

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** March 15, 2018

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Use Permit Renewal pursuant to Section 6500 of the San Mateo County Zoning Regulations to allow the continued operation of a non-conforming commercial grocery/delicatessen business (Country Corner) located at 3207 Alameda de las Pulgas in the unincorporated West Menlo Park area of San Mateo County.

County File Number: PLN 1999-00254 (Wehab)

**PROPOSAL**

Renewal of a Use Permit pursuant to Section 6500 of the San Mateo County Zoning Regulations to allow the continued operation of a non-conforming commercial grocery/delicatessen business (Country Corner) located in the R-/S-72 Zoning District.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Use Permit Renewal, County File Number PLN 1999-00254, by making the required findings and adopting the conditions of approval recommended in Attachment A.

**BACKGROUND**

Report Prepared By: Tiare Peña, Project Planner, 650/363-1850

Applicant: Issa Wehab

Owner: Bishara Wehab

Location: 3207 Alameda de las Pulgas, Menlo Park

APN: 047-031-310

Size: 0.16 acres or 6,970 sq. ft.

Existing Zoning: R-1/S-72 (Single Family Residential/5000 sq. ft. minimum parcel size)

General Plan Designation: Medium High Density Residential

Sphere-of-Influence: Menlo Park

Existing Land Use: Grocery Store/Delicatessen

Water Supply: Existing connection provided by California Water Service.

Sewage Disposal: Existing connection provided by West Bay Sanitary District

Flood Zone: FEMA Flood Zone Map indicates that the parcel is located in Zone X, area of minimal flooding per Community Panel No. 06081 C0312E effective date October 16, 2012.

Environmental Evaluation: The Use Permit renewal is exempt under provisions of Section 15301, Class 1 of the California Environmental Quality Act (CEQA), relating to the continued operation of an existing facility.

Setting: The Country Corner is located at the corner of Monterey Avenue and Alameda de las Pulgas. The wooden building fronts Alameda de las Pulgas with two wooden storage buildings located behind the store. This area of West Menlo Park is designated single-family residential with one and two story homes to the east, west, south and north of the store. The parcel has paved parking off of the Alameda de las Pulgas and off of Monterey Avenue. The frontage (Alameda de las Pulgas) parking consists of 5 (five) spaces while (Monterey Avenue) parking consists of 3 (three) spaces for a total of 8 (eight) spaces.

Chronology:

<u>Date</u>	-	<u>Action</u>
1930	-	Construction of a building on the site, commercial use established.
1933	-	The County adopts Zoning Ordinance #400. This parcel is zoned single-family residential. Section 33 of this Ordinance allowed the continuation of non-conforming uses but noted that "no such nonconforming use shall be enlarged or increased, nor shall any non-conforming use be extended to occupy a greater area of land that that occupied by such use at the time of the adoption of the Ordinance.
1950	-	Illegal additions found on the parcel. The Board of Supervisors approves a variance allowing the construction and increases the square footage of the building from 850 sq. ft. to 1,854 sq. ft.

- 1957 - The County adopts Zoning Ordinance #1206. Chapter 4 of this Ordinance reiterated the provision that no nonconforming use may be extended to occupy a greater area of land, building or structure than that occupied by such use at the time of the adoption of the Ordinance. This Ordinance also established a phase-out period for nonconforming uses in buildings of different types of construction. The subject wood frame building must be altered, converted, and used as a structure in conformance in every respect with the residential zone by 1967. This was never enforced and the commercial use was allowed to continue.
  
- 1978 - The nonconformity provision of the Zoning Ordinance were amended to allow owners of nonconforming uses to allow for an exception (use permit) to allow their continued use, subject to three findings:
  1. The use will not be injurious to the public health, safety or welfare of the County or surrounding neighborhood; and
  2. The use will not adversely affect the character of the surrounding area; and
  3. The use will not create a significant impact on the environment.
  
- 1980 - Numerous complaints are received regarding additional buildings constructed without permits, rubbish, building materials and pallets stored on-site.
- 1981 - Use permit (Use-80-31) approved to allow the continued operation of the grocery/deli/liquor store in the single-family residential district.
  
- 1993 - Use Permit renewal approved.
  
- 1998 - Use Permit renewal approved.
  
- 2003 - Application for Use Permit renewal submitted. File is misplaced and renewal processing did not occur.
  
- 2016 - Application for Use Permit renewal submitted.
  
- March 2018 - Zoning Hearing Officer Public Hearing.

## DISCUSSION

### A. KEY ISSUES

#### 1. Compliance with Conditions of Last Approval

All of the Use Permit's 1998 conditions of approval are assessed below with regard to compliance and if the conditions should be wither retained or revised. Staff recommends that some conditions, as indicated, be dropped in instances where the condition: (1) has been complied with, and/or (2) is no longer deemed feasible or necessary.

#### Planning Department

- a. This use permit shall be valid for a period of five (5) years from the date of final approval, with one administrative review on December 1, 2000. The applicant shall submit for renewal six (6) months prior to expiration.

*Compliance with Condition?* Yes and No. The applicant applied for renewal however due to processing errors, the permit was not renewed within the required timeline.

*Recommend to Retain Condition?* Yes, but modified to reflect new dates as follows: The use permit shall be valid through March 15, 2025. If the applicant wishes to renew this use permit, an application for renewal must be submitted at least six month prior to the expiration date. An administrative review shall be required in March 2021.

- b. The premises will be maintained in a clean and neat condition.

*Compliance with Condition?* Yes.

*Recommend to Retain Condition?* Yes.

- c. The owner will cooperate with the neighbors regarding the following:

- (1) A sign to be posted informing customers of San Mateo County Ordinance Section 3195.0 which prohibits consumption of alcoholic beverages within 1,000 feet from where the item was purchased.
- (2) Signage requesting customers not to litter the area around the store and to drive responsibly in the neighborhood.
- (3) The applicant will place an additional trash can on the premises.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes.

2. Use Permit Finding

The Country Corner grocery/delicatessen has been in operation since 1930. All issues and complaints regarding impacts to the neighborhood have been resolved, and there have been no recent complaints regarding the commercial operations.

B. ENVIRONMENTAL REVIEW

Exempt under provisions of Section 15301, Class 1 of the California Environmental Quality Act (CEQA), relating to the continued operation of an existing facility

C. REVIEWING AGENCIES

Department of Public Works  
Building Inspection Section  
Environmental Health Division

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 1999-00254

Hearing Date: March 15, 2018

Prepared By: Tiare Peña  
Project Planner

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That the project is exempt under provisions of Section 15301, Class 1 of the California Environmental Quality Act (CEQA), relating to the continued operation of an existing facility.

Regarding the Use Permit, Find:

2. That the establishment, maintenance and/or conducting of the use will not be detrimental to the public welfare or injurious to property or improvements in neighborhood.

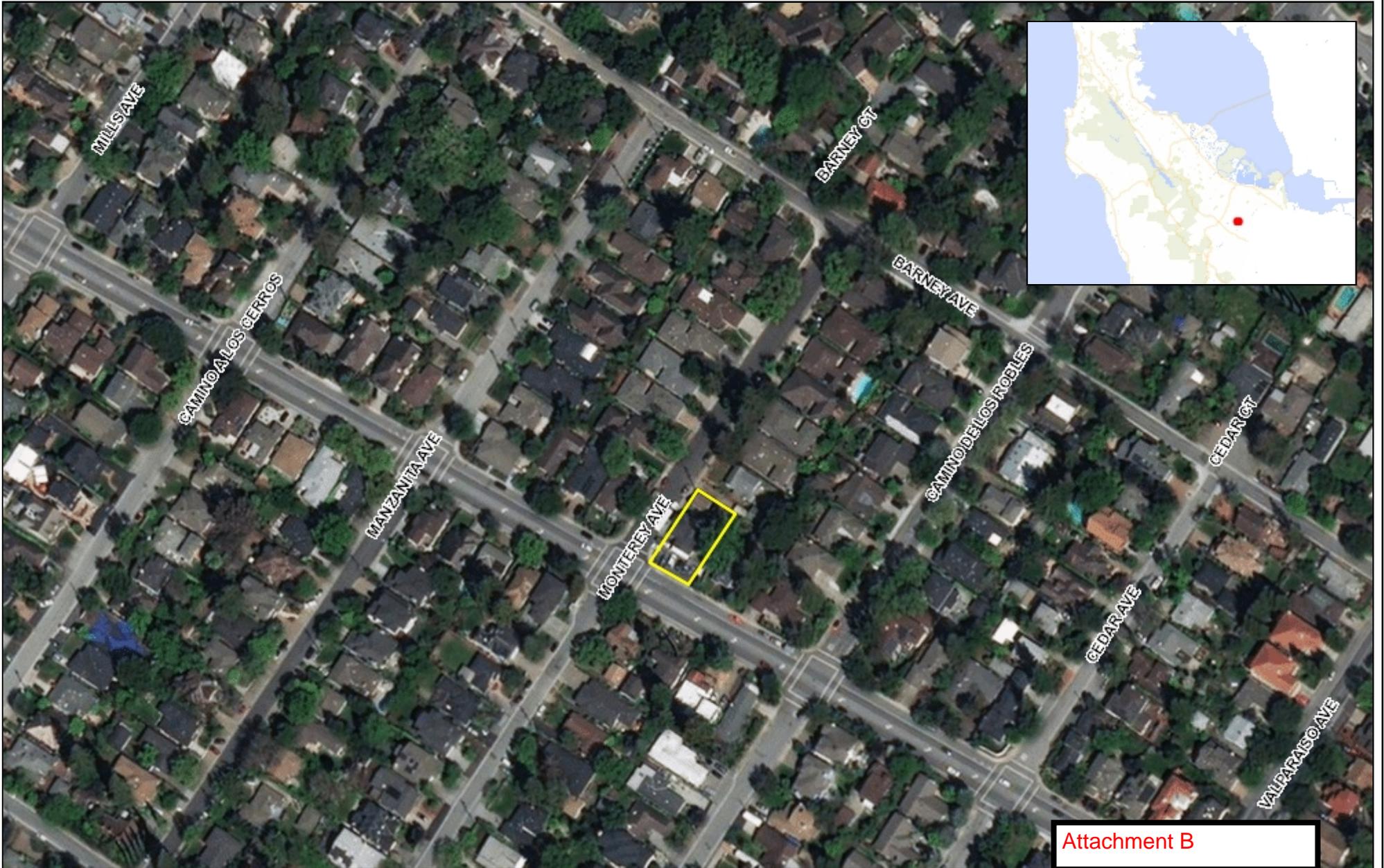
**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. This approval applies only to the proposal, documents, and plans described in this report and submitted to and approved by the Zoning Hearing Officer on March 15, 2017. Minor modifications to the project may be approved by the Community Development Director if they are consistent with the intent of, and in substantial conformance with, this approval
2. The use permit shall be valid through March 15, 2025. If the applicant wishes to renew this use permit, an application for renewal must be submitted at least six months prior to the expiration date. An administrative review shall be required in March 2021.
3. The premises will be maintained in a clean and neat condition.

4. A sign to be posted informing customers of San Mateo County Ordinance Section 3195.0 which prohibits consumption of alcoholic beverages within 1,000 feet from where the item was purchased.
5. Signage requesting customers not to litter the area around the store and to drive responsibly in the neighborhood

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**Attachment B**

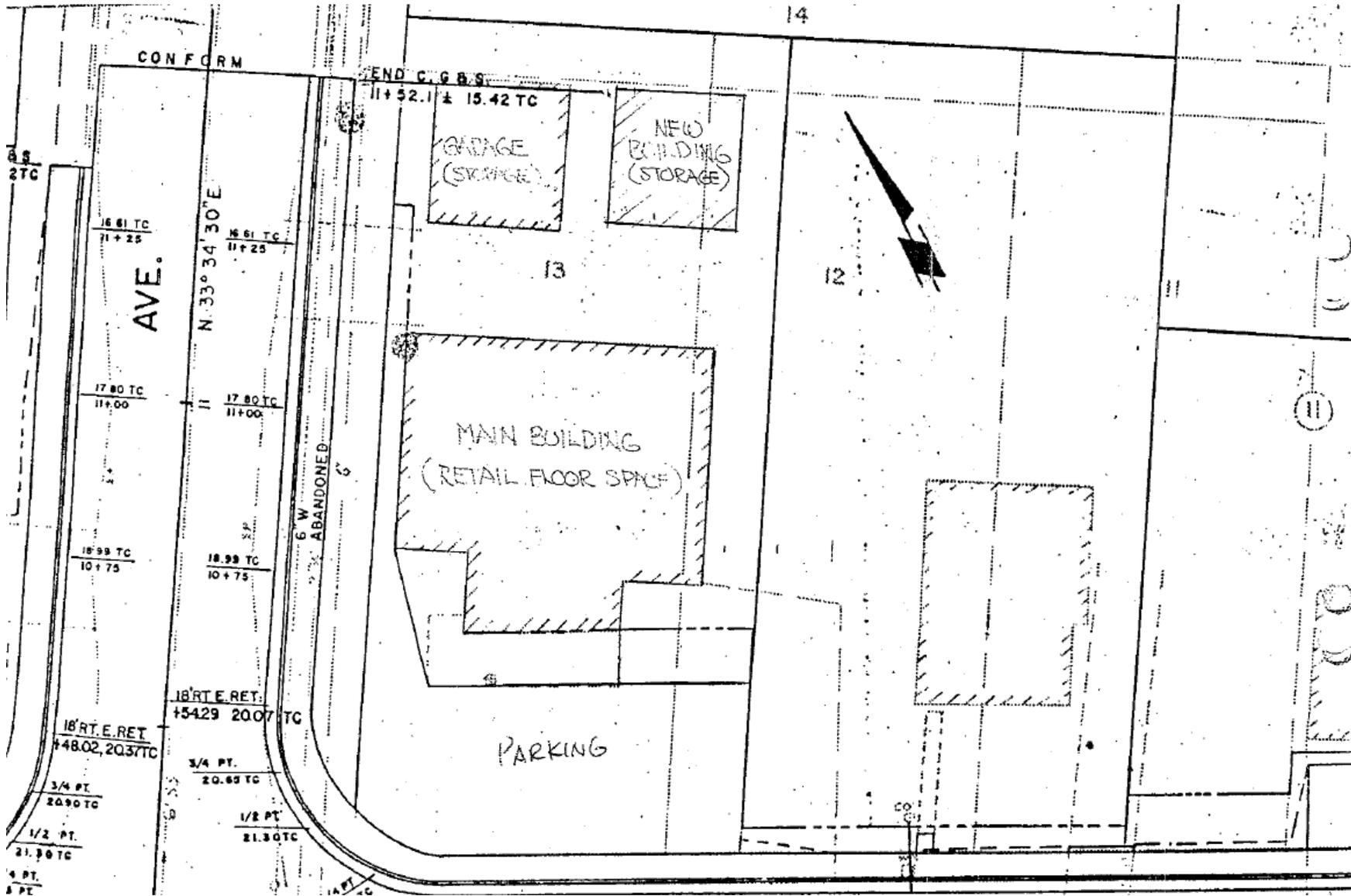
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

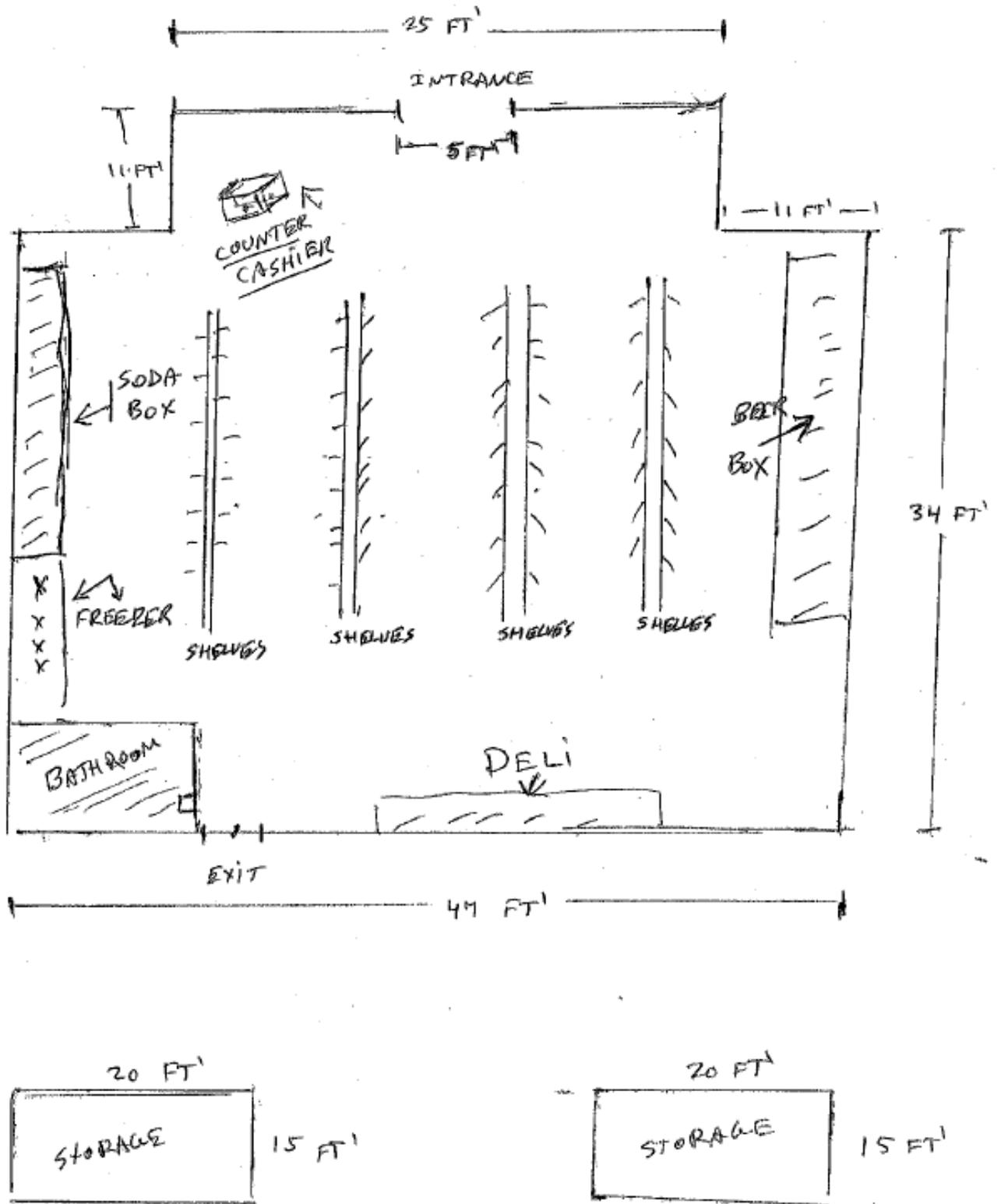


**San Mateo County Zoning Hearing Officer Meeting**

Owner/Applicant: \_\_\_\_\_

Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_



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