

RESOLUTION NO. P-19-24

A RESOLUTION OF THE PLANNING COMMISSION APPROVING AN ARCHITECTURAL REVIEW REQUEST TO RELOCATE AND CONSTRUCT AN ADDITIONAL DRIVEWAY ON A SITE WHICH CONTAINS A SHARED DRIVEWAY, ADD SIX NEW SKYLIGHTS, EXPAND AN EXISTING COVERED PATIO IN THE REAR, AND CONSTRUCT A TOTAL OF 770 SQUARE FOOT (SF) ADDITION TO THE FRONT AND REAR ELEVATION OF THE SINGLE-STORY SINGLE-FAMILY RESIDENCE LOCATED AT 106 CHALLENGE COURT AND FIND THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CEQA GUIDELINES SECTION 15301(EXISTING FACILITIES). – APN 094-042-230 – AR2023-0004

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, the property owner filed an application for an Architectural Review, which was deemed complete on August 14, 2023, to relocate and construct an additional driveway on a site that contains a shared driveway, add six new skylights, expand an existing covered patio in the rear, and construct a total of 770 sf addition to the front and rear elevations of the single-story single-family home located at 106 Challenge Court in Neighborhood 1; and

WHEREAS, on August 24, 2023, a Notice of Public Hearing was mailed to residents within a 500' mailing radius of 106 Challenge Court for consideration of the Architectural Review request at the Planning Commission meeting of September 7, 2023; and

WHEREAS, on August 23, 2023, a Notice of Public Hearing was duly posted for consideration of the Architectural Review request at the Planning Commission meeting of September 7, 2023; and

WHEREAS, on September 7, 2023, the Planning Commission opened and held the Public Hearing, considered the request, and voted to continue the matter to a date uncertain to allow the applicant and the property owners at 104 Challenge an opportunity to discuss the project; and

WHEREAS, on July 29, 2024, a Notice of Public Hearing was mailed to residents within a 500' mailing radius of 106 Challenge Court for consideration of the Architectural Review request at the Planning Commission meeting of August 15, 2024; and

WHEREAS, on July 25, 2024, a Notice of Public Hearing was duly posted for consideration of the Architectural Review request at the Planning Commission meeting of August 15, 2024, and on said date, the Public Hearing was opened, held, and closed; and

WHEREAS, on August 15, 2024, a public hearing was held to consider the project at which time it considered all oral and documentary evidence presented and incorporated all testimony and documents into the record by reference and voted (3-1-0-1, Noes:

Haddad; Absent: Bronitsky) to approve the request for an Architectural Review permit (AR2023-0004.) and gave direction to staff to return to the Planning Commission with a resolution setting forth the basis for approval of the project.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Foster City finds that the above recitals are true and correct and material to this Resolution, and in making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials from the August 15, 2024 public hearing and ratifies the approval and adopts this resolution providing the findings for the determination.

BE IT FURTHER RESOLVED, the Planning Commission finds as follows:

1. That the project is categorically exempt pursuant to California Environmental Quality Act Section 15301 (Class 1) Existing Facilities; and
2. Pursuant to Foster City Municipal Code Section 17.58.050(A) the proposal is consistent with the applicable provisions of the Foster City General Plan and Title [17](#), Zoning, of the Foster City Municipal Code because:
 - i. The Land Use Map of the General Plan designates the use of the subject site as “Single Family Residential.” The subject site is designated for Single Family Residential, and the proposed first-story addition and remodel will not change the use of the property; and
 - ii. The proposed first-floor front and rear additions are consistent 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. There are no specific development standards or code requirements applicable to shared private driveways; and
3. Pursuant to Foster City Municipal Code Section 17.58.050(B) the design of the proposal conforms to the city’s objective design and development standards and other adopted guidelines because:
 - i. The proposed exterior siding will match the material and color of the existing home; all new windows will match in terms of style, color, material, and use of grids/no grids; the proposed roof pitch, color, and material will continue to match that of the existing residence; and the new skylights will have a flat low-profile design with clear glazing and will not extend more than 10” above the roof surface, consistent with the City’s adopted objective design and development standards and other guidelines.

BE IT FURTHER RESOLVED that the Planning Commission approves AR2023-0004, subject to the conditions in Exhibit A attached hereto and incorporated herein. This Resolution together with Exhibit A shall constitute the “Notice of Decision” pursuant to Foster City Municipal Code Section 17.78.040(D).

PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on September 5, 2024, by the following vote:

AYES, COMMISSIONERS: Pedro and Venkat

NOES, COMMISSIONERS: Chair Haddad

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS: Bronitsky and Jagtiani

NICOLAS HADDAD, CHAIR

ATTEST:

SOFIA MANGALAM, SECRETARY

EXHIBIT A

(Conditions attached to Resolution approving addition and remodel approved by the Planning Commission on September 5, 2024)

1. **Prior to the commencement of work, a building permit shall be obtained from the Building Inspection Division. Four (4) sets or an electronic copy of final construction drawings shall be submitted with the building permit application.**
2. **The Conditions of Approval of this Notice of Decision issued by the City shall be included on the complete set of plans within any subsequent permits. The applicant shall include written responses demonstrating compliance with each condition of approval at the time of building permit submittal.**
3. All construction work shall conform to the plans and elevations, received and dated by the Foster City Planning/Code Enforcement Division on **August 15, 2023**, prepared by **Natalia Amatuni Residential Design** on file with the Community Development Department, except as modified in subsequent conditions of approval included in this Exhibit A. **Approval of the subject Plans is predicated upon the accuracy of the information provided on all of the Plans demonstrating proposed and existing conditions, including but not limited to information describing setbacks; heights; dimensions; colors; materials; roof pitches; and, fenestration. If during the construction process it is determined that information on the approved Plans is inaccurate, or if the improvement under construction is not consistent with the approved Plans, the construction work may be stopped until the matter is resolved to the satisfaction of the Community Development Director.**
4. **All materials and colors shall be as approved. Once constructed or installed, all improvements shall be maintained in accordance with the approved plans. Any major 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 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 recommencing work, and the possibility of penalty fees being assessed for unauthorized work. Minor modifications to the approved plans may be approved by the Community Development Director.**
5. 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.**
6. At the time of Building Permit submittal, a demolition plan shall be included that clearly shows the walls to be retained and the walls to be removed.
7. All architectural elements such as soffits, screens, etc., not shown or detailed on the plans shall be finished in material and color in harmony with the exterior of the building.
8. Smoke detectors shall be installed to the satisfaction of the Building Inspection Division in any approved room addition.
9. Plans submitted for building permit shall include all mechanical equipment and utilities, including AC unit (if any), water heater, electrical and gas meters. Note that all utilities

shall be architecturally screened from view. They shall be located behind and below the fence and shall be painted to match the adjacent building color.

10. Standard residential security requirements as established by Chapter 15.28 of the Foster City Municipal Code shall be provided.
11. 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.
12. Prior to any demolition or disassembly of any portion of the existing structure or site, a detailed plan, in the form of either a letter or on the City's Demolition Information Form, describing all aspects of such work (how and when it will be conducted; special related equipment required, how materials will be removed from the site, how public safety will be ensured throughout this process, etc.) shall be submitted to the Chief Building Official. Such work shall not begin until the Chief Building Official approves the plan by affixing his/her signature and the date of approval to it. The Chief Building Official may require that plans be amended until he/she determines that they satisfactorily meet all City health, safety and general welfare concerns.
13. A copy of the approved plan shall be given to the applicant or their designee and shall at all times be kept on the job site along with approved project plans.
14. Any damage to public (City) infrastructure (streets, sidewalks, utilities, etc.) caused by construction (including use of heavy equipment) associated with the building permit, shall be repaired to the satisfaction of the Public Works Department and the Building Division prior to final sign-off on the building permit.
15. The placement of materials disposal or trash bins within public rights-of-way, including on public streets and on public sidewalks, shall not be allowed until such time as an Encroachment Permit has been issued by the Engineering Division of the Public Works Department.
16. In order to assure public safety and minimize the unattractive short term aspects of construction on the neighborhood, prior to issuance of a building permit, building plans shall include site control information which, at a minimum: 1) Provides that a 6 (six) foot tall chain-link fence (no portion of which contains barbed wire) with a dark green (or other color approved by the Community Development Director) vinyl or canvas liner placed on the exterior of the fence shall be placed around any yard or any portion of a yard which the Chief Building Official shall identify as requiring such.
17. All required construction fencing shall be in place prior to the commencement of any work on site, shall remain in place for such time as required by the Chief Building Official and shall be removed prior to the issuance of an Occupancy Permit. The gate to the fence shall be locked at all times that the fenced area is left unattended by either the owner or resident, the contractor or subcontractors. All construction materials and equipment, including temporary or portable equipment, such as generators, storage containers or facilities, shall be stored within the interior of the fenced area when construction activities are not occurring. If placed anywhere on site, portable toilets shall be placed within the interior of the fenced area at all times.
18. Building materials, construction equipment and tools, or other items related to the construction or demolition work to be performed shall be stored behind and below

19. required fencing/screening unless special approval to place or store the materials or items is granted by the Community Development Director.
20. The Building Permit Plans shall note the roof material and color to be 1) as shown on the plans herein approved, or 2) if in a R-1 District, a roof material and color consistent with the list maintained by the Community Development Department for "Reroofing Materials and Colors Approved for Use in R-1 Districts," or 3) if in a PD, Planned Development District, a material and color consistent with the approved prototype for the development. The same material and color shall be used on all structures higher than the fence line unless otherwise approved by the Community Development Director.
21. The applicant shall submit a Waste Management Plan in accordance with Chapter 15.44 of the Foster City Municipal Code.
22. Within sixty (60) days following the completion of the demolition phase of a covered project, and again within sixty (60) days following the completion of the construction phase of a covered project, the contractor shall submit documentation to the Building Inspection Division that demonstrates compliance with Chapter 15.44 of the Foster City Municipal Code. Documentation includes submission of a completed Final Compliance Report with corresponding recycling, salvage, and disposal receipts/tickets from the facilities, to demonstrate where the debris was recycled, salvaged, or disposed.
23. 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. 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.
24. Fire sprinklers are required for any project that includes remodeling 50% or more of an existing house and/or adding 50% or more to the existing floor area. Flow calculations and plans for the fire sprinkler system shall be prepared by a qualified Fire Sprinkler System contractor or a licensed design professional and shall be submitted concurrently with construction plans for City review and approval. If tapping into the city's water main is required for a dedicated fire service, an encroachment permit is required.
25. A design-level geotechnical investigation, in compliance with the California Building Code, California Residential Code, and Foster City amendments, shall be prepared by a licensed professional and submitted with the construction documents to the City Building Inspection Division for review and approval for any new house, new second story, or addition as determined by the Chief Building Official. The report shall determine the proposed project's geotechnical conditions and address appropriate building techniques and potential seismic hazards. All recommendations, design criteria, and specifications set forth in the design-level geotechnical investigation shall be incorporated into the construction plans.
26. **Construction activities shall be limited to the hours of 8:00 AM to 5:00 PM on weekdays and 9:00 AM to 5:00 PM on weekends and 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. Any request for modification to**

the construction hours shall be submitted to the CDD Director for prior review and approval.

27. All windows on a given elevation shall match in terms of material, color, style, trim, and use of grids (no grids).
28. All new skylights shall be a low-profile flat design that does not extend more than 10" above the roof.
29. The skylight frame and flashing shall be painted to match the adjacent surface.
30. Bollards shall be provided adjacent to the front yard addition.
31. All vents, flues, flashing, etc. shall be painted to match the adjacent surface.
32. All areas of the proposed addition shall be finished, painted, and treated in a manner to form a seamless transition between the existing and adjacent building surfaces.
33. Any damage to the wall surface and/or window/door trim shall be repaired and painted in kind, to achieve a seamless transition from the repaired to the existing trim and/or wall surface.
34. Exterior materials and colors shall be consistent, or equivalent, with the table below:

APPROVED COLORS AND MATERIALS	
Siding	Board & Batten Siding - Beige
Trim	Wood - Brown
Roof	Polyurethane Foam Roof SPF - White

35. Once an Architectural Review Permit approval has been issued, it is the permittee's responsibility to ensure that the project receives a final inspection before the Architectural Review Permit approval becomes null and void (two years from the date of approval). Failure to receive and/or pass a final inspection will result in the expiration of the Architectural Review Permit approval which will require additional fees to reactivate.
36. Indemnity Provision. If any Legal Challenge against the Project approvals is submitted to the City or the Estero Municipal Improvement District (EMID) or filed in a court of law, Applicant will, to the greatest extent authorized by law, defend (with counsel approved by City, which approval shall not be unreasonably withheld), indemnify, and hold harmless the City/EMID, its officials, employees, volunteers and agents from and against any and all loss, liability, expenses, claims, costs (including reasonable attorneys' fees), suits and damages of every kind nature, and description, directly or indirectly arising from any third party legal challenge to the Project.
37. This original Notice of Decision must be acknowledged by the property owner on a form prepared by and returned to the Planning/Code Enforcement Division. Note that this Permit is not valid until the Planning/Code Enforcement Division has received the acknowledgment of the Notice of Decision, or if appealed, until a determination is made on the appeal.

Bold: Indicates Site Specific Condition