

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



W7a

Filed:	5/22/18
180th Day:	11/18/18
Staff:	DT-LB
Staff Report:	6/21/18
Hearing Date:	7/11/18

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-18-0177

Applicant: Mikhail Fyodorov & Larissa Sass

Agent: N/A

Location: 17708 Tramonto Drive, Pacific Palisades, Los Angeles County (APN 4416020040)

Project Description: Addition of approximately 1,699 sq. ft., 1-story over basement/ studio with deck to an existing 29.3-foot high (as measured from existing grade), 2,800 sq. ft. single-family home resulting in a 29.3-foot high (as measured from existing grade), approximately 4,500 sq. ft. single-family home with deck including two above-ground rain collection tanks, twelve 24'-36' diameter concrete piles beneath new addition, and 306 c. y. of cut and 13 c. y. of fill.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicants are proposing an addition to the existing single-family residence constructed under Coastal Development Permit No. 5-85-706. The addition will expand westward onto an adjacent vacant lot owned by the applicants. In order to construct the basement, the applicants propose to cut 306 cubic yards of earth and shore the north portion of the basement with an 11-foot tall retaining wall along Tramonto Drive. In order to stabilize the addition, piles will be imbedded onto competent bedrock underneath the addition to reach a static safety factor of 1.79. The on-site runoff from the roof will be conveyed towards the rain collection tanks to minimize erosion of the steep hillside. Approximately 293 cubic yards of earth will be removed and deposited outside the coastal zone ([Exhibit 2](#)).

5-18-0177 (Fyodorov & Sass)
Approval with Conditions

The property descends approximately 155 feet above mean sea level at the top of the slope at Tramonto Drive to Posetano Road at a 1:1 to 1.3:1 gradient. The existing slope has not experienced significant landslides in the past, but experiences site-specific episodic erosion and bluff retreat from rainfall events, tectonic plate movement and major climate events. Therefore, in order to minimize construction and design impacts to a retreating hillside area and visual resources, staff is recommending **approval** of the proposed coastal development permit with **six (6)** special conditions.

The Commission imposes **Special Condition No. 1**, which assures conformance with geotechnical recommendations, **Special Condition No. 2** that requires implementation of construction BMP's and water quality standards, **Special Condition No. 3**, which seeks submittal of a foundation exposure plan, and **Special Condition No. 4**, which assures that native or non-native, drought-tolerant plants are utilized for any landscaping on the property. In addition, the applicants may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. The Commission therefore imposes **Special Condition No. 5** which assures the applicants assume all risks of development and waive all claims of damage or liability against the Commission and **Special Condition No. 6** which seeks recordation of a deed restriction. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act.

The motion to approve staff recommendation is on Page Four.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS	4
III. SPECIAL CONDITIONS	5
IV. FINDINGS AND DECLARATIONS	8
A. PROJECT DESCRIPTION & LOCATION.....	8
B. VISUAL IMPACTS/ LANDFORM ALTERATION	10
C. WATER QUALITY.....	10
D. LOCAL COASTAL PROGRAM (LCP)	11
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	11

APPENDICES - Substantive File Documents

Appendix A – Coastal Development Permit No. 5-85-706 (Ira and Noland West)

Appendix B – City of Los Angeles permit no. DIR-2017-986-CDP and ZA-2017-2364-ZAD

Appendix C – Geotechnical Engineering Report No. LA-01289-01, Earth Systems Southern California, 4/19/2018, 11/23/2015, 4/17/13, 10/26/12, 12/7/10, 8/6/10, 4/30/10, and 10/15/09

Appendix D – Pacific Palisades Area, Los Angeles County, California. *Report on Landslide Study*. 1976. US Army Corps of Engineers, US Department of the Interior.

EXHIBITS

[Exhibit 1 - Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Foundation Plan](#)

[Exhibit 4 – Roof Plan](#)

[Exhibit 5 – Geotechnical Memorandum, 6/15/18](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Conformance with Geotechnical Recommendations. The permittees shall conform to the final design and construction plans received on March 7, 2018 which have been reviewed and approved by the City of Los Angeles Planning Department and Grading Division, Department of Building and Safety. The plans shall conform to all recommendations set forth in the geologic report LA-01289-01 by Earth Systems Southern California, dated October 15, 2009 in addition to all subsequent reports, as well as all requirements of the City of Los Angeles Department of Building and Safety, Soils/Geologic approval letter dated December 16, 2016, signed by Jeffrey T. Wilson and Ying Liu. The monitoring, construction methods and foundation system including the installation of the piles, grade beams, permanent and temporary retaining walls shall conform to and include all requirements and specifications of the City review letter cited above.

The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall be carried out without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris. The permittees shall comply with the following construction-related requirements:

- A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

Approval with Conditions

- F. The applicants shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- J. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Structural Appearance (Foundation Exposure). PRIOR TO ISSUANCE OF THIS PERMIT, the permittees shall submit a plan for the review and approval of the Executive Director to address the potential visual impacts of the pilings and retaining wall in the event that the pilings and retaining walls are exposed and visible from Pacific Coast Highway and the beach as a result of earth movement or other circumstances. The permittees shall agree in writing to carry out the approved plan, which shall include:

- A. Coloring or landscaping the exposed concrete pilings and retaining walls so that it will match the surrounding soils and vegetation (consistent with Special Condition No. 3 above). The piles

and retaining walls should be colored in such a way that the result would be a natural, mottled appearance that blends in with the surrounding area. If any piling and below grade retaining walls are exposed, the applicants shall immediately conceal such foundations to minimize view impacts along the coast.

B. Installation of a low “breakaway” skirt wall to cover exposed earth and/or pilings.

The permittees shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. Landscaping Plans. Any future landscaping of the site shall be consistent with the following:

- A. Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
- B. Use of reclaimed water (“gray water “systems) and rainwater catchment systems are encouraged. Other water conservation measures shall be considered, including use of weather based irrigation controllers.

5. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the permittees acknowledge and agrees (i) that the site may be subject to hazards from landslide activity, erosion and/or earth movement (ii) to assume the risks to the permittees and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission’s approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

6. Deed Restriction. PRIOR TO ISSUANCE OF THIS PERMIT, the permittees shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment

of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION & LOCATION

The applicants are proposing to construct a 1,699 sq. ft., 1-story over basement/ studio with deck addition to the existing 29.3-ft. high (as measured from existing grade), 2,800 sq. ft. single-family residence constructed under Coastal Development Permit No. 5-85-706. The addition will be sited on the west side of the existing residence on an adjacent vacant lot owned by the applicants. The project will result in a 29.3-foot high (as measured from existing grade), approximately 4,500 sq. ft. single-family home with deck, two above-ground rain collection tanks (205 and 265 gallons), and twelve 24'-36' diameter concrete piles beneath the new addition to stabilize the home. In order to construct the basement, the applicants propose to excavate approximately 306 cubic yards of earth and fill 13 cubic yards and construct an 11-foot tall retaining wall at the northern portion of the site along Tramonto Drive ([Exhibit 2](#)).

The subject site is located approximately 670 feet away from Pacific Coast Highway (PCH) and 735 feet from Will Rogers State Beach on a steep sloping hillside in the Castellammare area of the Pacific Palisades community in the City of Los Angeles ([Exhibit 1](#)). The vacant site is an approximately 1,963 sq. ft. lot zoned R1-1 (Low Density Residential) and is subject to the Baseline Hillside Ordinance for hillside development in the City of Los Angeles. The neighborhood is characterized by a mix of single-family homes and vacant lots.

The property descends from an elevation of approximately 320 feet (above mean sea level) at the top of the slope at Tramonto Drive to approximately 165 feet (above mean sea level) at Posetano Road at a 1:1 to 1.3:1 gradient. Further seaward are Revello Drive, Castellammare Drive and Porto Marina Way. The hillside area is supported by a 15 to 18-foot tall gravity wall along the upslope side of Porto Marina Drive, which parallels PCH. According to the 1976 Pacific Palisades area landslide study conducted by the US Army Corps of Engineers and US Geological Survey¹, there are many ancient landslides on the bluff face and canyon sides in the Castellammare area, with more recent slides nested on top of them. However, the project site has not experienced significant landslides in the past.

According to the geotechnical report no. LA-01289-01 from the consulting firm Earth Systems, dated 4/19/2018, the site experiences episodic erosion at a rate of approximately -0.12 feet per year due to rainfall events, tectonic plate movement and major climate events like El Niño storms. The geotechnical report identified that within the last 75 years, the hillside on site has retreated approximately 9.5 feet based on computer modeling and historic photo comparisons. In order to stabilize the site, the geotechnical engineer recommended deepened foundations throughout the

¹ Pacific Palisades Area - Report on Landslide Study; U.S. Army Corps of Engineers and U.S. Geological Survey; September 1976.

bottom of the addition and re-compaction of the bottom excavation prior to laying foundation for the basement ([Exhibit 3](#)). The site is currently overlain by one foot of uncertified² fill, marine terrace deposits, ancient Pleistocene soils and bedrock. The City's building regulations do not allow any foundation to be supported by uncertified fill. Thus, the applicants propose to remove the uncertified fill and earth deposits in which 306 cubic yards of earth material will be excavated up to 11 feet for the proposed basement and exported outside the coastal zone. The excavation will be shored and the twelve friction piles will consist of structural steel sections installed in bore-holes subsequently backfilled with concrete that are reinforced with horizontal grade beams ([Exhibit 3](#)). Piles are proposed along the north portion of the addition, adjacent to Tramonto Drive, extending from the top of the retained ground surface behind the shoring wall into competent bedrock. The north portion retaining wall and piles will be embedded from 20 feet to 33 feet into competent bedrock allowing the addition to reach a static factor of safety of 1.79. A factor of safety of 1.5 is the generally accepted minimum value required to ensure slope stability for the life of the structure. Accordingly, even though piles and caissons are a form of shoreline protective devices, as conditioned, the proposed piles will not substantially alter natural landforms along bluffs and cliffs, and complies with Section 30253(b) of the Coastal Act.

According to the geotechnical report and landslide study, a shallow slope failure occurred south of the residence in 1978 due to saturation of soil from unusually heavy winter rains. Although the site experiences erosion of the hillside from runoff and saturation, the applicants have provided an erosion control plan which shows that erosion control measures such as mat covers for graded slopes, silt fences and sandbag barriers will be utilized during construction to minimize polluted runoff from flowing downslope that would otherwise compromise the stability of the slope ([Exhibit 2](#)). In addition, the applicants provided a roof plan for the increase of impervious surfaces of the proposed studio/ basement which shows that rainfall will be conveyed to cisterns at the western portion of the site that collects and stores rainwater. The collected water will be utilized to irrigate the existing landscaped area at the north portion of the site that minimizes erosion impacts to the hillside ([Exhibit 4](#)). All additional on-site drainage will be conveyed to the City sewer on Tramonto Drive.

Based on the geotechnical findings and City approval, the proposed structure will be geologically safe and will not cause geologic instability to the surrounding area ([Exhibit 5](#)). Although the site experiences erosion, the proposed development is considered feasible from a geotechnical engineer standpoint provided that all recommendations are incorporated into the development plans. Therefore, **Special Condition No. 1** is imposed for design and construction conformance with the geologic recommendations which requires that the development assure stability and structural integrity consistent with Section 30253 of the Coastal Act. In addition, to reduce the potential for construction and post-construction related impacts on water quality, **Special Condition No. 2** is imposed requiring the appropriate storage and handling of construction equipment, materials and debris to minimize the potential for pollutants to enter coastal waters and for the use of on-going best management practices following construction.

² According to the City of Los Angeles' Requirements for soil compaction reports, "uncertified fill" refers to a soil material that does not meet the maximum dry density and optimum moisture requirements of the City of Los Angeles, Building and Safety Department and does not have the correct thickness of fill prior to compaction. In addition, uncertified fill may be unidentified or incorrect fill material according to the Unified Soil Classification system.

The south elevation of the structure is visible from PCH and the beach, which will appear as a 20.8-foot high, 2-level building. The addition will maintain similar heights and façade with the existing structure. There are no retaining walls proposed seaward of the structural addition that will be visible from public view points. The proposed retaining wall for the basement is below-grade, adjacent to Tramonto Drive, and is not visible from public view points. Given the project's distance from public vantage points, the project is not significantly visible due to the developed surrounding neighborhood and steep topography of the area. The proposed studio/ basement will include below-grade piles that may be exposed in the future due to site-specific erosion that is exacerbated by the steep nature of the site and extreme events. In order to minimize visual impacts from PCH and the beach to the hillside, **Special Condition No. 3** is imposed requiring that all piles, if exposed in the future, shall maintain a natural surface finish that minimizes view impacts along the coast. In addition, the applicants are not proposing any new landscaping at this time. However, if the applicants decide to landscape the area in the future, **Special Condition No. 4** is imposed requiring all landscaping to be native or non-native and drought-tolerant. The project complies with the City of Los Angeles' Baseline Hillside Ordinance that imposes certain single-family development standards to protect hillside views and minimize hazards associated with hillside development.

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Conditions No. 5 & 6** requiring the landowner to assume the risk of extraordinary erosion and/or geologic hazards of the property and that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

B. VISUAL IMPACTS/ LANDFORM ALTERATION

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, will neither create nor contribute significantly to erosion or geologic instability and will minimize alteration of natural land forms. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, and 30253 of the Coastal Act.

C. WATER QUALITY

The proposed work will occur in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters could adversely impact the marine environment. To reduce the potential for construction and post-construction impacts to water quality and the marine environment the Commission imposes **Special Condition No. 2** requiring measures for handling and storage of construction equipment, materials and debris, waste disposal, and the continued use and maintenance of post-construction BMPs. As conditioned, the Commission finds that the proposed development conforms with Sections 30230 and 32031 of the Coastal Act.

D. LOCAL COASTAL PROGRAM (LCP)

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP). The City of Los Angeles, in particular the Pacific Palisades area, does not have a certified Local Coastal Program or Land Use Plan. Therefore, the standard of review is the Chapter 3 policies of the Coastal Act. As conditioned, the proposed development is consistent with the Chapter 3 policies of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. The City of Los Angeles is the lead agency for CEQA compliance and issued a notice of exemption on August 17, 2017. The project is categorically exempt from an environmental impacts review.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

5-18-0177 (Fyodorov & Sass)
Approval with Conditions

Appendices - Substantive File Documents

Appendix A – Coastal Development Permit No. 5-85-706 (Ira and Noland West)

Appendix B – City of Los Angeles permit no. DIR-2017-986-CDP and ZA-2017-2364-ZAD

Appendix C – Geotechnical Engineering Report No. LA-01289-01, Earth Systems Southern California, 4/19/2018, 11/23/2015, 4/17/13, 10/26/12, 12/7/10, 8/6/10, 4/30/10, and 10/15/09

Appendix D – Pacific Palisades Area, Los Angeles County, California. *Report on Landslide Study*. 1976. US Army Corps of Engineers, US Department of the Interior.