

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR  
ZONING ADMINISTRATOR MEETING  
January 7, 2015**

Staff Present: James Holloway, Adam Atamian, and Denise Gee

**2. MINUTES**

Minutes of the Zoning Administrator meeting of December 17, 2014 received and filed.

**3. ORAL AND WRITTEN COMMUNICATION**

None

**4. PUBLIC HEARINGS**

**A. 2727 Via Cascadita Suite I – Minor Conditional Use Permit 14-368 – Poche Burger Beer and Wine (Atamian)**

A request to consider the sale of beer and wine for in-door and outdoor on-site consumption at a restaurant located at 2727 Via Cascadita, Suite I, within the Neighborhood Commercial (NC 1.1) zone. The legal description is Lot 6, of Tract 4577, Assessor's Parcel Number 691-303-04.

Associate Planner Adam Atamian summarized the staff report.

Applicant Hooman Mofidi was present and had no additional comments.

There were no members of the public present to address this item.

Mr. Holloway advised that there are several standard conditions that are well used and practiced having to do with alcohol service and outdoor alcohol service. He asked if these conditions have been included with this Minor Conditional Use Permit. Mr. Atamian stated that there are conditions specifically relating to mitigating noise impact to surrounding properties and best management practices involved in service and sale of alcohol. Also a condition has been added that allows the Police Department or the Code Compliance Division to alter the permitted hours of operation if there are found to be any issues with compatibility in the neighborhood.

Mr. Holloway stated that the closest residence is 100 feet away and that it seemed close for outdoor service of alcohol. However, in reviewing the site plan, the location of the existing outdoor patio is on the opposite site

of the building the residential area, similar to that of Smashburger at Gateway Plaza where the building blocks direct noise impacts to the residences toward the back of the building. He asked Mr. Atamian if that was correct. Mr. Atamian advised that is the case.

Because the standard conditions that have been well honed, practiced, and proven effective over the years are in place, and because the outdoor seating in an area of concern is well screened by the mass of the building which is between the outdoor seating and the residential areas, Mr. Holloway approved the use and advised the applicant of the 10-day appeal period.

Action: The Zoning Administrator approved Minor Conditional Use Permit 14-368, Poche Burger Beer and Wine, subject to Resolution ZA 15-001 with attached Conditions of Approval.

**ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL**

**B. 150 West Avenida Magdalena – Minor Exception Permit 14-442 – Cuthbertson Wall (Atamian for Wright)**

A request to consider an eight foot, six inch high retaining wall in the rear yard of a residence. A minor exception is requested to allow the height of the wall to exceed six feet. The site is located at 150 West Avenida Magdalena and is zoned Residential Low Density, Coastal Zone Overlay, and Special Residential Overlay (RL-5/CZ). The legal description is Lot A and Portion of Lot 6 of Tract 960, Assessor's Parcel Number 060-183-21.

Associate Planner Adam Atamian summarized the staff report.

Applicant Philip Cuthbertson was present and had no additional comments.

Gary Flora, a neighbor whose address is 1930 Del Presidente and who owns the vacant property abutting the rear of the subject property, was present. Mr. Flora is concerned as to why a wall would need to be 8 feet, six inches tall. He is also concerned about the drainage that has already been installed relative to his property.

Mr. Holloway had several questions regarding the placement of the wall, the slope of the property and why the drainage proposed for the new residence was not shown as draining to the street, which is standard, rather than toward adjacent properties.

Philip Cuthbertson, applicant, stated that the site is well below the grade of Avenida Del Presidente and approximately one foot below the grade of

West Avenida Magdalena, and that the project is proposed to utilize the existing site drainage that was previously installed on the site. Messrs. Holloway, Cuthbertson, Flora and Atamian closely reviewed the plans that were presented. Referring to the plans, the group discussed potential site modifications that may be required as part of the building and engineering plan check process which may alter the design, location, and height of any retaining walls. Mr. Holloway noted that it is typically standard for new home developments to modify their sites to provide for drainage to flow to the street, and stated his reservations about approving a wall on a property that does not appear to meet current engineering standards.

Mr. Atamian noted that while the application for the MEP is specific to the retaining wall, staff understands the necessity to clarify how any site modifications required for the permit applications to construct the residence would affect this wall. Mr. Atamian stated that the project was reviewed by the Development Management Team (DMT), but that he does not know the specific discussions that occurred during that process and whether this aspect of the project received comments. Mr. Holloway stated that a complete understanding of the situation is important to projects such as this in order to avoid costly project revisions in the future. Mr. Holloway directed staff to submit this item to the DMT for clarification of the drainage requirements applicable to the proposed residence prior to returning to the Zoning Administrator meeting.

Action: The Zoning Administrator continued Minor Exception Permit 14-442, Cuthbertson Wall to the January 21, 2015 Zoning Administrator meeting.

**ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL**

**5. NEW BUSINESS**

None

**6. OLD BUSINESS**

None

**ADJOURNMENT**

The meeting adjourned at 3:40 p.m. to the regular Zoning Administrator meeting to be held on January 21, 2015 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR

  
James Holloway