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Agenda Report

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TO: Parks and Recreation Commission

FROM: Joanne Magrini, Parks and Recreation Director
Zachary Dahl, Interim Community Development Director

PREPARED BY: Community Development Department

MEETING DATE: September 19, 2023

SUBJECT:
1855 S. Norfolk Street (Fish Market Site) – Proposed Multi-Family Development and Marina Lagoon Public Access

RECOMMENDATION:

Receive information on the proposed project at 1855 S. Norfolk Street, as it relates to the required publicly accessible open space and building design along Marina Lagoon and provide input to the applicant and staff.

BACKGROUND:

The project applicant, Windy Hill Property Ventures, has submitted a formal Planning Application (PA-2022-099) for a Planned Development (PD) which would demolish all existing structures on the site, including the recently vacated Fish Market restaurant building, and construct a new five-story primarily multi-family residential project at 1855 S. Norfolk Street. The building is approximately 409,500 square-feet in size with 260 residential units, a small café use on the ground floor and a total of 324 parking spaces. The project will require a Special Use Permit (SUP), a Site Plan and Architectural Review (SPAR), and Site Development Planning Application (SDPA), and will require review and recommendation from the Planning Commission and action by the City Council.

As stated in the Parks and Recreation Commission's Policy and Procedures manual, included in Attachment 1, the Commission reviews and provides comments on Planning Applications impacting public parks, landscape resources, or public recreation facilities, and which are appealed to or receive final approval from the Planning Commission or City Council. The Commission also reviews and comments on projects adjacent to public parks, recreation facilities, or Marina Lagoon. Since this project is located along Marina Lagoon and includes publicly accessible open space along the Lagoon, it is being referred to the Parks and Recreation Commission for review and input.

Site Description

The project site, 1855 S. Norfolk Street, is bounded by Susan Court on the north, S. Norfolk Street on the west, Fashion Island Boulevard on the south, and Marina Lagoon to the east. It is adjacent to the Marina Branch Library to the north and abuts the Parkside Plaza shopping center to the west. The site has a General Plan Land Use designation of Neighborhood Commercial and is zoned C1-1 (Neighborhood Commercial), which permits residential uses up to 35 dwelling units per acre through a Special Use Permit and 35 feet in height. The lot area is 3.46 acres (150,728 square feet) and it has a 20-foot-wide City easement along the eastern property line to allow for maintenance of the Lagoon. The existing uses include the Fish Market restaurant and a furniture store. The property is also within the Shoreline Park Specific Plan Area. A project location map is included as Attachment 2.

Project Description

The proposed project consists of two apartment buildings and open space along Marina Lagoon. The “North” building is located on the northern side of the site and is proposed to be four stories tall with 78 apartment units, a parking garage with 40 spaces and a 1,200 square-foot ground floor coffee shop/café. The “South” building is located on the southern side of the site and is proposed to be five stories tall with 182 apartment units and a parking garage with 279 spaces. The primary driveway entrance off of S. Norfolk Street separates the two buildings and provides access to both parking garages. Private residential open space areas include a second-floor terrace in the North building, a rooftop deck in the South building, and at-grade open space and pool area to the rear of the buildings. Publicly accessible open space is proposed within the 20-foot City maintenance easement along Marina Lagoon. Project plans showing the proposed site plan, floor plans, elevations, and architectural renderings are included in [Attachment 3](#). The project is seeking to exceed the City’s maximum height and floor area limits, and a reduction in the amount of required open space by utilizing State Density Bonus law.

Applicable Policy Review

General Plan

The General Plan’s Land Use Element and Conservation, Open Space, Parks & Recreation Element provide policies, actions, and goals that address the importance of open space and the activation of the land adjacent to Marina Lagoon. Additionally, the Land Use Element designates the project site as part of the Shoreview Planning Area and specifically requires public access along the waterfront of the subject property.

Municipal Code

San Mateo Municipal Code (SMMC) Section 7.39.130, Watercourse Protection, requires a 20-foot setback from the top of the bank, in which no development can occur. Portions of the pool enclosure and decking and portions of the bike/watersport room, residential co-work room, and three residential units, as well the areas directly above these portions, encroach into the required 20-foot setback from Marina Lagoon’s top-of-bank. Modifications to the project’s site plan, floor plan, and building design will be required to remove all encroachments from the setback. The site plan showing the 20-foot top of bank setback is included in [Attachment 4](#).

The Zoning Code (SMMC Title 27) establishes permitted uses, development requirements and site standards for the project. Zoning Code Chapter 27.62 (Planned Developments – Special Use Permit) contains the requirements for Planned Developments, which are intended to enable flexibility of design and development and provide permanently reserved usable open space. Residential planned developments, specifically, must provide open space and recreation areas to meet the needs of the anticipated population. Residential planned developments, when proposed in nonresidential zones, also allow for the density of the R5 zoning district (Multi-Family Dwellings [High Density]), 50 units per acre, which is 15 additional units per acre than allowed in the underlying zoning district. Section 27.62.080 (Land Coverage and Open Space) requires residential planned developments to provide open space either as residential common open space or a combination of residential common open space or natural area landscaping. It also requires open spaces to be landscaped in accordance with applicable standards and policies adopted by City Council.

Shoreline Park Specific Plan

One purpose of the Shoreline Park Specific Plan is to provide as much public access as possible to the Shoreline. The project site is included in Area 4- Marina Lagoon, which requires private development to improve the lagoon banks, including provision and installation of public access and other parks and recreation facilities.

Developer’s Contribution Policy

The Developer’s Contribution Policy contains a section specific to Marina Lagoon. The policy mandates developers adjacent to Marina Lagoon to protect banks, install landscaping, dedicate bikeways, pedestrian ways, and/or roadways, and beautify and maintain banks as directed by the City. The policy is included in [Attachment 5](#).

ITEMS FOR PARKS AND RECREATION COMMISSION REVIEW

Open Space and Public Access

As required by the Shoreline Park Specific Plan, the project proposes publicly accessible open space along Marina Lagoon. Two open space options have been provided for the project, which are described in detail below.

Option 1

The first publicly accessible open space option is included as Attachment 6. It proposes open space along the lagoon that includes a five-foot-wide meandering path along with landscaping and trees, benches, proposed locations for public art, and plazas. The project also proposes to relocate the existing dock to the center of the site.

Gated and fenced public pedestrian access to the lagoon and open space are proposed on two paths with entries on Fashion Island Boulevard and Susan Court. The applicant proposes to unlock the gate at Fashion Island Boulevard and roll back the Central gate and the café gate every day for the hours the open space would be open. Renderings showing the proposed access gates are included in Attachment 7.

This design includes a variety of amenities that will be attractive to the residents of the apartments, patrons of the library, and the community as a whole. The plazas, demarcated with specialized pavers, enhanced landscaping, shaded sitting and resting areas, and a new prominently located dock will provide options for all ages and levels of physical fitness. It should be noted, however, that while the project proposes parking for customers of the coffee shop and visitors of the apartments, no parking is proposed for the open space.

While the open space has an appealing design, it should be noted that the five-foot wide path proposed by the applicant is significantly less than the 12-foot combined pedestrian/bike path that has established along other portions of the Marina Lagoon shoreline. Community Development and Parks and Recreation staff recommend that that path be designed to allow for future extensions, and any publicly accessible amenities, such as the picnic plaza and benches, be located within a public access easement. Staff also have concerns regarding the fencing and gates enclosing the publicly accessible open space, as currently proposed. The presence of perimeter gates, even if unlocked or rolled back, would prove an impediment, whether direct or perceived, of a gated community and would deter members of the public from accessing the space, which would be in conflict with the General Plan and Shoreline Park Specific Plan. This would lessen the recreational value that the open space provides for the community and effectively decrease access to Marina Lagoon, thus being inconsistent with City policies.

In addition, the proposed two pedestrian entries are located along the edges of the project site and are not easily visible from the property's frontage. Instead, staff has recommended to the applicant to improve access by providing a prominent pedestrian entry along S. Norfolk Street. Having a prominent pedestrian entry along S. Norfolk Street, along with signage or an identifying landmark, will make the public aware that the open space exists, and that they are invited to use it.

Option 2

The second publicly accessible open space option is included in Attachment 8. This design proposes a six-foot-wide, decomposed granite path, with landscaping to the east of the path, on the residential portion of the site. Additionally, the applicant has removed the dock relocation from this option leaving it in its current location. In contrast to the first option, which gates the entire rear open space area, this design proposes to gate the café and all residential areas facing the Lagoon. This option also includes the Central gate; however, the public access paths along Susan Court and Fashion Island Boulevard would not be gated or fenced.

As currently proposed, staff does not support this option because it does not meet the intent of the public-accessibility and open space policies and standards found in the General Plan, Zoning Code, Shoreline Park Specific Plan, or the Developer's Contribution Policy. Unlike Option 1, this option does not contain amenities or enhanced landscaping, with the exception of the path. While this design provides a slightly wider path along the Lagoon, the material of decomposed granite is of a lower quality than the concrete shown in Option 1 and is less than the 12-foot width established along other

portions of the Marina Lagoon shoreline. This plan also shows that the specialized pavers will stop at the library's property line and will not be installed throughout the pedestrian path. Further, the gates that would enclose the residential use and café create a physical separation between the public and private spaces. This separation, coupled with the decorative pavers and landscaping found on the residential side of the property, causes the public open space to appear bare and does not appear cohesive with the overall development.

To improve this option, staff recommends that the applicant refine the open space to result in greater visual interest, amenities, and landscaping, similar to the first option. This would result in a cohesive development, with open space that has the same amount and quality of improvements as on the residential portion of the site. Staff also recommends integrating signage across the open space to indicate its public access hours, which are currently 6:00 a.m. to a half-hour after sunset as set forth in SMMC Section 13.05.030(e).

Building Design

The design of the buildings represents early Mediterranean Revival and "Cannery" architectural styles, for the North and South buildings, respectively. The Mediterranean architectural style is represented through the use of hipped roof forms and tile shingles, large symmetrical facades, and large arches. The Cannery architectural style is incorporated through the use of low-pitched gable and parapet roof forms, rectangular building sections, and uniform window placement. The rear of the property, which faces the Lagoon, continues these architectural features, while also incorporating new elements.

The facade of the North building facing Marina Lagoon consists of two building wings and a ground-floor recessed area resulting in a "U" shape in plan-view. The northern wing contains the café/coffee shop, and the southern wing contains the residential bike/ watersport room. The recessed portion of the building provides room for an in-ground swimming pool for residents with a six-foot glass enclosure proposed to surround it.

The façade of the South building facing Marina Lagoon consists of projecting and recessed walls that break the long building into smaller sections and provide space for rest and picnic plazas as shown in [Attachment 6](#). There are two common egress doors from the building that offer access to the Marina Lagoon open space. One is located on the east elevation immediately south of the coworking space, and the other is located on the south elevation adjacent to Fashion Island Boulevard. It is not clear whether residents are allowed to reenter the building from these doors, but staff recommends that these doors be keyed to allow for reentry.

Shadow Study

Because the buildings are two to four stories taller than the surrounding buildings, the applicant provided a preliminary shadow study, included in [Attachment 9](#). The study illustrates the shadow patterns generated from the proposed buildings at 9am, 12pm, and 3pm on March 21st (Spring Equinox), June 21st (Summer Solstice), October 21st (Autumn Equinox) and December 21st (Winter Solstice). The results of the study show that the development casts the longest shadows during the winter. At 9am during the winter, shadows cover the yards and portions of the single-family homes on Susan Court. Shadows are also cast over the majority of the open space along the South building and the pool and café seating areas adjacent to the North building. At 12pm, the development's shadow touches the library and covers nearly all of the open space along the Lagoon, except the pedestrian path adjacent to the North building. Additionally, at 3pm the development's shadow reaches approximately halfway across Marina Lagoon and covers a portion of the library and all open space along the Lagoon, except for the Arrival Plaza and relocated dock. In contrast, the study shows that the development will cast the shortest shadows in the summer, with no shade on the library and single-family residences, and no changes to the sun access for the Lagoon. The longest shadow cast during the summer is onto S. Norfolk Street, which is only shaded until 12pm.

PUBLIC COMMENTS:

The applicant held a formal pre-application neighborhood meeting on June 22, 2022, that was attended by 59 members of the public, and a Preliminary Application study session with the Planning Commission was held on July 26, 2022. A

summary of the applicant's neighborhood meeting is included as Attachment 10 and the minutes from the Planning Commission study session are included as Attachment 11. These meetings generated public comments related to waterfront access and design including concerns about negative impacts on the health of the Lagoon wildlife and water quality, the need for more parking to serve the proposed waterfront open space, desire for enhanced waterfront/ground level dining options, support for prioritizing the pedestrian experience for nearby retail and waterfront access, and that the project should provide additional commercial uses along the waterfront open space. One public comment was submitted to City Staff at the time this report was published and is included in Attachment 12.

ENVIRONMENTAL DETERMINATION:

In accordance with CEQA Guidelines section 21065, this study session is not a project under the California Environmental Quality Act (CEQA) because the Parks and Recreation Commission is providing comments only. An Initial Study (IS) is currently being prepared to evaluate the potential environmental effects of the project and staff currently anticipates that a Mitigated Negative Declaration (MND) will be prepared. The IS/MND will be published and available for a public review period of at least 20 days before the project is scheduled for a public hearing before the Planning Commission.

NEXT STEPS:

Following this study session, the applicant and project architect will have an opportunity to revise the design in response to the input and guidance received from the Parks and Recreation Commission, and to address potential environmental effects identified in the Initial Study. The approval process for a Planned Development Special Use Permit application requires a public hearing before the Planning Commission at which they will make a recommendation to the City Council. The application then moves on to a public hearing before the City Council where they will take public testimony and review the recommendation from the Planning Commission before taking final action.

If the project is approved, in addition to the permits required by the City of San Mateo, it will be required to apply for permits with the following agencies:

- 401 Water Quality Certification – Regional Water Control Board
- Clean Water Act, Section 404 Permit – U.S. Army Corps of Engineers
- Lake and Streambed Alteration Agreement – California Department of Fish and Wildlife

NOTICE PROVIDED:

In accordance with Government Code section 65091 and the City's Municipal Code public noticing requirements, this study session was noticed to the following parties at least ten (10) days in advance of the neighborhood meeting and Planning Commission meeting:

- Property owners, residential tenants, and business tenants within 1,000 feet of the project site;
- The City's "900 List" which contains nearly 100 Homeowner Associations, Neighborhood Associations, local utilities, media, and other organizations interested in citywide planning projects;
- The City's Planning "Notify Me" email list; and,
- The interested parties list which includes interested individuals who contacted the City and requested to be added to the project notification list

ATTACHMENTS

Att 1 – Parks and Recreation Procedure Manual
Att 2 – Project Location Map
Att 3 – Proposed Site Plan, Elevations, and Architectural Renderings
Att 4 – Developer's Contribution Policy
Att 5 – Publicly Accessible Open Space- Option 1
Att 6 – Site Plan with 20-foot Top of Bank Setback
Att 7 – Proposed Access Gates and Welcome Arch
Att 8 – Publicly Accessible Open Space- Option 2 – Attachment forthcoming

Att 9 – Preliminary Shadow Study
Att 10 – Neighborhood Meeting Summary
Att 11 – Planning Commission Study Session Minutes
Att 12 – Public Comment Letter

STAFF CONTACT

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