

RESOLUTION NO. P - - 23

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY APPROVING A USE PERMIT REQUEST TO ALLOW A 960 SQUARE FOOT (SF) 2ND 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 DR IN NEIGHBORHOOD 1 AND FINDING THE-PROPOSAL EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINE SECTION 15301 – AYUSH PARASHAR & NITASHA UPRIT – APN: 094-030-360 – UP2023-102

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, the property owner has requested Planning Commission approval of a 960 square foot second story addition and legalization of a 184 square foot deck expansion to an existing 2,200 square foot single-story single-family waterfront home located at 717 Matsonia Dr; and

WHEREAS, the proposal has been determined by the Community Development Director to be categorically exempt from the California Environmental Quality Act; and

WHEREAS, a Notice of Public Meeting was mailed to residents within a 300' mailing radius for consideration of a Use Permit request at the Planning Commission meeting of December 7, 2023; and

WHEREAS, the proposed addition does not cause significant solar impacts to the adjacent properties pursuant to City adopted Policy P-1-2000; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on the facts and analysis in the Staff Report, written and oral testimony, and exhibits presented finds:

1) That the project is categorically exempt pursuant to California Environmental Quality Act Section 15301 (Class 1).

2) The establishment, maintenance or cooperation of the use applied for, under the circumstances of the particular case, will not 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 because:

- a) The Land Use Map of the General Plan designates the use of the subject site as "Single Family Residential" and the proposal is to an addition to the existing single-family home.
- b) the building setbacks, proportions and massing of the proposed second story is consistent with the architectural style and character of the existing house as well as with other two-story houses in the neighborhood;
- c) the proposed second-story addition 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-A-1 and LUC-B-1) contained in the Land Use and Circulation Element of the Foster City General Plan;
- d) as conditioned, the proposed second-story addition is appropriately integrated into the existing building such that it will not overwhelm the existing house and will be harmonious

with the surrounding neighborhood, consistent with Section 2.28.010 of the Foster City Municipal Code and with the City's adopted Architectural and Solar Guidelines;

- e) the proposed second-story addition will improve a typical residential use consistent with the Land Use Plan designation of Single-Family Residential.

BE IT FURTHER RESOLVED, based on the foregoing, the Planning Commission hereby approves Use Permit 2023-102 to authorize construction of a 960 square foot (SF) 2nd 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, subject to the Conditions of Approval attached hereto and hereinafter incorporated by reference as Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on December 7, 2023 by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

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RAVI JAGTIANI, CHAIR

ATTEST:

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SOFIA MANGALAM, SECRETARY

## EXHIBIT A

(Conditions attached to approval of room addition by the  
Planning Commission on December 7, 2023)

1. **Prior to the commencement of work, a building permit shall be obtained from the Building Inspection Division. Four (4) sets or a complete electronic copy of final construction drawings shall be submitted with the building permit application.**
2. **The Conditions of Approvals shall be printed on the complete set of plans within any subsequent permits. 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 **November 27, 2023**, prepared by **Design Everest Consulting Engineers** 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 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. **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.**
13. 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.
14. 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.
15. 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.
16. All required 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.
17. 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 required fencing/screening unless special approval to place or store the materials or items is granted by the Community Development Director.
18. 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.

19. The applicant shall submit a Waste Management Plan in accordance with Chapter 15.44 of the Foster City Municipal Code.
20. 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.
21. 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.
22. 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.
23. A design-level geotechnical investigation, in compliance with 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.
- 24. Construction activities shall be limited to the hours of 8:00 AM to 5:00 PM on weekdays. 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.**
- 25. 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.**
- 26. All windows and/or patio doors on the same elevation shall match in color, style, and materials, (including grids or no grids) and window/door trim.**
- 27. 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.**
- 28. New windows/patio doors shall meet the U-factor per the California Energy Standards and shall be noted on the building permit plan sets.**

29. The only plumbing facilities to be permitted on any patio area shall be a cold water faucet and drain and rainwater runoff disposal plumbing, and there shall be no other plumbing of any kind.
30. Any exterior lighting on the shed shall not be directed onto adjacent properties, and the light source shall be shielded from off-site view.
31. The total of all accessory buildings or structures higher than the fence line shall not occupy more than thirty percent of the required rear yard.
- 32. The proposed smooth white stucco and Western Red Cedar Wood horizontal panels with a natural red cedar stain color will cover the exterior walls of the addition and shall match the existing first floor on all elevations as shown on approved plans, including, but not limited to, material, color, and texture.**
- 33. The new addition shall be reroofed using Eagle Concrete Tiles in the 3687 Brown Gray Range color to match the existing roof.**
34. If the roof starts to fade or discolor, it shall be the property owner's responsibility to maintain the roof and repaint/touch up paint as needed.
- 35. Exterior materials and colors shall be consistent, or equivalent, with the table below:**

	APPROVED COLORS AND MATERIALS
<b>Siding</b>	<b>Smooth Stucco - White</b> <b>Western Red Cedar Wood – Natural Color Stain</b>
<b>Trim</b>	<b>Wood Trim – Dark Brown</b>
<b>Roof</b>	<b>Eagle Concrete Tiles – 3687 Brown Gray Range</b>
<b>Windows/ Doors</b>	<b>Aluminum Frame – White – No Grids</b>

36. The skylight shall be of a flat, low-profile design, constructed of either clear or smoke-colored glass, and shall not extend more than 10" above the surface of the roof.
37. Skylight may be fixed or operable. Note that operable skylights have additional building code requirements regarding proximity to air and plumbing vents.
38. The garage shall maintain a clear interior unobstructed space of 20'-0" x 20'-0".
39. All fences shall comply with Chapter 17.52 of the Foster City Municipal Code.
- 40. All yard landscaping shall be completed to the satisfaction of the Community Development Director prior to Building Final. Bare dirt areas in front and side yards which are visible from any public right-of-way are not permitted.**

**Bold: Indicates Site Specific Condition**