



North Fair Oaks Community Council
San Mateo County Coordinated
Departmental Response



DATE: August 26, 2025
NFOCC MEETING DATE: August 28, 2025
VOTE REQUIRED: Majority

TO: Members, North Fair Oaks Community Council

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit for El Sur, an existing catering kitchen and take-out restaurant, located at 2844 Middlefield Road, in the unincorporated North Fair Oaks area of San Mateo County, to allow 1) dine-in use with indoor seating where only take-out use is currently allowed, 2) for the required parking to be located on an off-site, adjoining property, and 3) to allow a six-foot high fence where four-feet is the limit.

County File Number: PLN2024-00273

PROPOSAL

The applicant is seeking a Use Permit to add dine-in service, consisting of approximately seven indoor tables, to an existing catering kitchen and take-out only restaurant, El Sur. The required parking is proposed to be provided off-site, and requires a Use Permit. The required parking would be on an adjacent parcel in a lot which is striped for six parking spaces, and is fenced with a six-foot high wrought iron fence. The six-foot high fence requires a Fence Height Exception, as only four-foot-high fences are allowed per the CMU-3 Zoning regulations.

RECOMMENDATION

That the North Fair Oaks Community Council provide a recommendation to the Planning Commission on the proposed Use Permit for dine in service, off-site parking, and a 6 foot high fence for El Sur restaurant.

BACKGROUND

Report Prepared By: Erica Adams, Planner III

Owner/Applicant: Mario and Maly Despres/Tony Valdez

Location: 2840, 2844, 2832 Middlefield Road, Redwood City

APN: 054-215-250 and 054-215-240

Parcel Size: Each parcel is 4,350 sq. ft

Existing Zoning: Commercial Mixed Use-3 District (CMU-3)

General Plan Designation: "Click & Type"

Existing Land Use: Medium High Density, Commercial Mixed Use

Water Supply: California Water Service - Bear Gulch

Sewage Disposal: Fair Oaks Sewer District

Flood Zone: Panel 06081C0302E, Effective 10-16-2012

Environmental Evaluation: This project is exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301, Class 1, consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

Setting: The subject use is located on commercially zoned, parcels along Middlefield Road within North Fair Oaks. One parcel is developed with a building and the property designated as a parking lot use, is vacant with the exception of a storage container for the restaurant.

Chronology:

<u>Date</u>	<u>Action</u>
October 10, 2024	- Application submitted
April 7, 2025	- Revised plans submitted.
August 21, 2025	- Application deemed complete
August 28, 2025	- Project presented at the North Fair Oaks Community Council
September 24, 2025	- Planning Commission hearing

DISCUSSION

A. KEY ISSUES

1. Compliance with the General Plan/North Fair Oaks Community Plan

The General Plan Designation of the subject parcels is Medium-High Density, Commercial Mixed Use and they are located within the unincorporated community of North Fair Oaks. The project is in compliance with the applicable land use objectives for urban neighborhoods found in the North Fair Oaks Community Plan, as discussed below.

Goal 8.3: Support business expansion efforts and promote retention of existing businesses. Policy 3A: Identify expansion needs and provide support for existing businesses to expand without relocation out of North Fair Oaks. Identify infrastructure, space, and other expansion needs for existing business to expand while remaining in current locations.

In the Community Plan, Middlefield Road is identified as a “Destination Street.” Middlefield is recognized as the heart of North Fair Oaks, where a locally-oriented mix of uses and community amenities currently exist and will be supported and enhanced. Through the requested Use Permit, the applicant would be allowed indoor dining at the existing catering kitchen and takeout restaurant. The restaurant use is a commercial use which is consistent with the overall land use designation, and, as proposed, would increase its level of service to the neighborhood.

Goal 8.5: Expand retail services in North Fair Oaks. Policy 5C: Remove barriers to new retail development, including parking constraints and barriers to mixed-use development, by exploring innovative parking strategies described in the Chapter 3: Circulation and Parking and amending land use regulations to allow for higher densities and zoning to encourage retail and a mix of uses in designated areas within North Fair Oaks.

2. Compliance with CMU-3 Zoning District Regulations

Project compliance with the CMU-3 Zoning District is represented in the table below.

Development Standard	Zoning Requirement	Existing	Proposed	Compliance
Minimum Building Site Area	5,000 sq. ft.	.4,350 sf. Each parcel	No change	Non-conforming
Minimum Building Site Width	50 ft.	50 ft.	No change	Conforming
Minimum Setbacks	Facing Middlefield Road: 0 feet	0 ft.	No change	Conforming
• Front				
• Rear	10 ft.	8.75 ft.	No change	Existing legal, non-conforming
• Sides	5 feet adjacent to R1 Zoned District, otherwise 0 0 ft.	0 ft.	0 ft.	Conforming
Height	Within one quarter mile of the crossing of Middlefield Road and the Dumbarton Rail track, except for properties along the southwest side of Middlefield Road 70 feet	16 ft.	16 ft.	Conforming
Fence	Where visible and within 15 feet of street-facing property lines, fences shall not exceed 4 feet in height, masonry walls are not permitted, and chain link and corrugated	6-foot Wrought iron fence	6-foot Wrought iron fence	Non-conformance addressed by Use Permit Materials are conforming

	fences are not permitted.			
Signage	Maximum Number of Signs. The maximum number of signs allowed on a parcel is one sign per parcel, or one sign per each 200 feet of parcel street frontage, or one sign per use, whichever is greatest. Maximum Total Sign Display Area. The maximum total display area for all signs on a parcel is three-quarters square foot per foot of parcel street frontage.	One sign, Approximately 80 sf.	One sign, Approximately 80 sf.	Complies
Parking	Commercial kitchen/take out - Up to 400 sq. ft. and each 400 sq. ft. thereafter 1 covered or Uncovered Restaurant -1 covered or uncovered for every 250 sq. ft.	6 spaces total – 5 for commercial kitchen (2,035 sf)	6 spaces total – 5 for commercial kitchen (2,035 sf) 1 for dine in restaurant (364 sf inside)	Conforms
Bike Parking	Bike racks shall be oriented so bikes will be parked parallel with the curb.	None	Parking for 2 bicycles	Requirement added as Condition 5
Performance Standards				

Lighting	All exterior and interior lighting shall be dark-sky compliant and designed and located so that direct rays and glare are confined to the premises, with the exception of lighting on the front building façade which may light the public sidewalk. Flood lights shall be prohibited, unless an applicant demonstrates to the satisfaction of the Community Development Director that such additional lighting is necessary for public health and safety.	Lighting fixtures comply	Lighting fixtures comply	Complies
Trash and Debris	All trash, boxes, or similar debris shall be picked up on a regular basis and stored in refuse containers that are screened from public view.		Trash receptacles will be screened	Complies
Stormwater Management	Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff.		Trash receptacles have waterproof covers	Complies with intent of standard

3. Compliance with Use Permit Findings

Per Section 8.126.050 of San Mateo County Ordinance Code, (Ordinance Code) a Use Permit issued by the Planning Commission must include a finding that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood. The proposed operation of the dine-in restaurant with off-site parking is consistent with the findings necessary to grant the Use Permit based on the following:

A. Use is appropriate for site

El Sur opened as a takeout restaurant in October 2024. It offers catering, fully-prepared and frozen take-and-bake foods, and a food truck for hire. As of this date, the County has not received any communication of concern about the operation of this business from the public.

The subject parcel is zoned for mixed-use development, where residential development in close proximity to commercial uses. In this instance, there are no sensitive noise receptors (e.g., residential uses, care homes, hospitals) on the lots adjacent to the restaurant, with the exception of multifamily housing which exists to the rear (west) of the subject parcel.

B. Use will not be detrimental to public welfare.

The proposed indoor dining has been reviewed for impacts to public welfare, property, and/or improvements in the neighborhood. The indoor dining, proposed at seven tables, would take place in the existing building, and has been reviewed by Environmental Health and by Menlo Park Fire for capacity standards, and has been approved with conditions. The proposed hours of operation for the restaurant are 6 AM to 9 PM, which would comply with the County Noise Ordinance. Operation of the restaurant, as proposed, should not interfere with any of the surrounding businesses or uses. As conditioned, there are no detrimental impacts anticipated from the proposed use.

C. Parking findings

Six parking spaces, per the CMU-3 Zone District, are required based on the square footage of the commercial use and the dine-in restaurant. An adjacent lot under common ownership is currently used to provide parking for the takeout service. The parking lot is striped for six parking spaces, including one for a handicap vehicle. The applicant proposes to use this adjacent parking for all El Sur operations.

Off-site parking that meets the standards in Section 8.126.100 of the Ordinance Code, which include (1) require an ownership agreement, (2) that the spaces be less than 800 feet from the use they serve, and (3) a limiting dedication in shared

parking agreements, can be approved with a Use Permit. The Use Permit for off-site parking may be approved if following findings are made (1) the off-site spaces will be available as long as the uses requiring the spaces are in operation; (2) the peak hours of parking demand from all uses do not coincide in such a way that peak demand is greater than the parking provided; (3) the quantity and efficiency of parking provided will equal or exceed the level that can be expected if off-site parking is not provided; and (4) a written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, that includes guarantees that the parking, use and relationship between them not be altered, or the Use Permit will be subject to modification or termination by the County, is provided.

There will be three culinary services provided at El Sur: catering, take-out food service, and dine-in food service. Parking demand for the catering services will involve early morning activity, and in most cases would not overlap with takeout or dine-in services. Peak take-out operations and dine-in services may have parking demands which overlap, but the length of time that parking is required by customers will vary, and it is anticipated that all parking demands would be met.

The two parcels, under common ownership, are operating in the same manner as if they were one parcel. There is no shared parking agreement with this proposal. The quantity and efficiency of the parking spaces is identical to what would be provided with on-site parking on a single parcel. The parking spaces are approximately 40-80 feet from the front door of the restaurant. Per condition of approval number six, the owner will sign an agreement with the County ensuring that the spaces remain dedicated to the use and acknowledging that any changes in ownership or access to the parking spaces may result in the termination of the Use Permit.

Based on the aforementioned, the proposal complies with the requirements for off-site parking and the provision of such parking would not have a detrimental impact to the neighborhood.

D. Fence Height Exception Finding

Per Section 8.332.040 of San Mateo County Ordinance Code, an exception to allow fences or hedges to exceed the height limits set forth in Section 8.332.010 by up to two (2) feet, can be granted provided that, following notification, no objection from the public is filed, public safety is not jeopardized, the fence enhances good design and site relationships, and is compatible with the neighborhood.

The project includes an exception request to allow the 6-foot metal gate to remain around the parking area. The applicant stated the taller fence provides increased security, and the zoning-prescribed fence or wall could allow for graffiti and reduce safety associated with visibility for people going to their cars. The Department of

Public Works has no concern about the existing fence along Middlefield Road, and staff has determined that the exception will be compatible with the neighborhood surrounding that parcel, as the fence does allow the public to see the parking area and is the fence will not be subject graffiti blight.

Notification to parcels within 300 feet of the subject parcel was provided and the project was presented to the North Fair Oaks Council on August 28, 2025.

Staff has determined that the required fence height exception findings can be made.

ATTACHMENTS

A. Site plans

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