



North Fair Oaks Community Council
San Mateo County Coordinated
Departmental Response



DATE: March 20, 2025
NFOCC MEETING DATE: March 27, 2025
SPECIAL NOTICE/HEARING: 10 days, within 300 feet
VOTE REQUIRED: Majority

TO: Members, North Fair Oaks Community Council

FROM: Planning Staff

SUBJECT: Consideration of a Non-conforming Use Permit, pursuant to Section 8.388.030.3.b(2) of the San Mateo County Zoning Regulations, to legalize 342 sq. ft. of additions to an existing 909-sq.-ft. non-conforming one-story single-family residence on a substandard 2,479 sq. ft. lot located at 2796 Westmoreland Avenue in the unincorporated North Fair Oaks area of San Mateo County. The additions result in reduced setbacks of 2.28 ft. along the left interior side property line where 5 ft. is required, 8.85 ft. along the right street side property line where 10 feet is required, and 5.47 ft. along the rear property line where 20 feet is required. Legalizing the additions will allow the single-family residence to exceed the maximum allowed lot coverage by 2 square feet. The non-conforming Use Permit also includes an exception to waive the requirement for two off-street parking spaces; an existing illegal two car carport will be removed due to its encroachment into the public right-of-way. No tree removal and no grading are proposed.

County File Number: PLN2022-00074 (Vargas)

PROPOSAL

The applicant is seeking a Non-conforming Use Permit to legalize additions (342 sq. ft.) to an existing 909-sq. ft. non-conforming single-family residence on a substandard 2,479 sq. ft. lot at 2796 Westmoreland Avenue in North Fair Oaks; both additions were added by a prior owner. The additions consist of a master bedroom closet addition (93 sq. ft.) and a bedroom and laundry area addition (249 sq. ft.) and are located at the front and rear, respectively, of the existing residence. Legalizing the additions proposes to exceed the allowed lot coverage by 308 sq. ft., over the maximum 1,239 sq. ft. allowed. The parcel is zoned R-3/S-5 (Multiple-family Residential/5,000 sq. ft. lot minimum) where 5,000 sq. ft. is the required minimum lot size.

Legalization of the 93 sq. ft. master bedroom closet and 249 sq. ft. bedroom and laundry area requires a Non-conforming Use Permit due to the proposed substandard setbacks of 2.28 ft. along the left interior side property line where 5 ft. is required, 8.85 ft. along the right street side property line where 10 feet is required, and 5.47 feet along the rear property line where 20 feet is required. The Non-conforming Use Permit also includes an exception to waive the requirement for two covered parking spaces onsite in association with the addition of a bedroom; an existing illegal carport which encroaches into the public right-of-way will be demolished. The project proposes no grading and no tree removal.

RECOMMENDATION

That the Zoning Hearing Officer approve the Non-conforming Use Permit, County File Number PLN2022-00074, by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Olivia Boo, oboo@smcgov.org

Owner/Applicant: Carlos Gomez Vargas

Location: 2796 Westmoreland Avenue, North Fair Oaks

APN: 054-273-090

Parcel Size: +2479 sq. ft.

Existing Zoning: R-3/S-5 (One-family Residential/5,000 sq. ft. lot minimum)

General Plan Designation: Medium High Density Residential (8.8-17.4 du/acre)

Existing Land Use: Existing single-family residence

Water Supply: California Water Service- Bear Gulch

Sewage Disposal: Fair Oaks Sewer Maintenance District

Flood Zone: Zone X (Area of Minimal Flood Hazard), FEMA Panel Number 06081C0302E, effective date: October 16, 2012.

Environmental Evaluation: The project is categorically exempt pursuant to California Environmental Quality Act Guidelines Section 15301, Class 1(e), for a residential addition to an existing structure where the addition will not result in an increase of more than 50 % of the floor area of the structure before the addition, or 2,500 sq. ft., whichever is less.

Setting: The property is located in the unincorporated community of the North Fair Oaks area and is developed with a non-conforming one-story single-family residence. The parcel size is 2,479 sq. ft., and is non-conforming in size, as it does not meet the 5,000 sq. ft. minimum parcel size required in the R-3/S-5 Zoning District. The surrounding parcels include both 5,000 sq. ft. and substandard sized parcels. The area is developed with both one-story and two-story single-family residences.

DISCUSSION

A. KEY ISSUES

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

The North Fair Oaks Community Plan designates the parcel as Multi-family Residential.

The current use of the property as a single-family residence is consistent with this designation and the proposed land use will remain single-family residential. Furthermore, all public services and infrastructure are available to serve the project.

2. Conformance with the Zoning Regulations

a. Development Standards

The project parcel is zoned R-3/S-5. The project complies with the S-3 development standards, with exception for the side yards and rear yard setbacks, lot coverage and on-site covered parking, which the applicant is seeking the subject Non-conforming Use Permit to address.

	S-5 Development Standard	Existing (based on legal building area)	Proposed Addition
Minimum Lot Size	5,000 sq. ft	2,479 sq. ft.	No change
Minimum Front Setback	20 ft.	28 ft.	No change

Minimum Rear Setback	20 ft.	17 ft. 2 in.	5 ft. 3 in.
Minimum Side Setback	10 ft., right side yard 5 ft. left side yard	8 ft. 7 in. (right side) 2 ft. 2 in. (left side)	8 ft. 7 in. (right side) 2 ft. 2 in. (left side) **
Maximum Height	36 ft.	11 ft. 9 in.	11 ft. 9 in.
Lot Coverage	50%/1,250 sq. ft.	50%/909 sq. ft.	50%/1,252 sq. ft.

**Non-conforming Use Permit required

b. Parking Requirements

Section 8.344.020 and 8.344.030 of the County Zoning Regulations (*Parking*) requires two (2) independently accessible covered parking spaces for all single-family dwelling units with two (2) or more bedrooms. The project includes the addition of a third bedroom; thus two covered parking spaces are required. The existing illegal carport will be demolished due to its encroachment into the public right-of-way. The applicant is requesting waiver of the requirement for two off-street parking spaces under the subject Non-conforming Use Permit due to the substandard size of the parcel and lack of space onsite to provide parking.

3. Conformance with Non-conforming Use Permit Findings

The following findings, as required by Zoning Ordinance Section 8.388.030.3.b(3), must be made in order to grant approval of the Non-conforming Use Permit.

a. **The proposed development is proportioned to the size of the parcel on which it is being built.**

The project parcel is a legal 2,479 sq. ft. non-conforming parcel where 5,000 sq. ft. is the minimum required parcel size in the R-3/S-5 Zoning District. The requested additions of 342 sq. ft. for the master bedroom closet, rear bedroom and laundry area are reasonable to provide usable living space on the substandard sized lot, while the total lot coverage will only exceed the maximum allowable lot coverage by 2 sq.ft.

- b. **All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible.**

All contiguous parcels privately owned and are developed with single-family residences. Some of the parcels on Westmoreland Avenue and Dumbarton Avenue (the nearest cross street), are also substandard in size or meet the minimum required parcel size of 5,000 sq. ft. and therefore do not have excess land to offer for the subject parcel to meet the 5,000 sq. ft. minimum parcel size.

- c. **The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.**

The exceptions are in as reasonable conformance with the Zoning Regulations currently in effect as i possible while still allowing for a reasonably modest three-bedroom, 1,252 sq.ft. single-family residence on the substandard 2,479 sq.ft. parcel. The proposed project will allow reasonable usable living space on the project parcel while only slightly exceeding the maximum allowed lot coverage by 2 sq. ft. Additionally, the waiver of on-site covered parking does not change past site conditions as no compliant on-site covered parking has existed on the parcel.

- d. **The establishment, maintenance, and/or conduction of the proposed 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 the said neighborhood.**

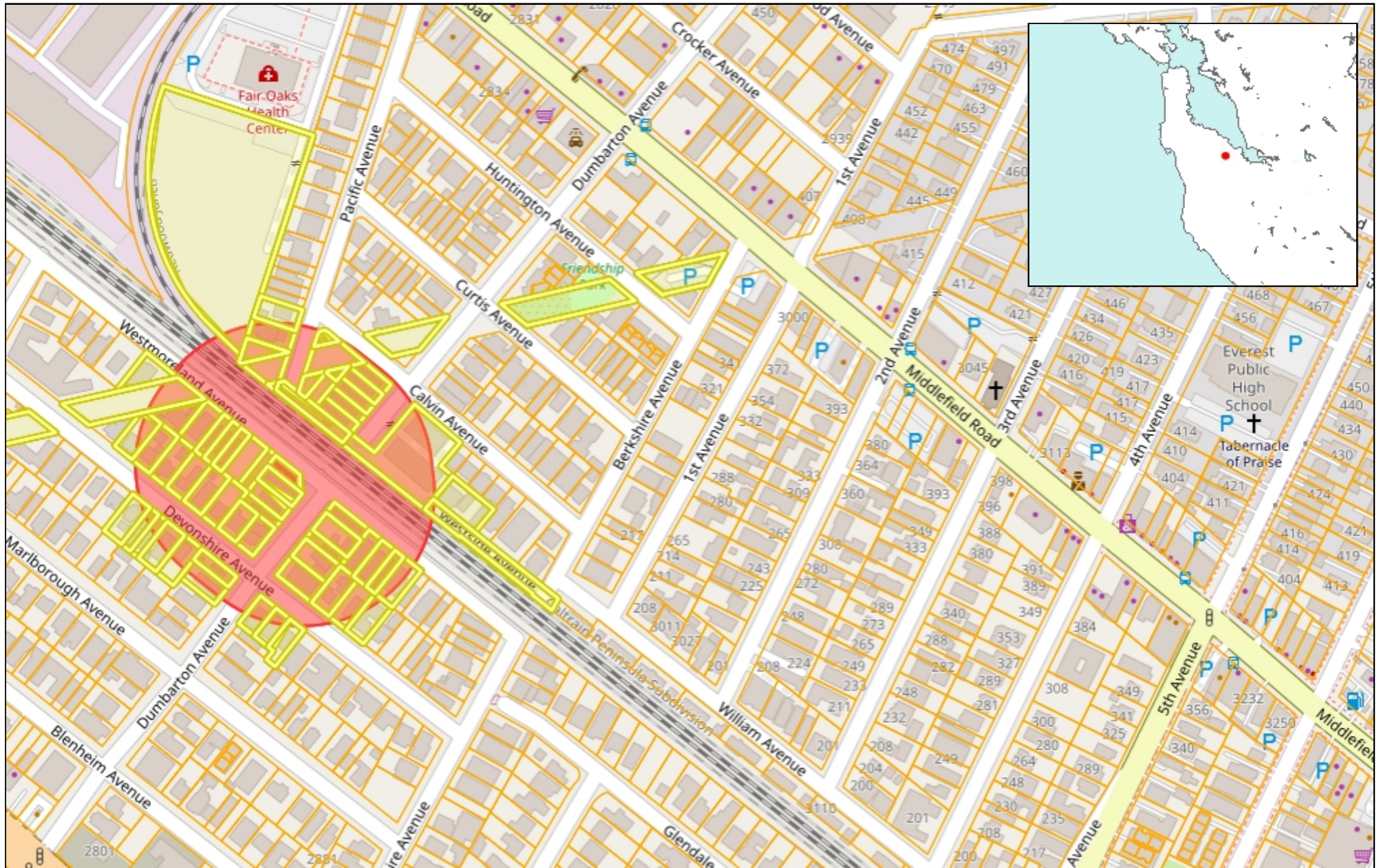
Surrounding development in the neighborhood consists primarily of older one-and two-story single-family residences. The proposal will continue to utilize the property for single-family residential purpose and will maintain the current design which is compatible with surrounding single-family residential development. The project has been reviewed and conditionally approved by the Menlo Park Fire District and the Fair Oaks Sewer District and is required to comply with applicable agencies. The project is not located in the coastal zone and therefore would not impact coastal resources. Based on the foregoing, staff has determined that this proposal would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

- e. **Use permit approval does not constitute a granting of special privileges.**

The requested exceptions to the rear yard and side yard setbacks requirements to legalize the minor addition, and exception to waive the onsite parking, do not make the residence out of character with the overall surrounding residential development. Furthermore, the Non-conformities Chapter of the Zoning Regulations provides the same exception process for other substandard parcels in the same/similar situation. Therefore, the proposed Non-conforming Use Permit approval does not constitute the granting of a special privilege that is not available to other properties in similar situations.

ATTACHMENTS

- A. Vicinity Map
- B. Plans
- C. Photos



0.14 0 0.07 0.14 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

1:4,514



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

VARGAS RESIDENCE

2796 WESTMORELAND AVE
REDWOOD CITY, CA



A.G. FREY & CO.
1911 BELLE AVE.
SAN CARLOS, CA 94070
650-902-0514
COMPUTER AIDED DESIGN
SPECIALISTS

CONTRACTOR:
T.B.D.

PROJECT FOR:
VARGAS RESIDENCE
2796 WESTMORELAND AVE
REDWOOD CITY, CA

COVER SHEET
VICINITY MAP
PROJECT INFORMATION
GENERAL NOTES

VIEW

DATE
9-14-16

DRAWN BY
AGF

SCALE
AS NOTED

REVISIONS		
#	DATE	COMMENTS
1	1/24/22	

SHEET
A-1
OF 3

DESIGNER / GENERAL NOTES

EXISTING CONDITIONS: CONDITIONS SHOWN ON THE DRAWINGS ARE AS OBSERVED ON THE SITE, BUT THEIR ACCURACY IS NOT GUARANTEED. ALL DIMENSIONS AND CONDITIONS AT THE SITE SHALL BE VERIFIED BY THE OWNER OR THOSE PARTIES PROVIDING SERVICES.

NOTED DIMENSIONS TAKE PRECEDENCE OVER SCALE ON THE DRAWINGS.

ALL PARTIES (CONTRACTORS, SUBCONTRACTORS AND OTHERS) SHALL ASSUME ALL RESPONSIBILITY FOR CONFORMING TO THE CODES AND REGULATIONS OF THE ENFORCING BODY.

THESE PLANS ARE INTENDED SPECIFICALLY FOR USE BY A.G. FREY ONLY. SHOULD OTHERS USE AND RELY ON THESE PLANS AND DOCUMENTS FOR THE INTENDED PURPOSE OF BIDDING AND BUILDING ANY PROJECT ON THE SITE, THEY AGREE TO HOLD ALAN G. FREY HARMLESS AND WILL ASSUME ALL RESPONSIBILITY FOR THE ACCURACY OF ALL INFORMATION CONTAINED HEREIN.

ALL PERSONS USING THESE PLANS SHALL PROMPTLY NOTIFY FREY OF ANY ERRORS, OMISSIONS AND DESIGN FLAWS APPEARING IN THE DRAWINGS OR SPECIFICATIONS. INSTRUCTIONS FOR CORRECTIONS SHALL BE ISSUED ONLY IF AN ADDENDUM TO THE ORIGINAL DESIGN CONTRACT HAS BEEN AGREED TO BY THE OWNER TO COVER ADDITIONAL TIME AND EXPENSES.

SHOULD ANY CONTRACTOR OR OTHERS PROCEED WITHOUT THE WRITTEN INSTRUCTIONS, HE ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE ENTIRE SCOPE OF WORK.

DETAILS AND NOTES ON THESE DRAWINGS ARE TYPICAL AND SHALL APPLY UNLESS OTHERWISE NOTED. DETAILS NOT FULLY SHOWN SHALL BE OF THE SAME NATURE AS SHOWN FOR SIMILAR CONDITIONS.

THE SITE PLAN PROVIDED IS TAKEN FROM ASSESSORS PUBLIC RECORDS. ALL INFORMATION REGARDING THE PROPERTY BOUNDARIES WAS TAKEN FROM THE ASSESSORS PARCEL MAP. FREY DOES NOT TAKE RESPONSIBILITY FOR THE ACCURACY OF THE DATA PRESENTED AND INCORPORATED HEREIN. ACCURACY IS THE RESPONSIBILITY OF THE HOME OWNER. ALL EXISTING SOILS CONDITIONS AND TOPOGRAPHY OF THE PROPERTY IS THE SOLE RESPONSIBILITY OF THE OWNER.

ALL UTILITY INFORMATION SHALL BE VERIFIED BY THE CONTRACTOR OR OWNER. UTILITY LOCATIONS BELOW GRADE ARE COMPLETELY UNKNOWN AT THIS TIME.

THESE PLANS SHALL NOT BE USED FOR CONSTRUCTION UNTIL APPROVED BY THE LOCAL BUILDING DEPARTMENT. THE BUILDER IS EXPECTED TO FOLLOW THESE PLANS, APPLICABLE BUILDING CODES AND LOCAL ORDINANCES. HE SHALL VERIFY THAT SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE STARTING WORK. WHILE THESE PLANS ARE DRAWN TO SHOW THE PROPOSED WORK AS ACCURATELY AS POSSIBLE, SCHEMATIC DETAILS MAY BE USED IN SOME CASES FOR CLARITY. WORK NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED TO THE SAME QUALITY AS SIMILAR WORK THAT IS DETAILED.

WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. IF CONFLICTING INFORMATION IS SHOWN, THE MORE STRINGENT SHALL GOVERN. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE ENCOUNTERED THAT ARE DIFFERENT THAN SHOWN, IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES, OR IF A QUESTION ARISES OVER THE INTENT OF THE PLANS OR NOTES.

THE ENGINEER/DESIGNER ASSUMES NO RESPONSIBILITY FOR SCHEDULING, FABRICATION, CONSTRUCTION TECHNIQUES OR MATERIALS, OR QUANTITIES USED IN THE WORK. THE ENGINEER/DESIGNER ASSUMES NO RESPONSIBILITY FOR FIELD CHANGES, SITE VARIANCES OR DISCREPANCIES NOT BROUGHT TO HIS/HER ATTENTION FOR CLARIFICATION.

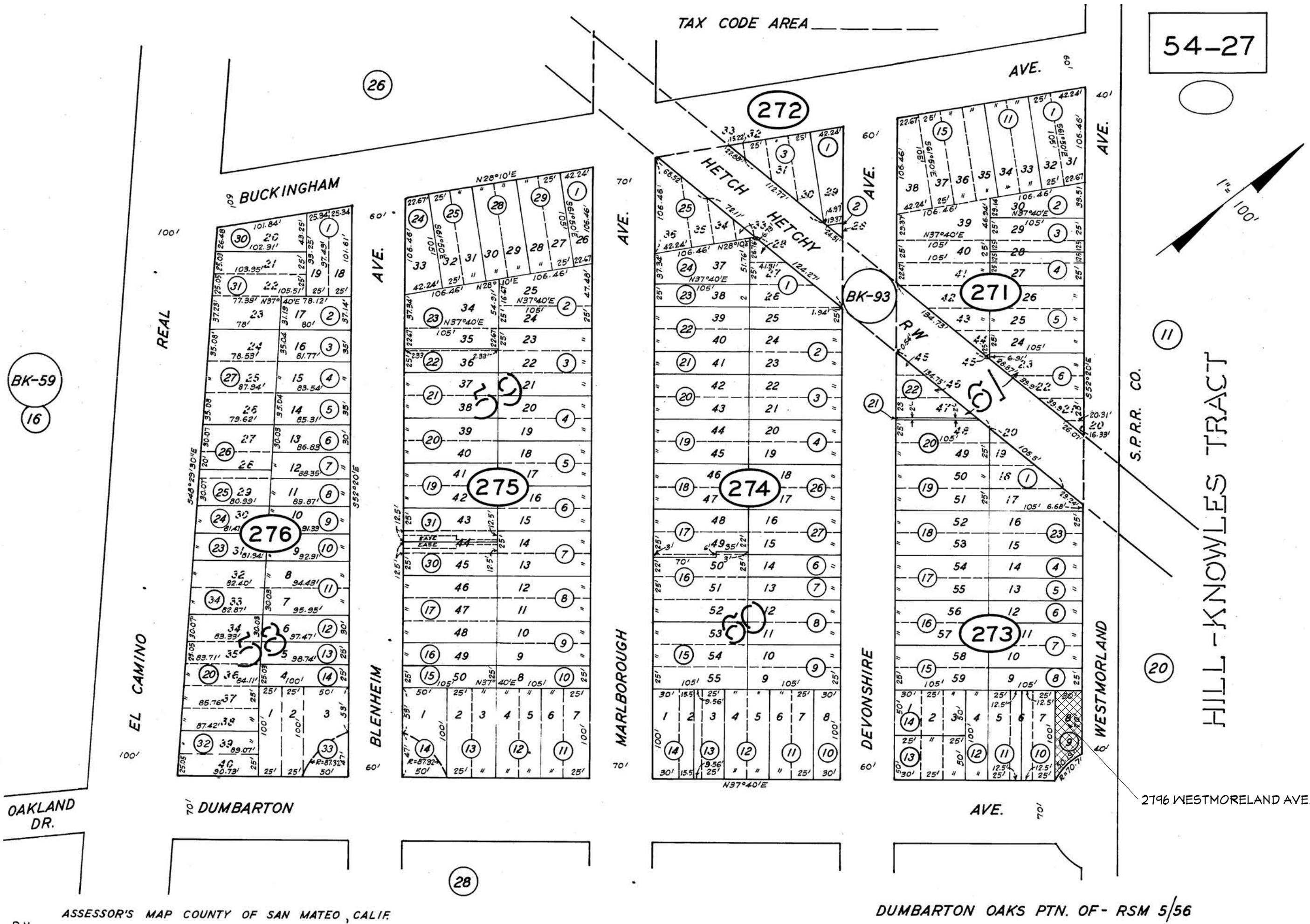
ABBREVIATIONS LIST

A.B.	Anchor Bolt
A.F.F.	Above Floor Finish
BDRM	Bedroom
B.F.F.	Below Finish Floor
BLK'G	Blocking
BM.	Beam
BOT.	Bottom
CALCS.	Calculations
CBC	California Building Code
CEC	California Electrical Code
CLG.	Ceiling
CMC	California Mechanical Code
C.M.U.	Concrete Masonry Unit (S)
CONC.	Concrete
CONT.	Continuous
CPC	California Plumbing Code
DBL	Double
DIA.	Diameter
DN	Down
D.S.	Down Spout
(E)	Existing
EA.	Egress
(EG)	Floor Joist
F.J.	Floor
FLR.	Finished Floor
F.F.	Finish
GA.	Gauge
GALV.	Galvanized
G.F.I.	Ground Fault Interrupter
GLU-LAM	Glue-Laminated
G.S.M.	Galvanized Sheet Metal
GYP. BD.	Gypsum Board
H.C.	Hollow Core
HORIZ.	Horizontal
INSUL.	Insulation or Insulated
L.	Length
LB. OR #	Pound or Number
LT.WT.	Lightweight
M.D.F.	Medium Density Fiberboard
MFR.	Manufacturer
MIN.	Minimum
MSTR.	Master
(N)	New
N.C.	No Change
N.I.C.	Not In Contract
N.T.S.	Not To Scale
O.	Over
O.C.	On Center
PERF.	Perforated
PL. HT.	Plate Height
PLYND.	Plywood
PR.	Pair
P.T.	Pressure Treated
R.	Riser
REINF.	Reinforcing
RFTIR	Rafter
RD/ND.	Redwood
RM.	Room
S.C.	Solid Core
SL.	Sliding or Slope
S.F.	Square Feet
P.S.I.	Pounds Per Square Inch
STD.	Standard
(TG)	Tempered Glass
TYP.	Typical
U.N.O.	Unless Noted Otherwise
VERT.	Vertical
V.I.F.	Verify In Field
W.	With
W/O	Without
W.P.	Water Proof
W.W.F.	Welded Wire Fabric or Mesh
WIND	Window

Door & Window Abbreviations

ABV.	Above
CSMT.	Casement Window
DH	Double Hung
FX.	Fixed Window
FR. DR.	French Door
RND. TOP	Round Top
S.H.	Single Hung
SL.	Sliding Window
SL. GL. DR.	Sliding Glass Door
TRAN.	Transom Window
H.H.	Header Height

LOCATION MAP



PROJECT CONTACTS

DESIGNER/BUILDER/OWNER:	CIVIL ENGINEER:
CARLOS VARGAS GOMEZ 2796 WESTMORELAND AVENUE REDWOOD CITY CA EMAIL: CARLOSGOMEZ0866@GMAIL.COM	J.L.K ASSOCIATES SURVEYORS / ENGINEERS 73 CEDAR LANE SAN JOSE, CA 95127 (408) 724-3734
STRUCTURAL ENGINEER:	
T.B.D.	
ENERGY CALCULATIONS	
T.B.D.	

PROJECT SCOPE/NOTES

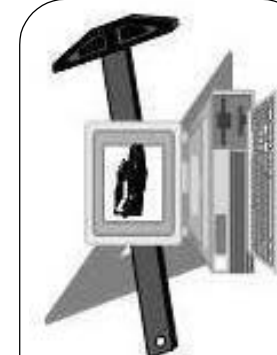
AS-BUILT PLAN - EXISTING STRUCTURE
PLAN UPDATES REQUESTED BY PLANNING
PER 12/28/21 EMAIL FROM SUMMER
BURLISON

CODES/STANDARDS

ALL WORK SHALL BE DONE IN CONFORMANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND CITY ORDINANCES AND BUILDING CODES, AND REQUIREMENTS ESTABLISHED BY STATE AND LOCAL FIRE MARSHALS, IN CASE OF CONFLICT, MOST STRINGENT REQUIREMENTS SHALL APPLY.
THE FOLLOWING CODES HAVE BEEN ADOPTED
2019 CALIFORNIA BUILDING CODE
2019 CALIFORNIA RESIDENTIAL CODE
2019 CALIFORNIA ENERGY CODE
2019 CALIFORNIA BUILDING CODES FOR PLUMBING
2019 CALIFORNIA BUILDING CODES FOR MECHANICAL
2019 CALIFORNIA BUILDING CODES FOR ELECTRICAL
2019 CALIFORNIA BUILDING CODES FOR FIRE
2019 CALIFORNIA BUILDING CODES FOR TITLE 24
2019 CALIFORNIA GREEN BUILDING STANDARDS

DRAWING INDEX

A-1	TITLE PAGE
A-2	EXISTING AND PROPOSED FLOOR PLAN
A-3	EXISTING AND PROPOSED EXTERIOR ELEVATIONS
C-1	SURVEY MAP



A.G. FREY & CO.
1911 BELLE AVE.
SAN CARLOS, CA 94070
650-592-0519
COMPUTER AIDED DESIGN
SPECIALISTS

CONTRACTOR:
T.B.D.

PROJECT FOR:
VARGAS RESIDENCE
2746 WESTMORELAND AVE
REDWOOD CITY, CA.

VIEW
FLOOR PLAN

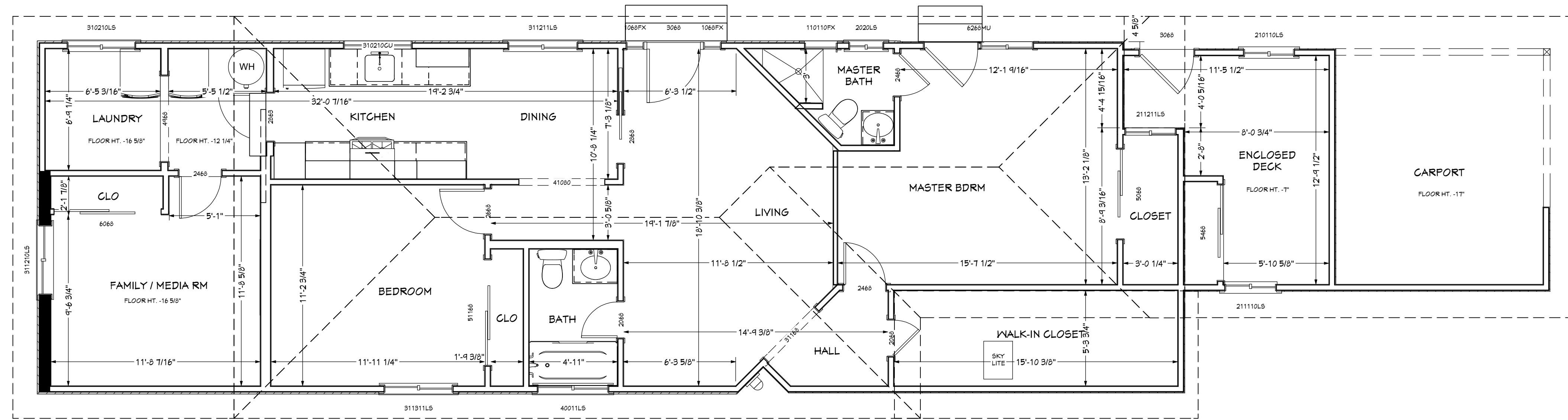
DATE
9-14-16

DRAWN BY
AGF

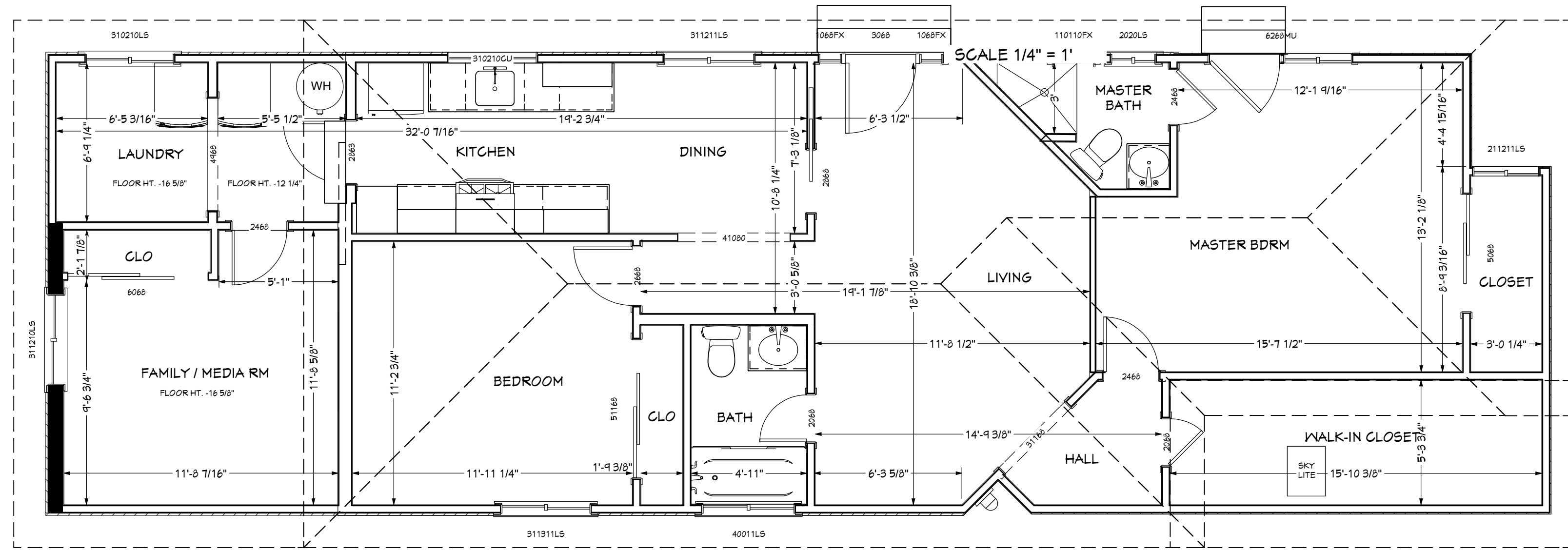
SCALE
AS NOTED

REVISIONS		
#	DATE	COMMENTS
1	1/24/22	

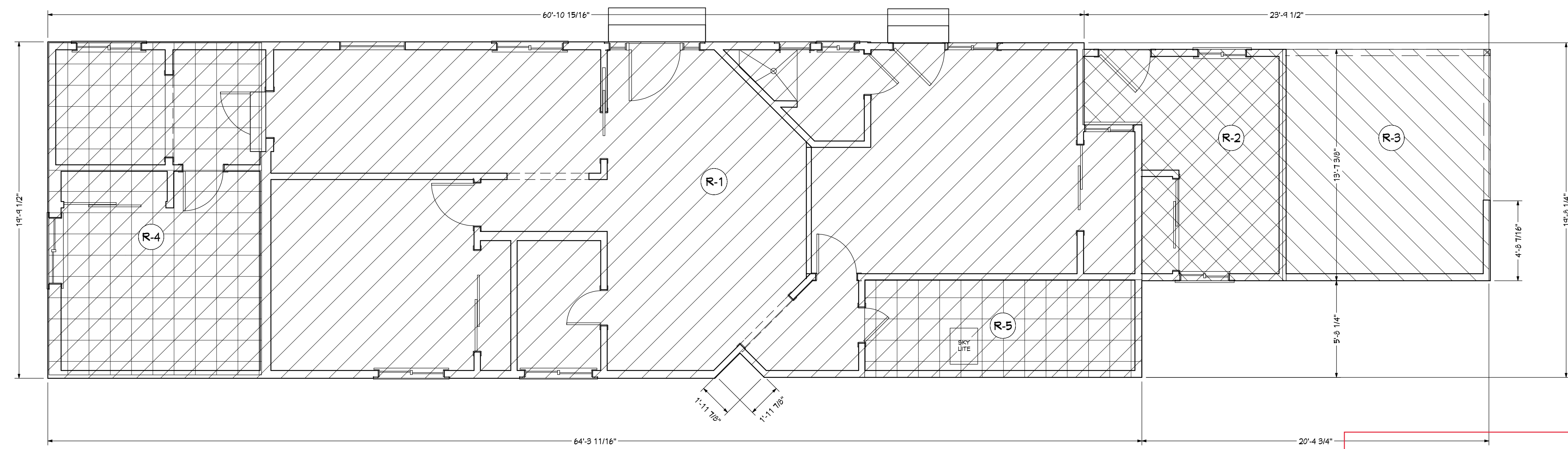
SHEET
A-2
OF 3



EXISTING FLOOR PLAN



PROPOSED FLOOR PLAN



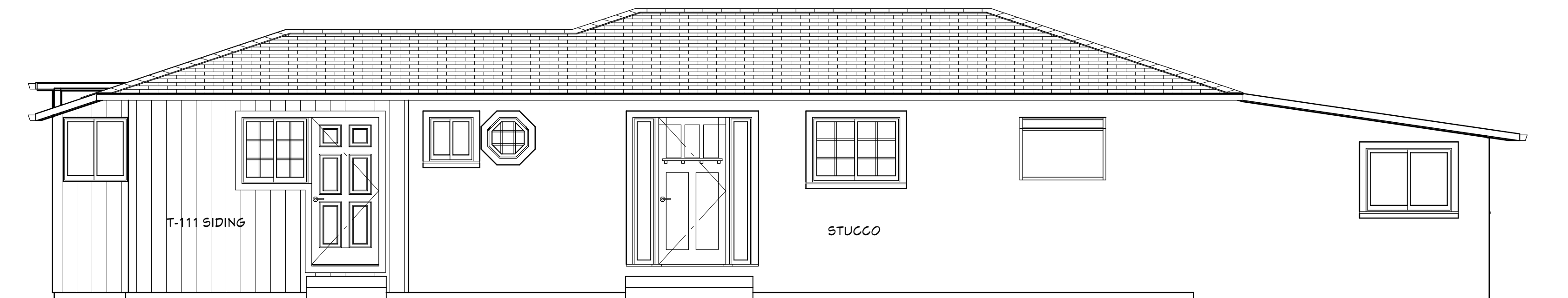
AREA JUSTIFICATION

SCALE 1/4" = 1'

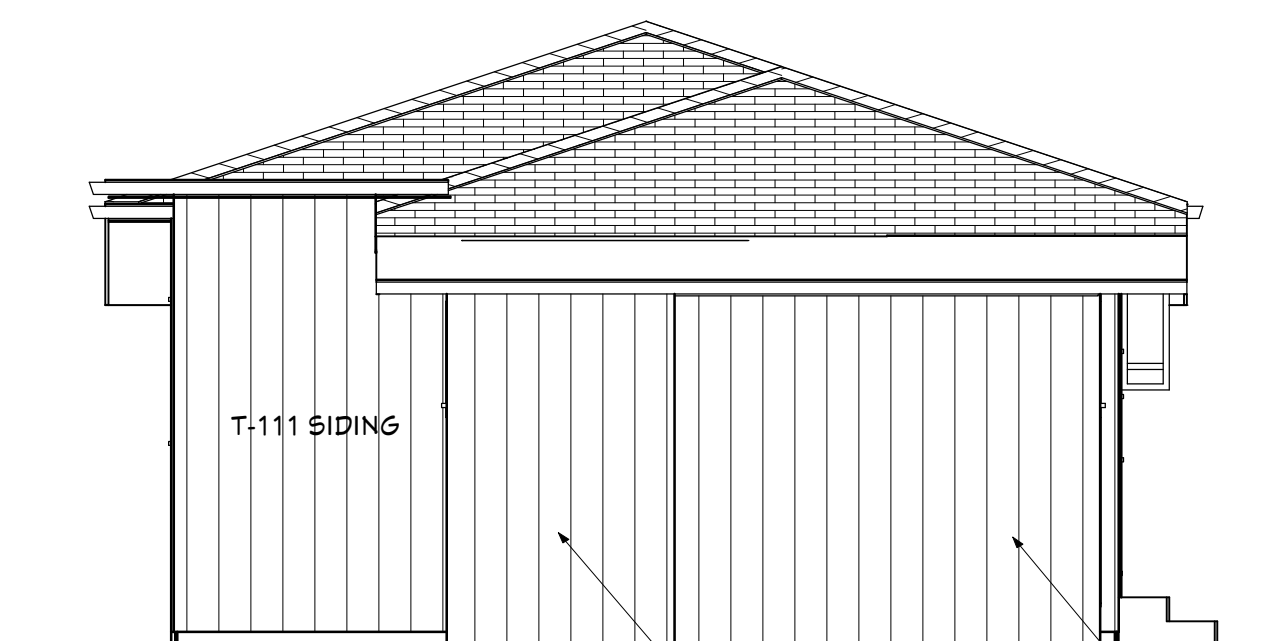
AREA TABLE		
REGION	DESCRIPTION	AREA
R-1	(E) HOUSE LEGAL RES.	909.48 SQ. FT.
R-2	(E) ENCLOSED DECK TO BE DEMOLISHED	130.78 SQ. FT.
R-3	(E) CARPORT TO BE DEMOLISHED	164.87 SQ. FT.
R-4	(E) FAM. RM/LAUNDRY TO BE LEGALIZED	249.02 SQ. FT.
R-5	(E) WALK-IN CLOSET TO BE LEGALIZED	43.33 SQ. FT.



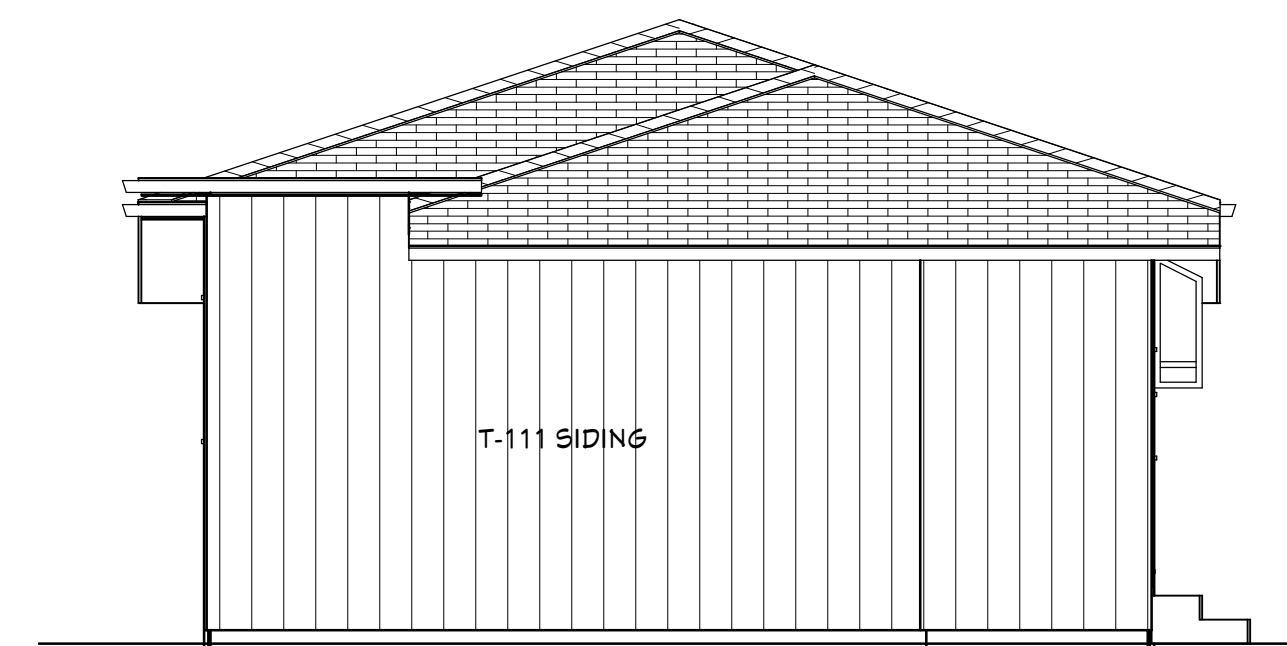
EXISTING FRONT



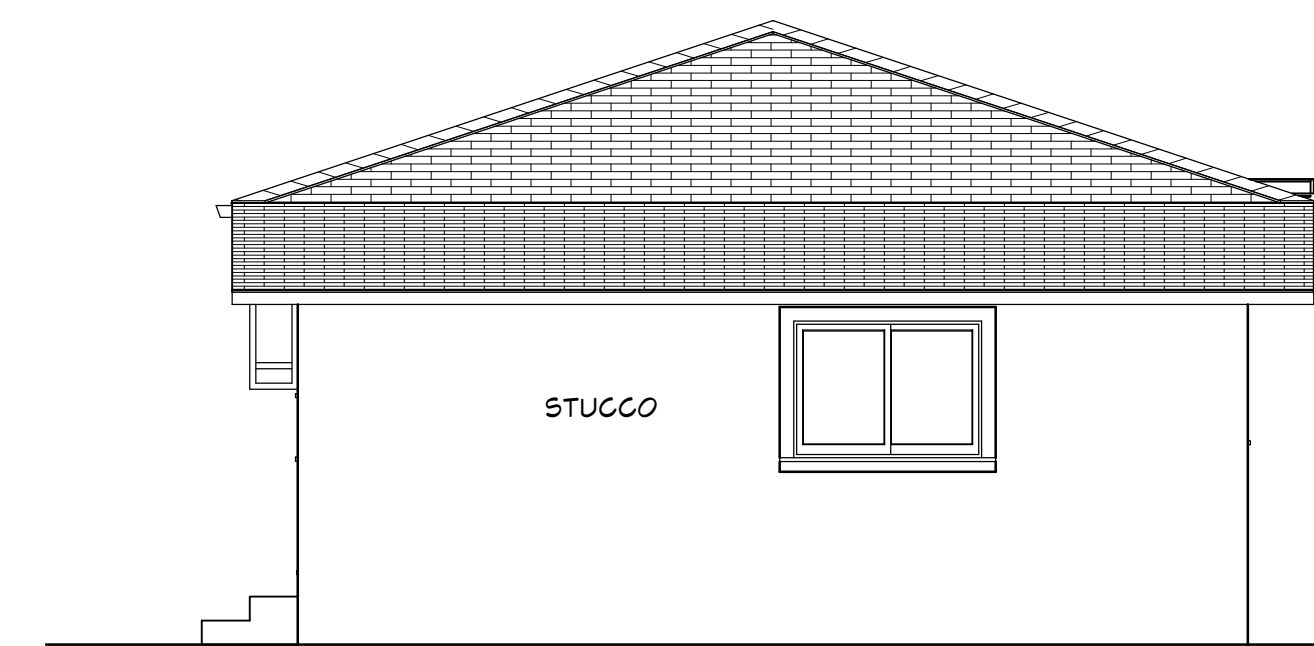
PROPOSED FRONT



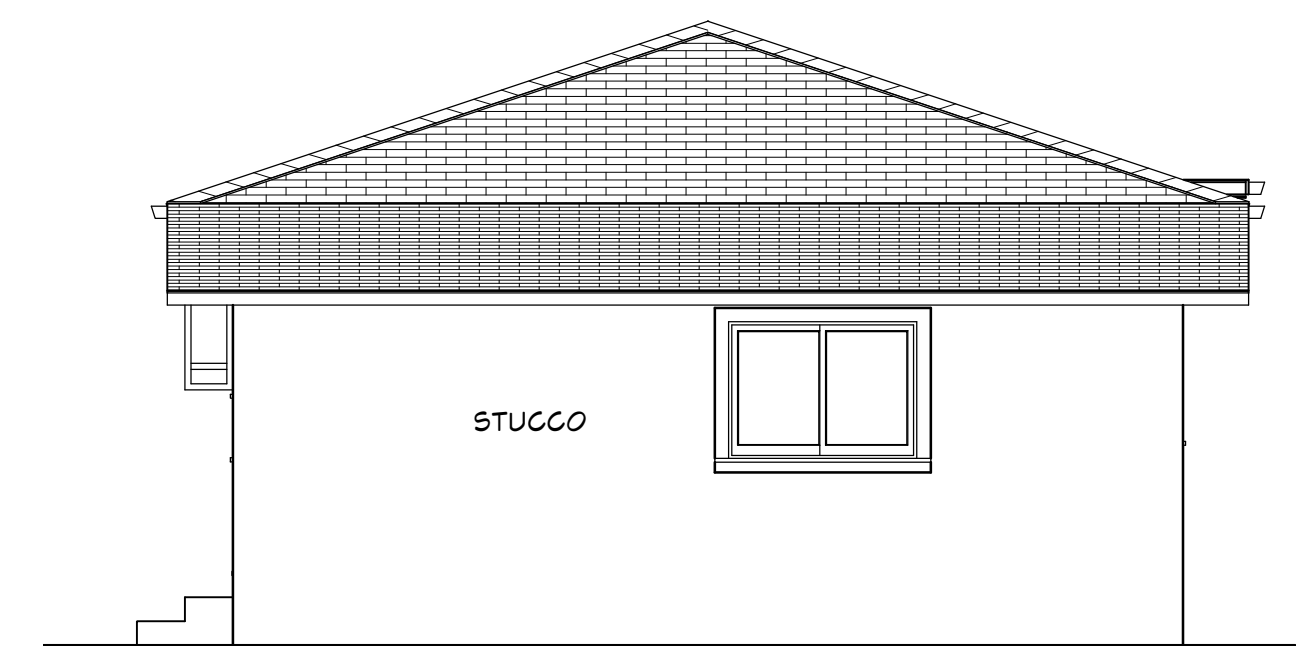
EXISTING LEFT



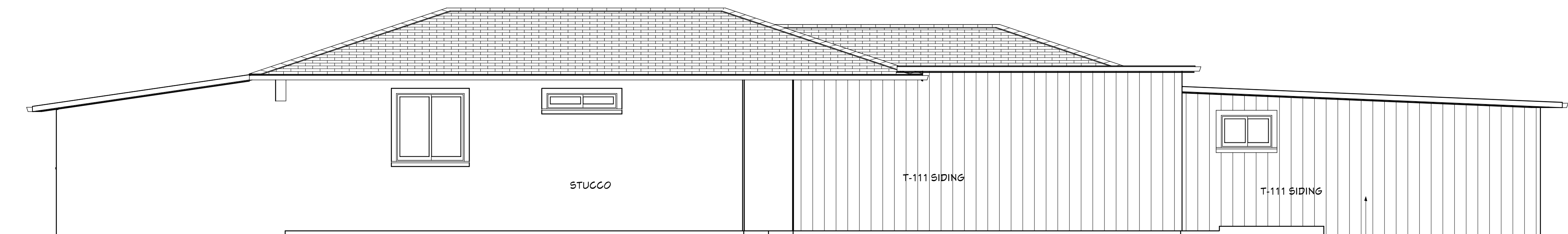
PROPOSED LEFT



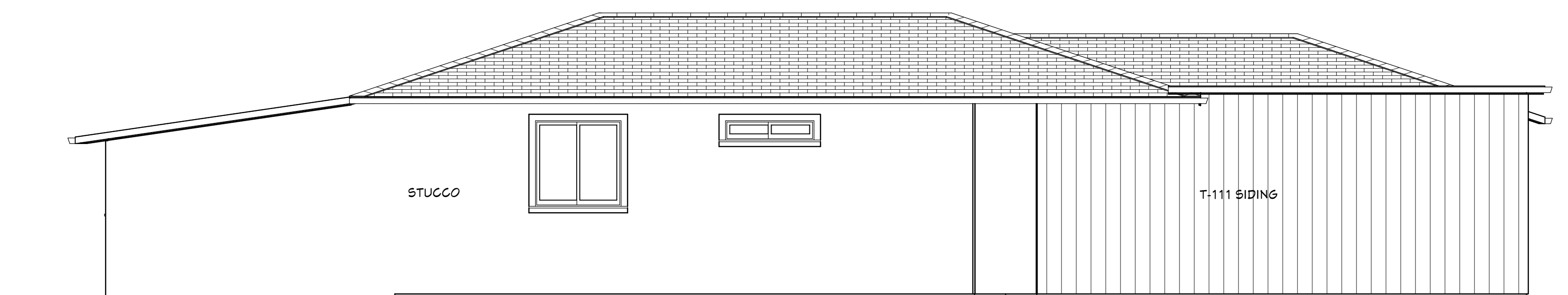
EXISTING RIGHT



PROPOSED RIGHT



EXISTING REAR



PROPOSED REAR

EXTERIOR ELEVATIONS SCALE 1/4" = 1'



A.G. FREY & CO.
1911 BELLE AVE.
SAN CARLOS, CA 94070
650-592-0519
COMPUTER AIDED DESIGN
SPECIALISTS

CONTRACTOR:
T.B.D.

PROJECT FOR:
VARGAS RESIDENCE
2746 WESTMORELAND AVE
REDWOOD CITY, CA.

VIEW
EXTERIOR ELEVATIONS

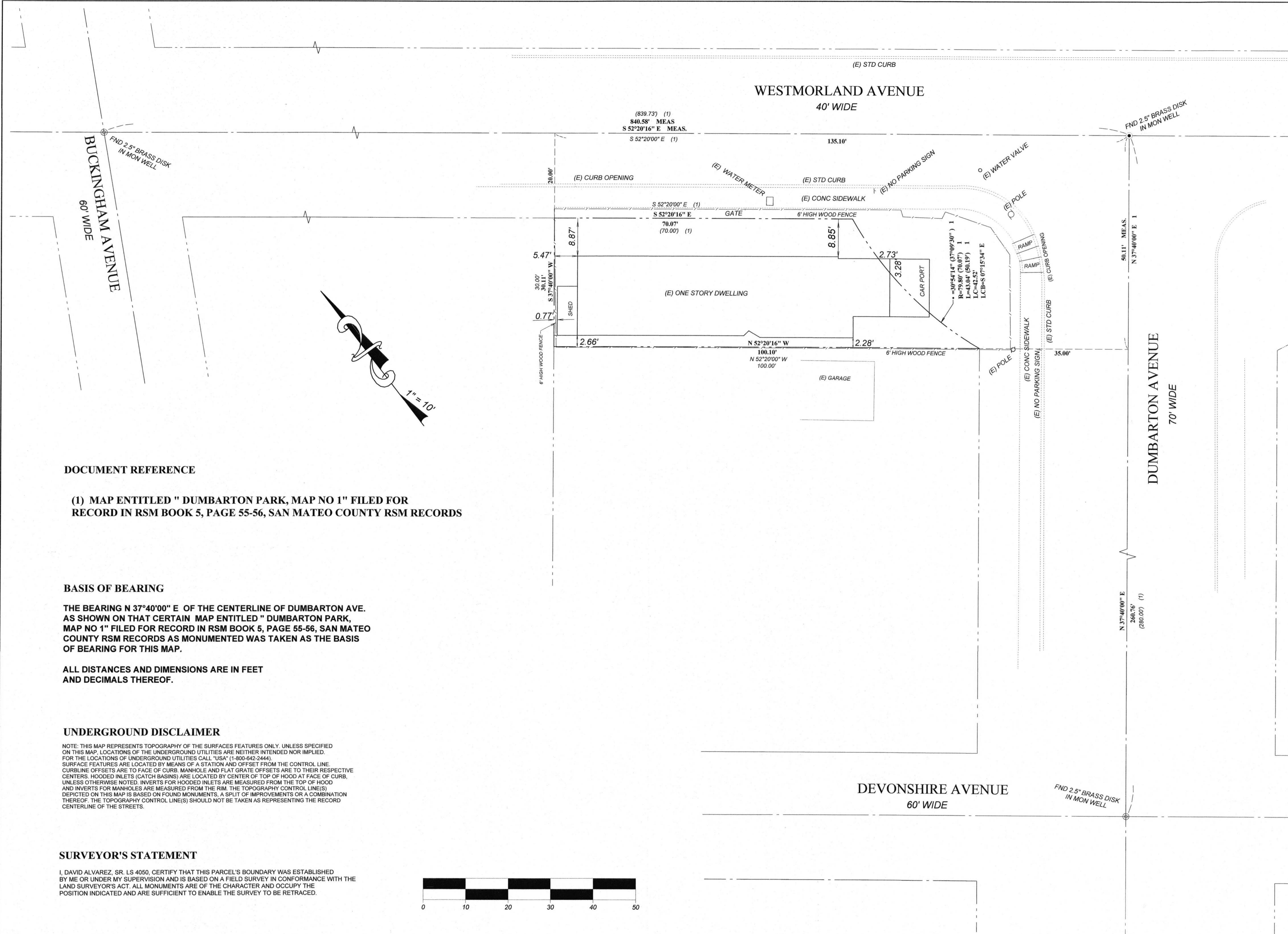
DATE
9-14-16

DRAWN BY
AGF

SCALE
AS NOTED

REVISIONS		
#	DATE	COMMENTS
1	1/24/22	

SHEET
A-3
OF 3



Chd	By	Date	Revision	No.	Date 02-25-15	Drawn By: JK
				1		

JLK ASSOCIATES
SURVEYORS / ENGINEERS
73 CEDAR LANE
SAN JOSE, CA 95127
(408) 723-3734

TOPOGRAPHICAL SITE SURVEY
2796 WESTMORLAND AVE.
REDWOOD CITY, CALIFORNIA

DAVID ALVAREZ SR.
No. 4050
Exp. 06-30-16

SCALE:
AS NOTED

SHEET:
C - 1
1 OF 1



