
DATE: September 7, 2023

STAFF REPORT

AGENDA ITEM NO. 6.1

TO: FOSTER CITY PLANNING COMMISSION

PREPARED BY: HELEN GANNON, ASSOCIATE PLANNER

CASE NO.: AR2023-0004

OWNER: KIRTI PATEL

PROJECT LOCATION: 106 CHALLENGE COURT (NEIGHBORHOOD 1)

REQUESTED ACTION/PURPOSE

Requesting review by the Planning Commission to consider application for Architectural Review Permit 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 addition to the front and rear elevation of the single-story single-family home located at 106 Challenge Court in Neighborhood 1.

RECOMMENDATION

That the Planning Commission take one of the following actions:

1. Approve the Architectural Review Permit (AR2023-0004) 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 direct Staff to return with an appropriate resolution for consideration of adoption at the next meeting.
2. Deny the Architectural Review Permit (AR2023-0004) 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 SF addition to the front and rear elevation of the single-story single-family residence located at 106 Challenge Court and direct Staff to return with an appropriate resolution for consideration of adoption at the next meeting.

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 Residence at 108 Challenge Ct
South: Single Family Residence at 104 Challenge Ct
East: Single Family Residences at 684 & 680 Pilgrim Dr
West: Single Family Residences at 105 & 103 Challenge Ct

LOT SIZE:

8,712 SF

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 08/23/2023
- Displayed on FCTV/Channel 27 on 08/24/2023 through 09/07/2023
- Emailed out to the Planning Listserv on 08/21/2023
- A Public Notice was mailed to residents within 500 feet radius on 08/24/2023
- Posted on the Foster City website at www.fostercity.org on 08/21/2023
- Public posting locations on 08/22/2023
- Electronic marquee at Leo Ryan Park on 08/24/2023 through 09/07/2023

Neighbor Notifications

Consistent with the Architectural Review 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 six (6) adjacent properties of 106 Challenge Court (103, 104, 105, and 108 Challenge Ct. and 680 and 684 Pilgrim Dr). Below is a summary of the responses the City received to the Neighbor Notification Forms:

- **103 Challenge Ct – Adjacent Property to the West:** Neighbor Notification Form was returned and indicated that the property owner(s) have no objection.
- **105 Challenge Ct – Adjacent Property to the West:** Neighbor Notification Form was not returned to staff and no concerns were brought to staff's attention.
- **108 Challenge Ct – Adjacent Property to the North:** Neighbor Notification Form was not returned to staff and no concerns were brought to staff's attention.
- **104 Challenge Ct – Adjacent Property to the South:** Neighbor Notification Form was not returned to staff; however, the property owner(s) contacted staff directly with their concerns.
- **680 Pilgrim Dr – Adjacent Property to the East:** Neighbor Notification Form was returned and indicated that the property owner(s) have no objection.
- **684 Pilgrim Dr – Adjacent Property to the East:** Neighbor Notification Form was not returned to staff and no concerns were brought to staff's attention.

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 on 08/24/2023 informing them of the 09/07/2023, Planning Commission Meeting.

Communication with 104 Challenge Court

Due to the shared driveway situation between 106 and 104 Challenge Court, staff asked the applicant to discuss the proposed scope of work with the homeowner of 104 Challenge Court.

The property owners of 104 Challenge Court contacted staff directly with a list of concerns regarding the project. Of note, the homeowners are mainly concerned about the safety and continued operation of the shared driveway. City staff had numerous phone calls with the owners of 104 Challenge Court and met with them in person on June 15, 2023, to discuss the proposed project.

To staff's knowledge, both the homeowners of 106 and 104 Challenge Court have met and discussed various redesigns extensively, trying to come to a mutual agreement, but were unable to find a mutually agreeable design.

BACKGROUND

Project Site & Location

The existing one-story house is located on an approximately 8,712 SF lot at 106 Challenge Court. The existing home, built in 1964, features four (4) bedrooms and 1,784.35 SF of living space. The subject property is surrounded by existing one-story single-family residences on all sides (Figure 1). Houses in the neighborhood are mostly one-story and include a mix of Ranch Style and Eichler homes.

The existing house is located on the southeastern side of Challenge Ct. The structure includes a single-story home with a side-facing garage with an existing front yard setback of 20' and a side yard setback of 7' – 1". Both 106 and 104 Challenge Court currently have side-facing garage doors and utilize a shared driveway. The existing house features a crossed gable roof over the garage on the front elevation and a double-pitched gable roof and flat roof over the remainder of the residence. The front façade consists of beige siding (Figure 2).

The existing home is accessed via a shared driveway between 106 Challenge Court and 104 Challenge Court. The property line runs in the middle of the shared driveway and provides access to both the garages of 104 and 108 Challenge Court. This shared driveway arrangement is rare in the neighborhood, but there are a few other homes that have shared driveways within Neighborhood 1.



Figure 1: Vicinity Map; Source: Google Maps (August 2023)

It shall be noted that the final map for the subject property was recorded in 1963 when the subject lots were still within the unincorporated area of the County. In addition, the final map does not show the two (2) lots, 104 and 106 Challenge Court sharing a common driveway.



Figure 2: Front Elevation (Existing); Source: Google Maps (June 2022)

Project Proposal

On January 24, 2023, staff received the initial submittal for an Architectural Review for the relocation of the driveway, an addition to the single-family residence, six (6) new skylights, an expansion of the existing covered patio, and an interior remodel. This project is subject to an Architectural Review pursuant to Foster City Municipal Code Chapter 17.06 because section 17.58.030 of the Foster City Municipal Code ("FCMC") requires that prior to the issuance of any building permit or construction of any improvement for certain improvements listed in FCMC section 17.58.020(A), architectural review approval is required. The project improvements include an addition to an existing structure and modifications to the exterior of a structure, including the addition of skylights and thus includes improvements identified in FCMC section 17.58.020(A)(1) and (2).

On February 16, 2023, an incompleteness letter outlining unfulfilled submittal requirements (including the driveway operations study) was sent to the applicant/homeowner. Staff continued to work with the applicant and the architect to address shared driveway concerns, mainly regarding safety and the feasibility of the proposed shared driveway space for the adjacent property at 104 Challenge Court. On May 1, 2023, revised plans and supplemental materials were provided. The submitted analysis did not provide a conclusion and/or statement from the qualified consultant on whether the proposal would be consistent with the 25-foot turning radius for garages where the access does not directly face the street, as required by Section 17.04.230 of the Municipal Code. The City also had the Engineering Division review the proposed plans and driveway analysis. On May 12, 2023, City staff sent another incompleteness letter requesting additional details. Staff continued to work with the applicant and neighboring property owners but ultimately found the project scope unique, requiring Planning Commission review.

As noted earlier, because of the unique shared driveway arrangement, staff asked the applicant to work with the property owner of 104 Challenge Court.

Staff determined the application to be complete on August 14, 2023, when all revised plans and supplemental materials were resubmitted, and staff scheduled the project for a Planning Commission Public Meeting. The complete set of plans is available in Attachment 1.

The final project proposal consists of the continued use of the shared driveway by the property owners at 104 Challenge Court, the relocation of the driveway at 106 Challenge Court, six new skylights, the expansion of the existing covered patio, and a total of 770 SF first floor addition in the front and rear elevation. The proposed addition will consist of wood siding panels that are consistent with the existing home. All material colors will match to form a seamless transition.

ANALYSIS

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

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
Height*	Average 25'-0" max.	11' – 8"	Same
Front Yard Setback	20' Minimum	20' – 0"	Same
Rear Yard Setback	20' Minimum (10' for Waterfront Properties)	44' – 10"	36' – 5"
Left Side Yard Setback	5' Minimum	7' – 1" (To Garage)	Same
Right Side Yard Setback	5' Minimum	9' – 11"	6' – 5"
Lot** Coverage	50% max.	31.5%	40.8%

*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 4870-5222-4637 v1

The applicant is proposing a 218 SF addition in the rear, a 552 SF addition to the front of the residence, six (6) new skylights, an expansion of the existing covered patio in the rear, and the relocation of the driveway access for 106 Challenge Court. Upon review, staff has determined that the proposed addition and remodel is consistent with the required R-1 Zoning requirements (as shown in Table 1).

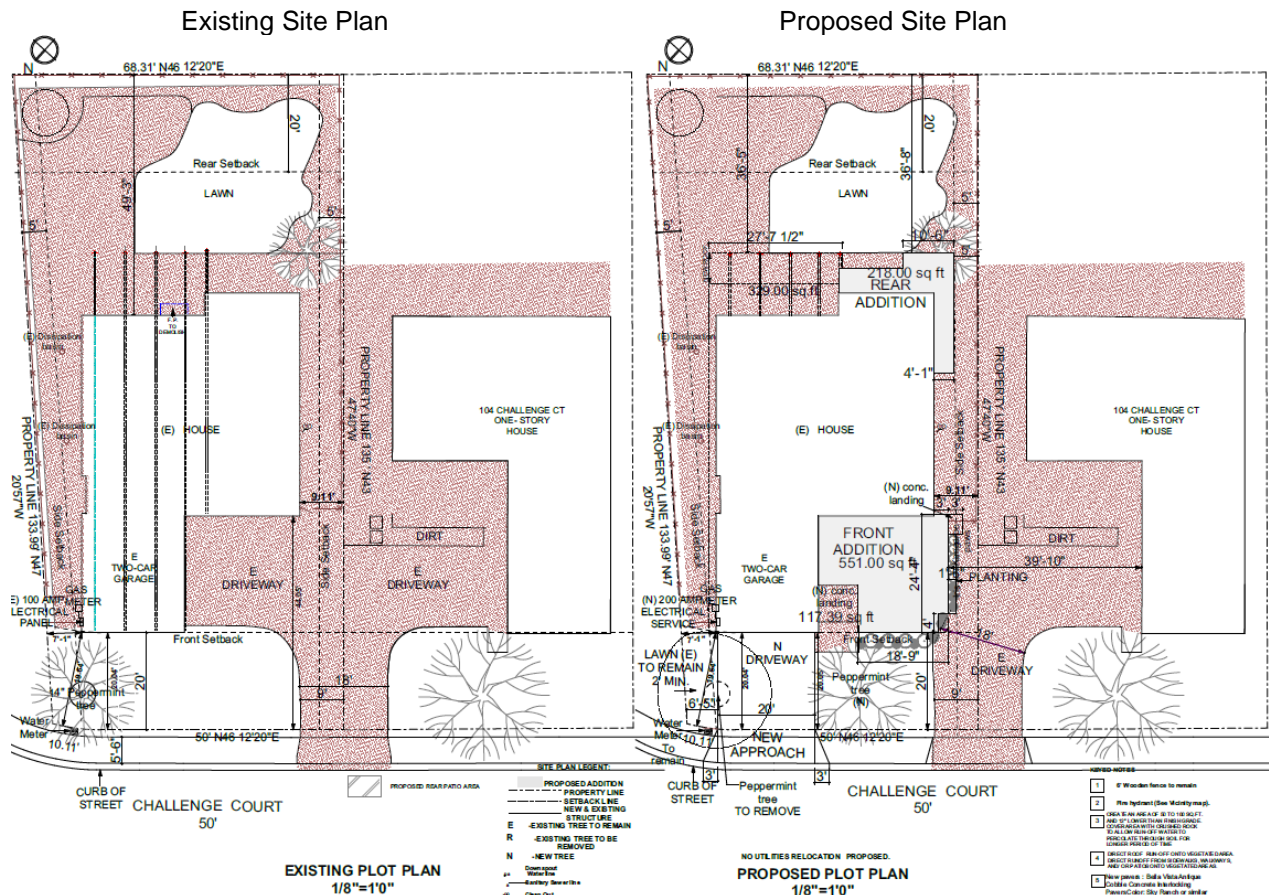
Relocation and construction of a new driveway

The property at 106 Challenge Court and at 104 Challenge Court currently share a driveway to access both of the garages. The applicant is proposing to add 552 SF to the front of the house which is located on a portion of the existing shared driveway of 106 Challenge Court.

Foster City Municipal Code has the following provisions for garages and driveways:

- Section 17.04.230 provides the definition of "garage" and states *"a turning radius of at least twenty-five feet shall be required for any garage where the access does not directly face the site."*
- Section 17.05.030 Garage Entries includes *"Residential garage entrances opening on any front or side lot shall be located with the opening a minimum of twenty feet from the lot line unless in a planned development (PD) district and waived pursuant to Chapter 17.36."*
- 17.62.050 Design standards, *Driveways providing access to garages, carports and parking areas serving three or less dwelling units shall be a minimum of ten feet in width for one-way traffic, and twenty feet for two-way traffic.*

It is noted that Neighborhood 1 has a few other lots which share this unique feature. However, there are no specific development standards or code requirements applicable only to garages that do not directly face the street, nor are there any specific development standards or code requirements applicable to only shared private driveways. As shown in Figure 3, the applicant is proposing to reduce the size of their private driveway space while keeping the existing 18' driveway space along both property lines. Thus, staff requested the applicant to provide a driveway analysis to determine if the proposed addition at 106 Challenge Court would meet the turning radius requirements in FCMC section 17.04.230 and the access requirements in FCMC section 17.62.050, which could impact 104 Challenge Court's ability to safely maneuver in and out of the remaining driveway space along the property lines. The Driveway Study, completed by Kimley-Horn, can be reviewed in Attachment 2.



- Driveway Analysis by Kimley-Horn (Attachment #2)

The Kimley-Horn Driveway Study depicts a previous rendition of the front addition. The applicants at 106 Challenge Court have since reduced the size of the furthest most corner of the front addition, as seen above in Figure 3, to provide additional driveway space and accommodate for planters.

Pursuant to Section 17.62.050.B.3, the existing 18' wide shared driveway is existing non-compliant. However, the project does not propose to reduce the width of the existing driveway and, therefore, does not worsen the nonconformity. Additionally, the project does not impact the existing 25-foot turning radius into the garage at 104 Challenge Court, as illustrated in the Kimley Horn Driveway Geometry Exhibit (see Figure 4).

The Kimley-Horn explanation letters state that the vehicle used in the study is large in comparison to most cars that may be more maneuverable. "The study demonstrates that 104 Challenge Court can continue to access their driveway with the proposed addition." Staff has surveyed the properties in the immediate vicinity and found that there are no other properties within the cul-de-sac that have a shared driveway. The two (2) properties immediately across the street both have side-facing garage doors. However, they both have their own driveway access, separate from one another. All other properties along Challenge Court have their own private driveway access. Staff believes the continued use of the shared driveway is unique for Foster City.

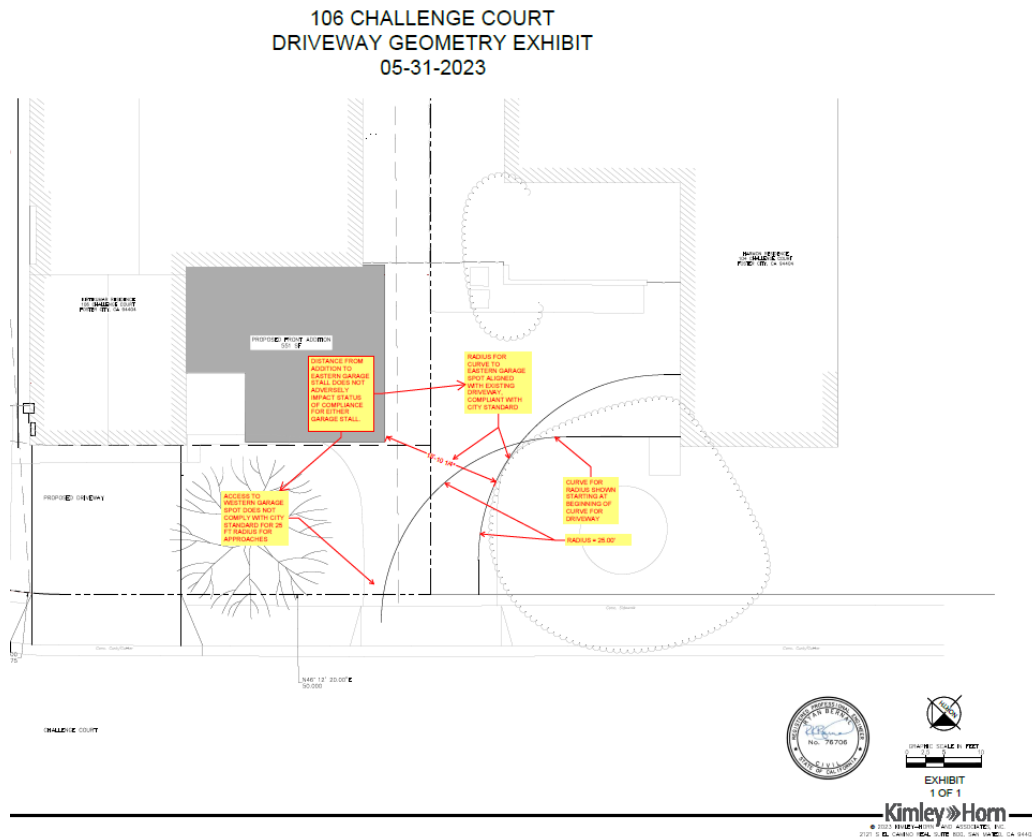


Figure 4: Driveway Geometry Exhibit
Source: *Applicant Submittal (June 20, 2023)*

- Peer Review by Traffic Patterns (Attachment #3)

Due to the unique nature of the proposal, City staff had the submitted Kimley-Horn Exhibits and Explanation Letters for a peer-review by Traffic Patterns.

The peer review states that the proposed addition "will negatively impact access to the garage and driveway parking facilities of 104 Challenge Ct." because it is "best practice for a motorist to achieve entry and exit from a residential property as a single movement without the need for 2- or 3-point turns to reposition a vehicle in or from a rest location."

- Review by Public Works Department (Attachment #4)

The application was also routed to Public Works Department for review and they indicated that the proposal would require an encroachment permit for the construction of the driveway.

Proposed Addition

As noted earlier, the applicant is proposing a 218 SF addition in the rear, a 552 SF addition to the front of the residence, and an expansion of the existing covered patio in the rear.

Staff reviewed the proposed addition for the requirements pertaining to Chapter 17.58 Architectural Control and Supervision of the Municipal Code, as included below, separate from the driveway relocation.

Front Elevation

- The proposed siding of the front addition will incorporate board & batten style wood siding that will be painted beige to be consistent with the existing structure.
- The proposed roof material will use Sprayed Polyurethane Foam (SPF) in white color to be consistent with the existing roof material.
- The roof over the new addition will continue the same roof slope as the existing home.
- Windows will match in terms of color, materials, window type and style, and the use of grids/no grids.

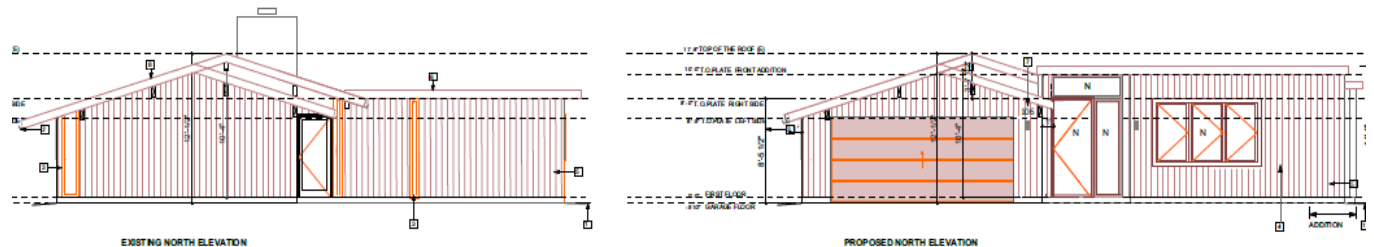


Figure 5: Front Elevation Rendering
Source: Plans Submitted by Applicant, Sheet A5
Table 2. Exterior Construction

	EXISTING COLORS AND MATERIALS	PROPOSED COLORS AND MATERIALS
Exterior Wall Finish	Board & Batten Siding - Beige	Same
Trim	Wood trim – Brown	Same
Roof	Poluyrethane Foam Roof SPF – White	Same

Left Elevation

- New roofing for covered patio in the rear of the home.
- Covered patio would continue the use of the existing materials and colors to match the existing roof.
- Roof pitch will continue to match existing.
- No other changes to left side elevation.

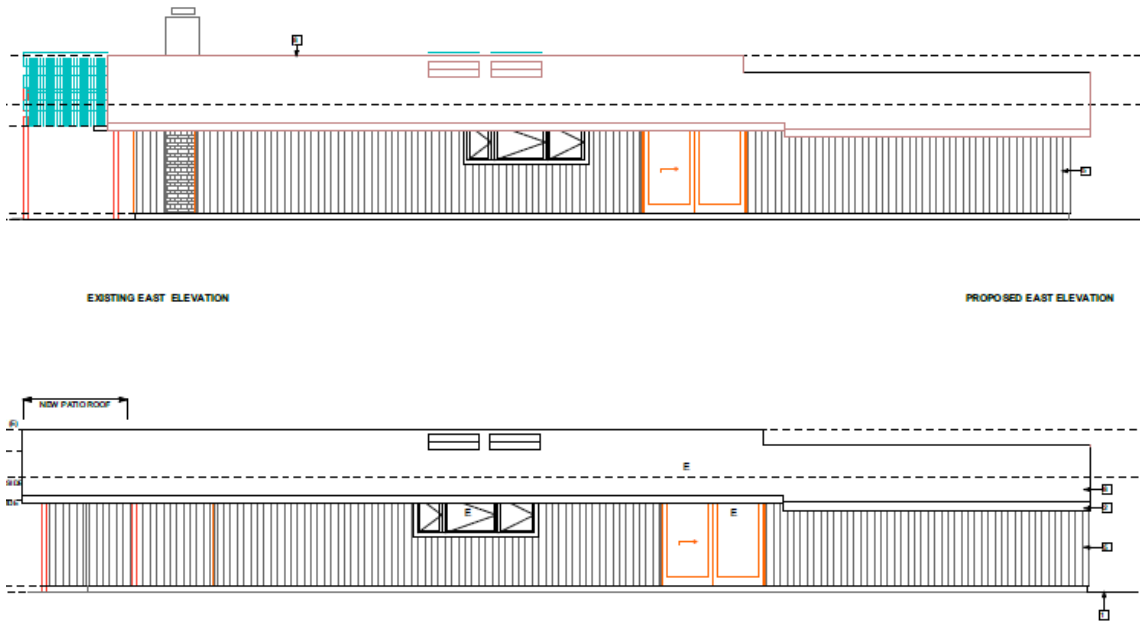


Figure 6: Left Elevation Rendering
Source: Plans Submitted by Applicant, Sheet A.6

Right Elevation

- Right Elevation faces 104 Challenge Court.
- New 552 square foot front addition with planters, windows, and door. New 218 square foot rear addition with new windows.
- The proposed siding of the additions will incorporate board & batten style wood siding that will be painted beige to be consistent with the existing structure.
- The proposed roof material will use Sprayed Polyurethane Foam (SPF) in white color to be consistent with the existing roof material.
- The roof over the new additions will continue the same roof slope as the existing home.
- Windows and door will match in terms of color, materials, window type and style, and the use of grids/no grids.

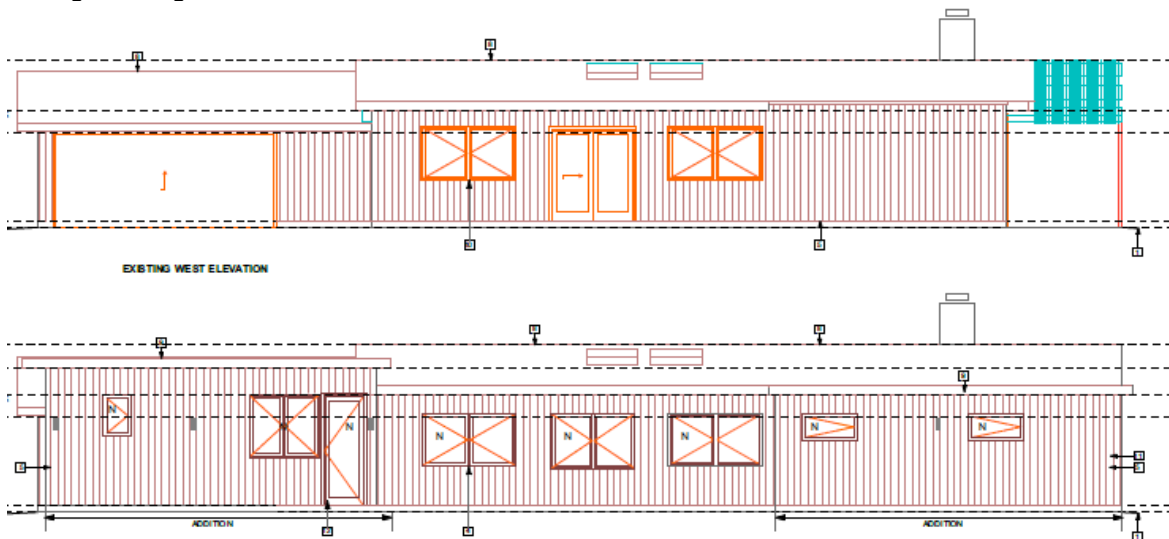


Figure 7: Right Elevation Rendering
Source: Plans Submitted by Applicant, Sheet A.5

Rear Elevation

- New 552 square foot rear addition, continuation of the roof about 12'-10" into rear yard to expand the existing covered patio, new windows and doors, and demolition of existing fireplace.
- Covered patio would continue the use of the existing materials and colors to match the existing roof.
- Roof pitch will continue to match existing.
- The proposed siding of the addition will incorporate board & batten style wood siding that will be painted beige to be consistent with the existing structure.
- The proposed roof material will use Sprayed Polyurethane Foam (SPF) in white color to be consistent with the existing roof material.
- The roof over the new addition will continue the same roof slope as the existing home.
- Windows and doors will match in terms of color, materials, window type and style, and the use of grids/no grids.

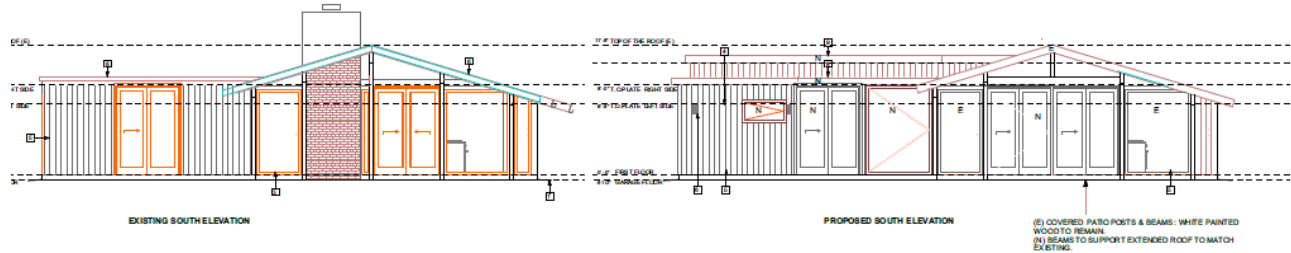


Figure 8: Rear Elevation Rendering
Source: Plans Submitted by Applicant, Sheet A.6

Miscellaneous Work

- Project scope includes the addition of six (6) new skylights and interior remodeling.
- New skylights will have a flat low-profile design with clear glazing and will not extend more than 10" above the roof surface.

Staff has determined that the proposed project scope is compatible with the neighborhood, code requirements, and architecture of the existing house, as well as with the zoning requirements. However, pursuant to Section 17.58.040.C.2 of the Foster City Municipal Code, the community development director may refer an application to the planning commission for comment or final action. Due to the unique nature of the shared driveway access, staff has determined that the project scope requires review by the Planning Commission for final action.

FINDINGS REQUIRED

Pursuant to Section 17.58.050 of the Foster City Municipal Code, the following findings must be made by the deciding body in order to approve or deny the architectural review application:

- A. That the proposal is consistent with the Foster City general plan and Title 17, Zoning, and Chapter 2.28, Planning, of the Foster City Municipal Code.
- B. That the design of the proposal is appropriate to the city, the neighborhood and the lot in which it is proposed.
- C. That the design of the proposal is compatible with its environment with respect to use, forms, materials, colors, setbacks, location, height, design, or similar qualities as specified in section 17.58.010.

The Planning Commission must consider the project documents and other information provided by staff to determine whether all of the foregoing findings can be made in order to approve the review application. If any of the foregoing findings cannot be made by the Planning Commission, then the project must be denied.

While written findings of denial are not specifically required by FCMC section 17.58.050, staff would recommend that any determination by the Planning Commission— either in support of the project or denying the project be in the form of written findings supported by substantial evidence in the record before the Planning Commission. In this way, the Planning Commission's decision can be reviewed by the Council, if any decision is appealed and in accordance with California Code of Civil Procedure section 1094.5, which would allow a reviewing court to determine both whether substantial evidence supports the administrative agency's findings and whether the findings support the agency's decision.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission conduct the public hearing and consider the evidence presented and take one of the following actions:

1. Approve the Architectural Review Permit Approve the Architectural Review Permit (AR2023-0004) 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 addition to the front and rear elevation of the single-story single-family residence located at 106 Challenge Court; find the project exempt from review pursuant to CEQA Guidelines Section 15301; and direct Staff to return with an appropriate resolution for consideration of adoption at the next meeting.
2. Deny the Architectural Review Permit (AR2023-0004) 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 addition to the front and rear elevation of the single-story single-family residence located at 106 Challenge Court and direct Staff to return with an appropriate resolution for consideration of adoption at the next 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 for the relocation of a driveway, installation of six new skylights, expansion of an existing covered patio in the rear, and the expansion of an existing single-family home. The site would continue to be a single-family home and therefore, the proposed project would qualify for CEQA Guidelines Section 15301.

CONCLUSION

The proposed project scope meets the City's requirements for height, lot coverage, and setbacks. However, the subject property is unique in that it has a shared driveway and is proposing to provide continued use of a portion of the existing shared driveway by the neighbor. Because the Foster City Municipal Code does not provide specific development standards or requirements that would be applicable to a shared private driveway, staff recommends that the Planning Commission review and deliberate on the proposal based on the standards applicable generally to driveways and the Architectural Review findings required by FCMC section 17.58.050. Depending on the deliberation, approve or deny the Architectural Review Permit (AR2023-0004) and direct Staff to return with an appropriate resolution for consideration of adopting a resolution of approval or denial at the next meeting.

NEXT STEPS

Based on the Planning Commission's deliberation and decision on the proposal, Planning Staff will return with the appropriate resolution for adoption by the Planning Commission. 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

Kirti Patel, Homeowner
Natalia Amatuni, Applicant and Designer
City of Foster City Engineering Division
City of Foster City General Plan
[City of Foster City Zoning Ordinance](#)
[City's adopted Architectural and Solar Guidelines](#)

ATTACHMENTS

Attachment 1 – Project Plans, Received August 15, 2023
Attachment 2 – Driveway Study (Kimley Horn)
Attachment 3 – Driveway Study Peer Review (Traffic Patterns)
Attachment 4 – Public Works Department Review
Attachment 5 (added 09/06/2023) – Peer Review Response and Recommendations (Kimley Horn)