

RESOLUTION NO. P - - 23

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY APPROVING 1) A USE PERMIT TO ALLOW A REDUCTION OF THE REQUIRED FRONT YARD SETBACK TO 10' – 9" (UP2023-0091) AND 2) AN ARCHITECTURAL REVIEW REQUEST TO APPROVE A 83 SQUARE FOOT GARAGE ADDITION TO THE FRONT ELEVATION OF AN EXISTING SINGLE-STORY SINGLE-FAMILY HOME LOCATED AT 780 WIDGEON STREET (AR2023-0012) AND FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT UNDER CEQA SECTION 15301 – RALF RUCKELSHAUSEN – APN: 094-172-490 – NEIGHBORHOOD 2 –

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, the property owner has requested, though a Use Permit (UP2023-0091), that the Planning Commission grant a reduction of the required front yard setback from 14' – 9" to 10' – 9"; and

WHEREAS, the property owner has requested approval for an 83 square foot garage addition to the front elevation of an existing single story single family house located at 780 Widgeon Street; and

WHEREAS, based on the record presented before it, the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301; and

WHEREAS, the Planning Commission has the authority to grant a reduction of the front yard setback up to 5' per Section 17.54.080.A of the Foster City Municipal Code; and

WHEREAS, a Notice of Public Meeting was mailed to residents within a 300' mailing radius for consideration of the Use Permit and Architectural Review request at the Planning Commission meeting of July 20, 2023; and

WHEREAS, a Notice of Public Hearing was duly posted, published, and mailed for consideration of the Use Permit and Architectural Review request at the Planning Commission meeting of July 20, 2023 and on said date the Public Hearing was opened, held and closed.

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. The proposal to approve to grant a reduction of the front yard setback to 10' – 9" for 780 Widgeon Street, as conditioned in Exhibit A, would be consistent with the Foster City General Plan, Chapter 17.12 (R-1 Single-Family Residence District) and Chapter 17.54 (Yards) of Title 17 (Zoning) and Chapter 2.28 (Planning) of Title 2 (Administration and Personnel) of the Foster City Municipal Code, because:
 - a) The Planning Commission has the authority to grant a reduction to the required front yard setback of up to 5' per Section 17.54.080.A;
 - b) The reduced setback of 10' – 9" would be consistent with the neighborhood and surrounding properties;
 - c) The property would still maintain a 20' front yard for the portion of the main house as required by Section 17.12.040; and
 - d) 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.

2. The proposal to construct a 83 square foot first story addition to expand the existing garage on the front elevation of the single-story single-family home located at 780 Widgeon Street, as conditioned in Exhibit A, would be consistent with the Foster City General Plan, Chapter 17.12 (R-1 Single-Family Residence District) of Title 17 (Zoning), and Chapter 2.28 (Planning) of Title 2 (Administration and Personnel) of the Foster City Municipal Code, because:
 - a) the building setbacks (with UP2023-0091 approval), proportions and massing of the proposed garage addition is sympathetic to the architectural style and character of the existing house and consistent with other houses in the neighborhood;
 - b) 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; and
 - c) the proposed addition will improve a typical residential use consistent with the Land Use Plan designation of Single-Family Residential.
3. That the design of the proposal, 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), would be consistent with and appropriate to the City, the neighborhood, and the lot on which they are proposed because:
 - a) the maximum height of the single-story addition roof ridge is 13'-9" consistent with the R-1 district's maximum allowable building height of 25'-0";
 - b) the proposed lot coverage of 44% is consistent with the R-1 zoning district's maximum lot coverage of 50%;
 - c) the proposed extension of the existing gable roof with a 5:12 pitch is compatible with the original roof style and maintains the overall height of the roof;
 - d) the proposed single story garage addition uses exterior building materials and colors that are sympathetic to the character of the existing house and are harmonious with improvements on surrounding properties; and
 - e) the addition is similar in form, size and architectural style to other additions within the neighborhood, and as such will be compatible with the location, size and design of the houses in the surrounding neighborhood in which it is located.
4. 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:
 - a) it will require procurement of a building permit to ensure safe construction;
 - b) the addition would not block views from neighboring properties or impact privacy;
 - c) the project will have no significant solar impacts, as identified Policy P-1-2000; and
 - d) is well designed in terms of form, proportion, scale and use of materials and will be harmonious with the site and neighborhood.

BE IT FURTHER RESOLVED that the Planning Commission approves UP2023-0091 & AR2022-0053, subject to the conditions in Exhibit A attached hereto and incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on July 20, 2023 by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

RAVI JAGTIANI, CHAIR

ATTEST:

SOFIA MANGALAM, SECRETARY

EXHIBIT A

(Conditions attached to approval of room addition by the
Planning Commission on July 20, 2023)

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 Approvals of this Notice of Decision issued by the City shall be included 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 May 19, 2023, prepared by Ralf Ruckelshausen, Owner/Applicant 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. **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.**
9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. The applicant shall submit a Waste Management Plan in accordance with Chapter 15.44 of the Foster City Municipal Code.
18. 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.

19. 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.
20. 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.
- 21. Construction activities shall be limited to the hours of 8:00 AM to 5:00 PM on weekdays and 9:00 AM to 8:00 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.**
- 22. 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.**
- 23. 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.**
24. Any exterior lighting on the shed shall not be directed onto adjacent properties, and the light source shall be shielded from off-site view.
25. 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.
- 26. Exterior materials and colors shall be consistent, or equivalent, with the table below:**

	APPROVED COLORS AND MATERIALS
Siding	Board & batten wood siding material to match existing home siding. Painted gray to match the existing house color.
Trim	Wood trim painted white to match the existing house color.
Roof	GAF Timberline Composition Shingles – Charcoal

- 27. The garage shall maintain a clear interior unobstructed space of 20'-0" x 20'-0".**
28. All fences shall comply with Chapter 17.52 of the Foster City Municipal Code.
- 29. All front 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.**
- 30. Once an Architectural Review approval has been issued, it is the permittee's responsibility to ensure that the project receives a final inspection before the**

Architectural Review 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 approval which will require additional fees to reactivate.

- 31. This original Notice of Decision must be signed by the property owner and returned to the Planning/Code Enforcement Division. Note that this Permit is not valid until the Planning/Code Enforcement Division has received the signed Notice of Decision.**

Bold: Indicates Site Specific Condition