed).  
Source: Plans Submitted by Design Everest

- On the left elevation, the walls of the proposed second story will align with the walls of the existing first story and will not encroach in to the required side setbacks.
- The first and second floor siding material would be consistent with the front elevation using smooth stucco painted white and wood trim painted brown. The proposed materials would be consistent with the materials used on the existing structure.
- There will be one (1) new skylight, which will be flush-mounted, have clear glass, metal frame painted to match the adjacent surface, and raised no more than ten inches from the surface of the roof consistent with the requirements in the Architectural and Solar Guidelines for Skylights.
- The second story addition will introduce four (4) new horizontal slider windows

that will have white aluminum frames. All existing and proposed windows will match on the left elevation and will be consistent with the Window Policy P-18-10 requirements.

## Right Elevation (East)

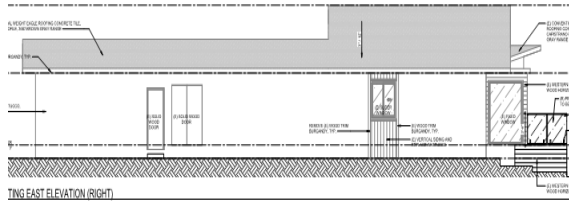


Figure 5: Right Elevation (Existing & Proposed)  
Source: Plans Submitted by Design Everest

- On the right elevation, the walls of the proposed second story addition will be set back to the far-third of the building, and a portion of the addition will be behind the existing roof.
- The first and second story right elevation will continue the use of smooth stucco painted white with wood trim painted brown.
- The proposed addition will include two (2) new picture windows and two horizontal slider windows with white aluminum frames. The picture windows will be partially visible past the existing roof ridge while the slider windows will be covered by the existing roof ridge. All existing and proposed windows will match on the right elevation and will be consistent with the Window Policy P-18-10 requirements.

## Rear Elevation (North)

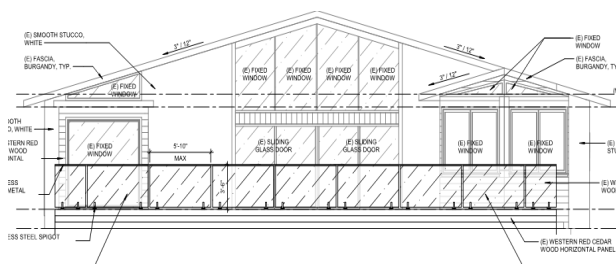


Figure 6: Rear Elevation (Existing & Proposed)  
Source: Plans Submitted by Design Everest

- On the rear elevation, the walls of the proposed second story directly align with the walls of the existing first-story.
- The first and second story left elevation will continue the use smooth stucco painted white to a Western Red Cedar Wood Horizontal Panels with wood trim painted brown.
- The proposed addition will have one (1) new picture window facing the lagoon. The new window will use a white aluminum frame and will be consistent with the existing windows on the rear elevation.

- The proposed deck will be constructed using Western Red Cedar Wood Horizontal Panels for the decking and skirting to match the exterior façade. The guardrail will use a frameless clear glass railing with any posts or brackets to be powder coated. The height of the deck will be 1' – 6" from existing grade with guard rails that are 3' – 6" to meet California Residential Code.

## **CONCLUSION**

The proposed second-story addition is appropriately integrated into the site, will not overwhelm the existing house, and will be harmonious with the surrounding neighborhood. The building setbacks, proportions and massing of the proposed second story are sympathetic to the architectural style and character of the existing house and are consistent with other two-story homes in the neighborhood.

Consistent with the City's Architectural and Solar Guidelines for second-story addition, the proposed addition is stepped back from the first story, in an effort to reduce the appearance of the bulk and mass as seen from the street. The second-story placement is consistent with other two-story houses within Foster City. The combination of smooth white stucco and Western Red Cedar Wood Horizontal Panels with wood trim painted brown provides articulation and visual interest as seen from the street. The proposed front and rear facing gable roof is also appropriately integrated in the building design and are compatible with other two-story houses in the neighborhood. The Eagle Roofing Concrete Tiles in the Brown Gray Range color would match the existing roof and complement the rest of the proposed house.

The new windows are located such that they minimize privacy impacts to the adjacent homes while providing natural light into common spaces within the living space. Lastly, the addition will not create significant solar impacts to the adjacent homes as defined by the City's Solar Impact Policy.

Overall, the addition is in scale with surrounding two-story homes, incorporates modern materials, colors and roof forms that complement the neighborhood and will be harmonious with its surroundings. Therefore, staff recommends approval of the proposed addition, subject to the Conditions of Approval in Exhibit A of Attachment 1.

## **ENVIRONMENTAL**

The proposed action would allow for a second-story addition to be made to an existing single-family home. This action would not result in a physical change to the environment. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Class 1) Existing Facilities, the project is exempt from CEQA.

## **STAFF RECOMMENDATION**

Consistent with the findings stated in the Resolution (Attachment 1), the proposal is consistent with Title 17 (Zoning), Chapter 17.06 (Administration, Construction and Enforcement) of the Foster City Municipal Code, the General Plan's goals and policies, Architectural and

Solar

Guidelines, and all applicable Planning Commission Policies. For these reasons, staff recommends the project be approved as proposed, subject to the Conditions of Approval in Exhibit A of Attachment 1.

### **NEXT STEPS**

The Planning Commission's action on the proposal is final unless appealed to the City Council. There is an appeal period of ten (10) calendar days following any action of the Planning Commission.

### **INDIVIDUALS, ORGANIZATIONS, AND DOCUMENTS CONSULTED**

Patrick O'Donnell, Applicant  
Ali Jabar, Architect  
Ayush Parashar, Homeowner of 717 Matsonia Dr.  
City of Foster City General Plan  
[City of Foster City Zoning Ordinance](#)  
[City's adopted Architectural and Solar Guidelines](#)  
[Solar Impact Policy P-1-2000](#)  
[Window Policy P-18-10](#)  
[Reroofing Policy P-18-19](#)

### **ATTACHMENTS**

Attachment 1 – Resolution approving UP2023-0102  
Attachment 2 – Neighborhood Notification Forms  
Attachment 3 – Solar Impact Study & Assessment Questionnaire, Received October 4, 2023  
Attachment 4 – Plans, Received October 4, 2023  
Attachment 5 – Public Comments