

**CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT**

DATE: JANUARY 14, 2019

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
MATT SCHNEIDER, DIRECTOR
DANNY GIOMETTI, ASSOCIATE PLANNER

SUBJECT: PRELIMINARY REVIEW (PA17-0123) FOR THE PLACEMENT OF A RETAINING WALL GREATER THAN THIRTY (30) INCHES TO BE LOCATED ON A COASTAL BLUFF LOT AND VISIBLE FROM THE PUBLIC RIGHT-OF-WAY, REQUIRING A COASTAL DEVELOPMENT PERMIT AND A MINOR SITE DEVELOPMENT PERMIT, LOCATED AT 26382 PALISADES DRIVE.

RECOMMENDATION: That the Planning Commission assess the site and wall design and provide feedback to the applicant focusing on potential issues which may be raised during consideration of a formal submittal for the project.

APPLICANT: Steve Austin

PROPERTY OWNER: Rajesh Kadakia

REQUEST: Preliminary Review for the placement of a retaining wall greater than thirty (30) inches to be located on a coastal bluff lot and visible from the public right of way, requiring a Coastal Development Permit and a Minor Site Development Permit, located at 26382 Palisades Drive.

LOCATION: 26382 Palisades Drive (123-233-01)

NOTICE: No noticing is required.

ENVIRONMENTAL: Not applicable at this time.

ISSUES:

- Project consistency with the Dana Point General Plan and the Dana Point Zoning Code (DPZC).
- Project land use compatibility and community values.

- Findings for Coastal Development Permit and Site Development Permit.

BACKGROUND:

The subject site is a coastal bluff lot located directly south of the intersection of Palisades Drive and Doheny Place within the Capistrano Beach community. The 10,419 square foot bluff lot is bordered by Palisades Drive along the lot's curved side and rear yards, Doheny Place along the front yard and a single-family dwelling (SFD) along the southern side yard (Supporting Document 1). The site is located within both the City's Coastal Overlay District and the Appealable Area of the California Coastal Commission (CCC), and is designated as Residential Single Family 3 DU/AC (RSF 3) on the City's Zoning Map.

Existing site improvements include a two-story, 3,426 square foot SFD with an attached two-car garage, a pool and spa, hardscape and landscape improvements and an unpermitted railroad tie retaining wall located along the northern, side yard of the property adjacent to Palisades Drive.

Due to the condition of an aging railroad tie retaining wall along the side yard, the owner has been discussing options with the City to replace the existing structure with a permanent concrete or cinder block retaining wall in its place. In October of 2017, the applicant submitted a geotechnical investigation and topographic survey for the bluff lot, which included a separate plan illustrating an 18-foot high retaining wall. The City responded to the October 2017 submittal requesting more details regarding the proposed retaining wall, landscaping plan and geotechnical investigation.

Sections 9.69.040(b)(1) and (3) of the DPZC state that improvements to any structure located where the proposed improvement would encroach within fifty (50) feet of the edge of a coastal bluff, and any significant alteration of land forms within fifty (50) feet of the edge of a coastal bluff require the approval of a Coastal Development Permit (CDP). Additionally, pursuant to Section 9.05.120(d)(2) of the DPZC, retaining walls that are greater than thirty (30) inches from the top of the wall to finished grade may be permitted subject to the approval of a Minor Site Development Permit (SDP(M)). See CDP and SDP findings attached as Supporting Document 2.

PRELIMINARY REVIEW:

Within recent years, staff has discussed several retaining wall designs with the owner at an informal level. The October 2017 retaining wall proposal included a portion along the rear yard reaching a maximum height of 18 feet from existing grade to top of wall. The most recent design proposes a retaining wall height ranging from 2.5 feet to a maximum of 12 feet as seen along Palisades Drive.

Due to the height and unique circumstances relative to the site's location within the coastal zone, staff recommended that the proposal be forwarded for preliminary review by

the Planning Commission as prescribed in Section 9.61.100(a)(2) of the DPZC.

Preliminary review by the Planning Commission is a more formal level of review available to applicants for projects that involves more significant issues of sensitivity or compatibility considering General Plan consistency, development standards, land use compatibility and community values. This process includes a brief staff evaluation of the significant project issues and gives the applicant the opportunity to present the proposal directly to the Planning Commission. The objective of the preliminary review is to provide the applicant with a sense of the issues necessary to be addressed in a formal application, although it is not intended and cannot be used as a process to determine the ultimate decision on a subsequent formal application. The Planning Commission is legally limited in the type and amount of input they can provide during preliminary review. Commissioner comments center on identifying potential issues that may be raised during consideration of a formal submittal, while providing general feedback on how the significant issues might apply to the project.

DISCUSSION:

The applicant has provided retaining wall and landscape plans as well as a rendering of the proposed improvements (Supporting Document 3) identifying the location and length of the proposed retaining wall. As designed, the proposed cast-in-place concrete or cinder block wall is approximately 267 linear feet and ranges from less than one (1) to approximately 12 feet in exposed wall height. The retaining wall originates 20 feet back of the front property line near the northern corner of the front yard at less than one (1) feet. Although the top of wall, vertical elevation stays constant over the first 168 feet, the exposed wall height gradually increases as the retaining wall follows the curved front and side property lines in a southwesterly direction towards the seaward rear of the lot. At this point the top of wall steps down incrementally as the retaining wall follows the curved rear property line, while maintaining an exposed wall height between 11.5 – 12 feet. The last 30 feet of the retaining wall is angled away from the rear property line before turning parallel to the interior side yard, with exposed heights reducing from 11.5 feet down to one (1) foot where the wall ends.

The retaining wall is proposed to be backfilled, creating additional level/useable side and rear/bluff yard area. In order to maintain a wall height lower than the original proposal of 18 feet along the rear property line, the backfilled portion is proposed to slope up to the newly created level pad (See section B-B of the site plan). The wall is proposed to be planted with landscaping within the public right-of-way that when mature, would visually screen the wall.

Given the preceding project description, necessary findings and applicable development standards, staff is highlighting the following discussion points the Planning Commission may wish to focus feedback on:

- Minimize the alterations of natural landforms and not result in undue risks from geologic and erosional forces.
- Visual compatibility with the character of surrounding areas.
- Compliance with all applicable development standards.
- Suitability of the site for the proposed use and development.

CORRESPONDENCE:

None.

CONCLUSION:

Staff requests that the Planning Commission review the subject proposal and provide the applicant with comments and feedback intended at moving the project towards a formal discretionary application submittal.



Danny Giometti
Associate Planner

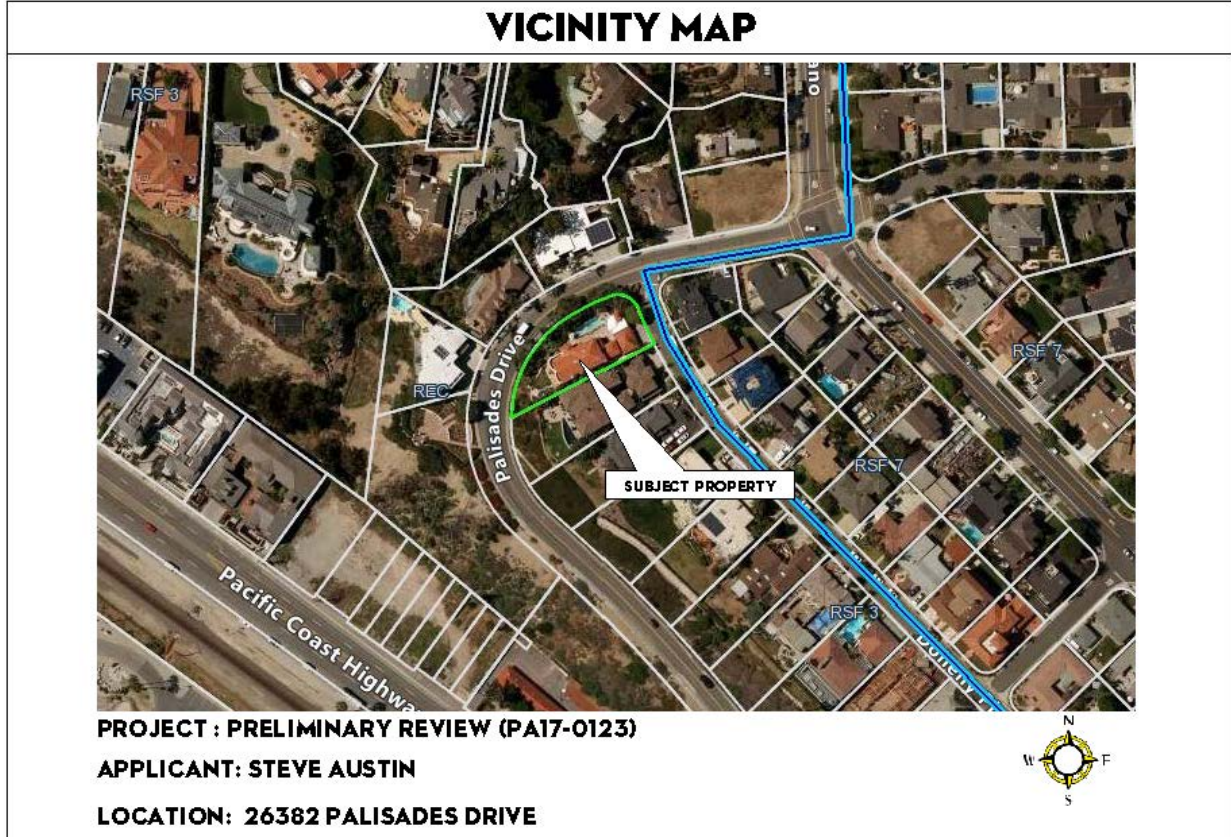


Matt Schneider, Director
Community Development Department

SUPPORTING DOCUMENTS

1. Vicinity Map
2. CDP and SDP Findings
3. Retaining Wall Plan and Rendering

Supporting Document 1 Vicinity Map



Supporting Document 2 CDP and SDP Findings

1/9/2019

9.69.070 Basis For Action on Coastal Development Permit Applications.

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[Chapter 9.69 COASTAL DEVELOPMENT PERMIT](#)

9.69.070 Basis For Action on Coastal Development Permit Applications.

Approval, conditional approval, or denial of any Coastal Development Permit by the City of Dana Point or the Coastal Commission on appeal shall be based upon compliance with the provisions of the certified Dana Point Local Coastal Program and, for development between the sea and the first public road paralleling the sea, the public access and recreation policies of Chapter 3 of the Coastal Act.

(a) Approvals of Coastal Development Permits. In order for a Coastal Development Permit to be approved, all the following findings must be made, in writing, in addition to the findings required to approve other applications being considered concurrently:

(1) That the proposed development is in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 Cal. Code of Regulations/13096).

(2) That the proposed development, if located between the nearest public roadway and the sea or shoreline of any body of water, is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 Cal. Code of Regulations/13096).

(3) That the proposed development conforms with Public Resources Code Section 21000 and following and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 Cal. Code of Regulations/13096).

(b) Denials of Coastal Development Permits. In order for a Coastal Development Permit to be denied, all the following findings must be made, in writing, in addition to the findings required to deny other applications being considered concurrently:

(1) That the proposed development is not in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 Cal. Code of Regulations/13096).

(2) That the proposed development, if located between the nearest public roadway and the sea or shoreline of any body of water, is not in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 Cal. Code of Regulations/13096).

(c) Additional findings for public access are found in Section 9.27.030(a) of the Zoning Code.

(d) That the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

(e) That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

(f) That the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas.

(g) That the proposed development will conform with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs.

(Added by Ord. 93-16, 11/23/93; amended by Ord. 97-05, 9/9/97)

1/9/2019

9.71.050 Basis for Approval, Conditional Approval, or Denial of a Site Development Permit.

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[Chapter 9.71 SITE DEVELOPMENT PERMITS](#)

9.71.050 Basis for Approval, Conditional Approval, or Denial of a Site Development Permit.

Approval, conditional approval, or denial of any Site Development Permit application shall be based upon the following factors and principles:

- (a) Compliance of the site design with development standards of this Code.
- (b) Suitability of the site for the proposed use and development.
- (c) Compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines.
- (d) Site and structural design which is appropriate for the site and function of the proposed use(s), without requiring a particular style or type of architecture.

(Added by Ord. 93-16, 11/23/93)

View the [mobile version](#).

Supporting Document 3 Retaining Wall Plan and Rendering

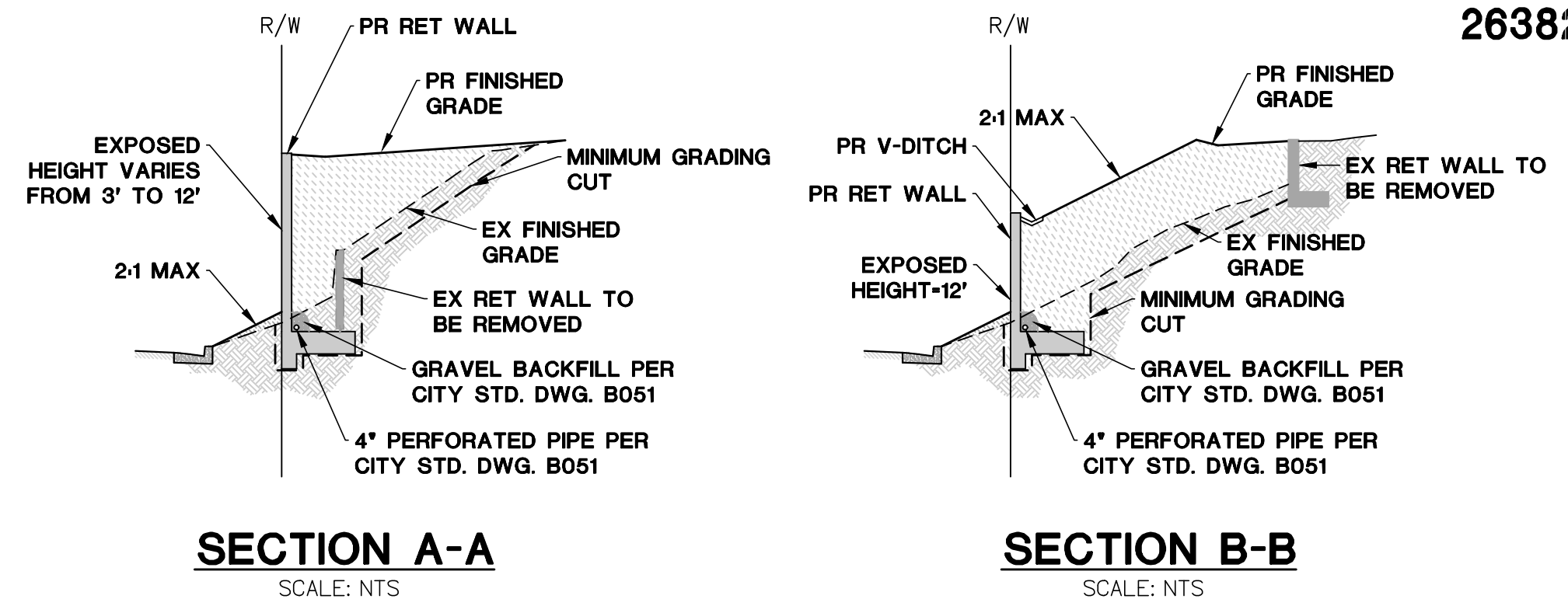
ATTACHMENT

PROPOSED RETAINING WALL

26382 PALISADES DRIVE, DANA POINT

LEGEND

EP	EDGE OF PAVEMENT	---	PROPOSED RET. WALL FOOTING
ESMT	EASEMENT	- - -	PROPOSED RET. WALL SUBGRAIN
EX	EXISTING	---	EXISTING BLUFF EDGE
FF	FINISHED FLOOR	---	EXISTING DOMESTIC WATER LINE
FG	FINISHED GRADE	---	
FL	FLOW LINE	---	
FS	FINISHED SURFACE	---	
GB	GRADE BREAK	---	
HP	HIGH POINT	---	
LP	LOW POINT	---	
MAX	MAXIMUM	---	
MB	MAIL BOX	---	
MIN	MINIMUM	---	
PUE	PUBLIC UTILITY ESMT	---	
PL	PROPERTY LINE	---	
R/W	RIGHT OF WAY	---	
SD	STORM DRAIN	---	
TC	TOP OF CURB	---	
TS	TOP OF SLOPE	---	
TYP	TYPICAL	---	
AC	AIR CONDITIONER	---	
EM	ELECTRIC METER	---	
ICV	IRRIGATION CONTROL VALVE	---	
GM	GAS METER	---	
WM	WATER METER	---	
WV	WATER VALVE	---	
RS	ROAD SIGN	---	
SS	EXISTING SANITARY SEWER	---	
DW	EXISTING DOMESTIC WATER	---	
SD	EXISTING STORM DRAIN LINE	---	
OHE	EXISTING OVER HEAD ELEC.	---	
-1630-	EXISTING CONTOUR	---	
-1630-	PROPOSED CONTOUR	---	
---	PROPERTY LINE	---	
---	RIGHT OF WAY	---	
---	EXISTING EASEMENT	---	
---	PROPOSED CURB	---	
---	EXISTING CHAIN LINK FENCE	---	
---	EXISTING IRON FENCE	---	
---	PROPOSED DRAINAGE SWALE	---	
---	PROPOSED CONCRETE V-DITCH	---	
---	EXISTING BLOCK WALL	---	
---	EXISTING RETAINING WALL	---	
---	PROPOSED CONCRETE	---	
---	EXISTING CONCRETE	---	
---	EXISTING STREET SIGN	---	
---	EXISTING STORM DRAIN MANHOLE	---	
---	EXISTING SANITARY SEWER MANHOLE	---	
---	EXISTING TREE	---	
---	EXISTING STORM DRAIN	---	

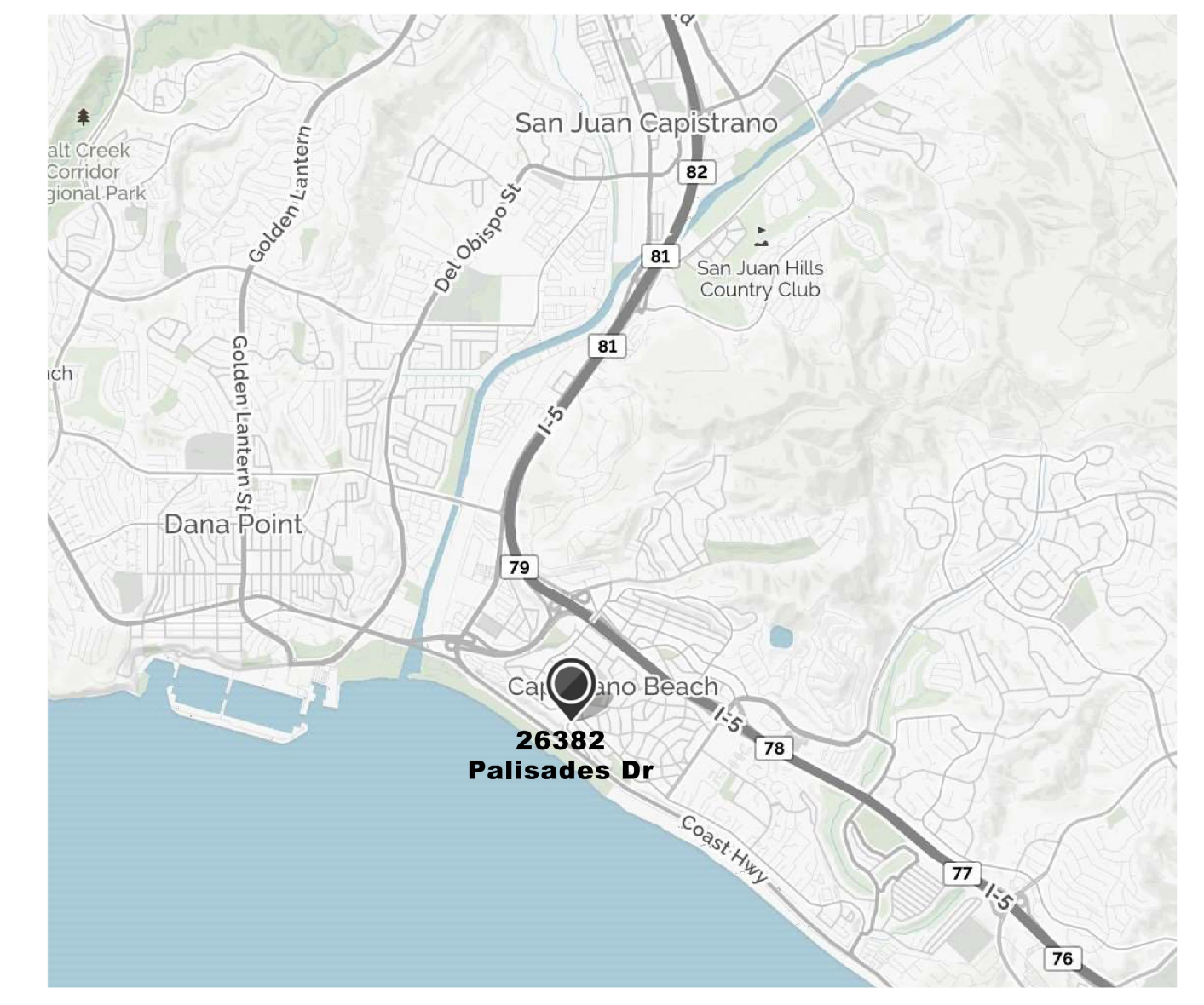


SHEET INDEX

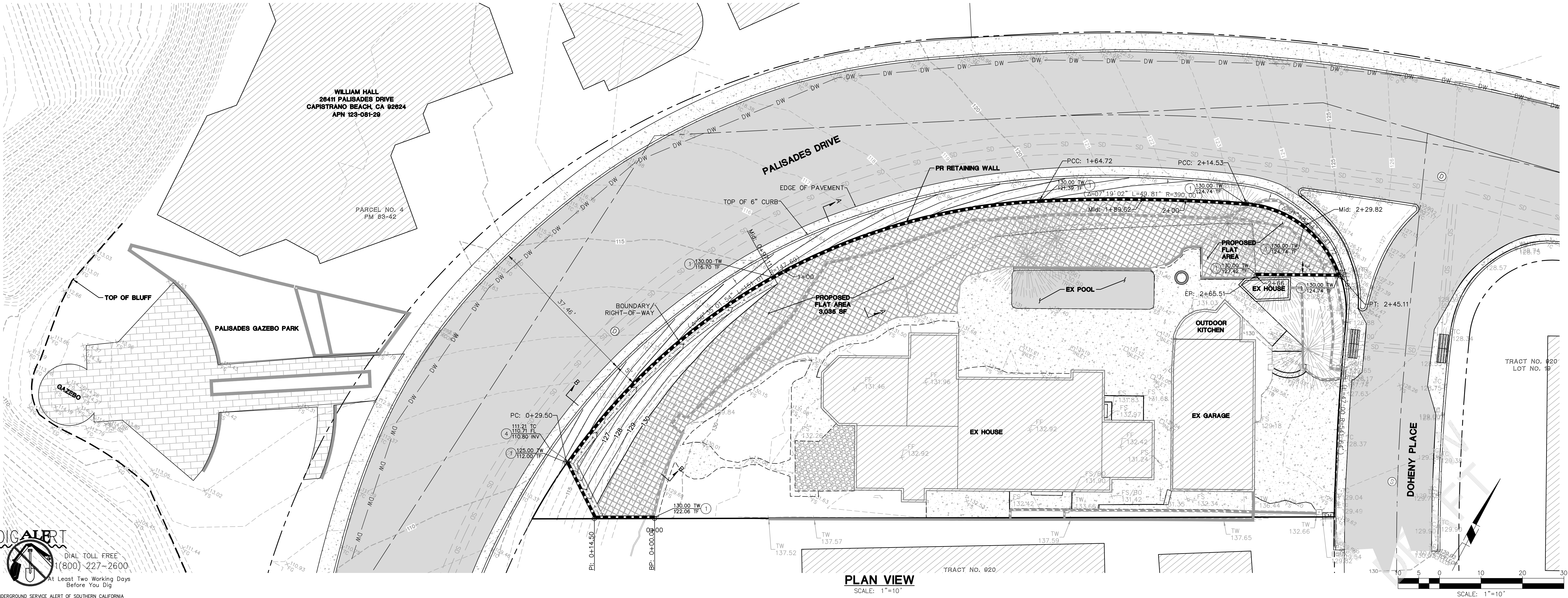
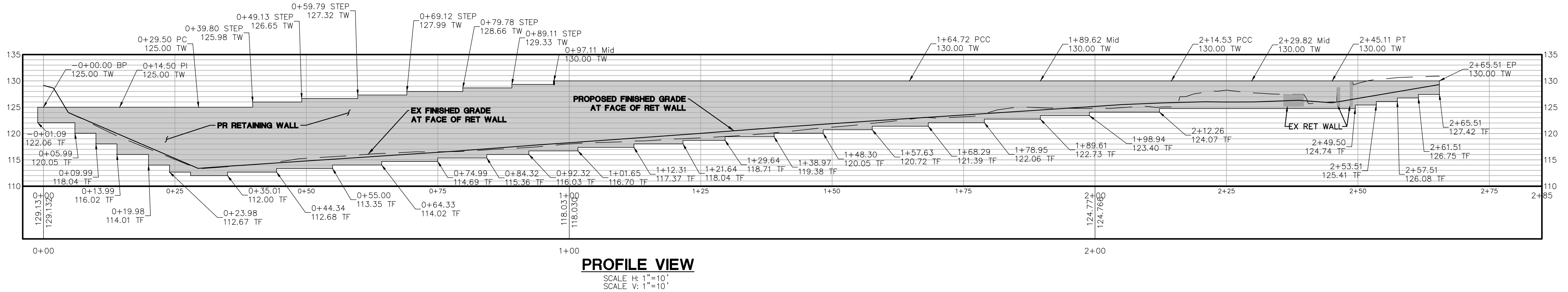
DESCRIPTION	SHEET NO.
PROPOSED RETAINING WALL	RW-1
PRELIMINARY DRAINAGE PLAN	DNG-1
TOPOGRAPHY MAP	TOPO-1

SCOPE OF WORK:

LINEAL FEET OF WALL = 2666.60
 HEIGHT OF WALL = 2.58' - 18.00'
 TYPE OF WALL: CAST-IN-PLACE CONCRETE OR CINDER BLOCK



- CONSTRUCTION NOTES:**
- CONSTRUCT RETAINING WALL PER SEPARATE PERMIT. TW AND TF PER PLAN.
 - CORE THROUGH EXISTING CURB PER CITY OF DANA POINT STD. DWG. S-9A.



SCALE VERIFICATION
 BAR IS ONE INCH ON ORIGINAL DRAWING
 IF NOT ONE INCH ON THIS SHEET
 ADJUST SCALES ACCORDANTLY

NO.	REVISIONS	DATE	BY

PREPARED BY:
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26382 PALISADES DRIVE
 PROPOSED RETAINING WALL
 GREENS FAMILY LIMITED PARTNERSHIP

DATE: 7/31/2018
 SHEET NO: RW-1



