

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071



Filed: Oct. 3, 1995
49th Day: Nov. 21, 1996
180th Day: Apr. 1, 1997
Staff: JLR-LB JLR
Staff Report: Jan. 11, 1996
Hearing Date: Feb. 6-9, 1996
Commission Action:

STAFF REPORT: PERMIT EXTENSION REQUEST

APPLICATION NO.: 5-93-229E

APPLICANT: Hans Schollhammer

PROJECT LOCATION: 17496 Tramonto Drive, Pacific Palisades

PROJECT DESCRIPTION: Construct a 3-story single-family residence with attached 2-car garage on a vacant 7,239 square foot lot.

LOCAL APPROVALS RECEIVED: Approval in Concept-City of Los Angeles

SUBSTANTIVE FILE DOCUMENTS: (1) Coastal Development Permit No. 5-93-229
(2) City Adopted Brentwood-Pacific Palisades

PROCEDURAL NOTE.

The Commission's regulations provide that permit extension requests shall be reported to the Commission if:

- 1) The Executive Director determines that due to changed circumstances the proposed development may not be consistent with the Coastal Act, or
- 2) Objection is made to the Executive Director's determination of consistency with the Coastal Act.

If three (3) Commissioners object to an extension request on the grounds that the proposed development may not be consistent with the Coastal Act, the application shall be set for a full hearing as though it were a new application. If three objections are not received, the permit will be extended for an additional one-year period.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission finds that the extension request is consistent with the Coastal Act and Commission regulations.

I. STAFF RECOMMENDATION:

Staff recommends that the Commission grant the extension on the grounds that there are no changed circumstances which could cause the project, as originally approved, to be inconsistent with the Chapter 3 policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares as follows:

A. Project Description and Location

On September 16, 1993, the Commission conditionally approved a Coastal Development Permit (5-93-229) to construct a 3-story single-family residence with an attached 2-car garage on a vacant 7,239 square foot. The subject site is located on a hillside lot with a topographical overall relief of approximately 55 feet.

B. Grounds for Extension

The applicant submitted an application for Extension of Permit on September 12, 1995. The Executive Director subsequently determined that there were no changed circumstances which would affect the consistency of the proposed development with the Coastal Act and notice of said determination was sent to all interested parties on October 3, 1994, pursuant to Section 13169 of the California Code of Regulations. The Regulations state that if no written objections are received within ten working days of the mailing date or posting of notice, the Executive Director's determination will be conclusive and a one year extension will be granted. In this case, three letters of objection to the extension request were received within the allotted time period. Therefore, the determination of the consistency of the extension request with the Coastal Act must be reported to the Commission. If three Commissioners object to the extension, the application must be set for a full public hearing as though it were a new application, pursuant to Section 13169 of the Regulations. The permit is automatically extended until the Commission has acted on the extension request, although development may not commence during this period.

C. Issue Analysis

On October 13, 18, & 19, 1995 three letters were received in the South Coast District Office which raised objections to granting an extension to the subject permit (See Exhibits B, C & D). Also, attached as Exhibit E, is the applicant's response to those objections. The opponents' basic concern is the geologic stability of the site. That concern was also the basic issue raised when the Commission conditionally approved the permit with special conditions regarding natural hazards. Those conditions required the applicant to conform to the consultant's geology/soils recommendations and to record a deed restriction assuming the risk of developing in this hazardous area.

The opponents contend that the geologic stability of the site has adversely changed subsequent to the Commission's previous review and approval of the subject permit. The opponents state that there has been no updated geology report since the Northridge Earthquake that occurred in January 1994. Upon receiving the opponent's letters of objection, staff requested the applicant to provide an updated soils and engineering/geology report. The applicant has provided that information in a report prepared by Harley Tucker Inc. dated November 28, 1995 (See Exhibit F).

The applicant contends that there have been no changes in the geologic instability of the site and that all previous geology reports and "approvals are intact". The applicant's recently updated geology report also states that no slope instability was observed on the site. Following is an excerpt from that report:

Geologic reconnaissance of the property was conducted on November 27, 1995. No significant erosion or instability affected the property during the intense storms that occurred in January 1995. No evidence of soil slippage or other forms of instability were noted. Furthermore, the site does not appear to have been significantly impacted by the strong ground shaking associated with Northridge Earthquake. Although significant damage did occur in the Pacific Palisades area, no observable damage occurred to the subject property.

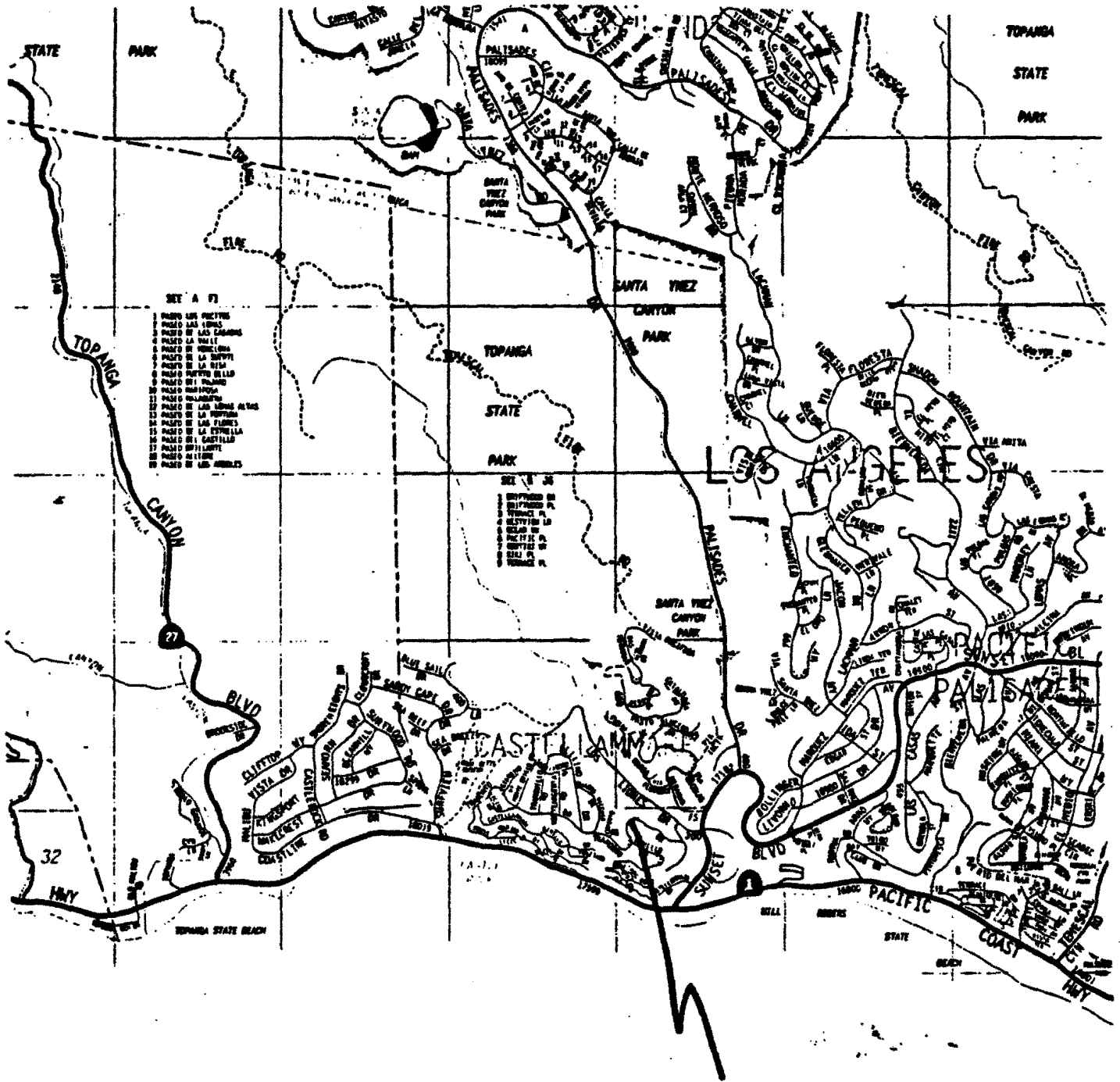
It is my opinion that the property has remained essentially unchanged since our original investigative studies conducted in 1990.

Single-family dwelling construction is feasible, subject to implementation of the recommendations contained in the referenced reports, as well as specific elements of the City of Los Angeles Department of Building and Safety grading code standards.

D. Conclusion

The criteria stated in the Administrative Regulations for extending a Coastal Permit is the determination if there are any changed circumstances which would affect the consistency of the proposed development with the Coastal Act. In this case, there is no new information and no circumstances that have changed since the approval of Coastal Development Permit No 5-93-228 on September 16, 1993. There has been no changes in the geologic stability of the site. The Commission conditionally approved the proposed development which required the applicant to conform to the consultant's geology/soils conditions and to record a deed restriction assuming the risk of developing in this hazardous area. Those special conditions will remain in effect.

As originally approved with special conditions addressing natural hazards, the Commission found the proposed development consistent with the Coastal Act. Therefore, staff recommends the Commission concur with the Executive Director's determination that there are no material changes in the proposed development or changed circumstances which could cause the project, as originally approved, to be inconsistent with the Chapter 3 policies of the Coastal Act.



5-93-229E
Exhibit A

DON & RETA SINGER
17537 TRAMONTO DRIVE
PACIFIC PALISADES, CA 90272

October 11, 1995

RECEIVED

OCT 13 1995

California Coastal Commission
South Coast Area
P.O. Box 1450
Long Beach, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Attn: James L. Ryan, Coastal Program Analyst

Reference: Hans Schollhammer
Permit No.'s 5-93-228 & 5-93-229
Request for Extension

We are writing in response to the Notice of Extension Request we received indicating that there has been a request for a one year extension by Hans Schollhammer on his property located at 17484 & 17496 Tramonto Drive in the Castellammare area of Pacific Palisades.

We still have the same concerns that we had when the permit was issued in December 1992, and are attaching copies of the letters sent to Councilman Braude at the time of the January 1993 appeal.


Basically, no permit should be extended on these two lots without a new, up-dated geological test being performed. As you well know, there has been huge costs to the City of Los Angeles and the State of California due to the problems that developed on Castellammare Drive and Portio Marino Way; some of which still have not been resolved.

The Dept. of Water & Power is well aware of the on-going problems with breaks in the water main and pipes located across from the above properties on Tramonto Drive. I have been told, quite recently, by a DWP person working on the last break this past September, that there is something in the soil that is causing movement and breaking up of the soil around the pipes under the street. There was also The Case of the Missing Pipe carrying sewage from the house located at 17487 Tramonto that ran under the Schollhammer property. Erosion over the years caused it to disappear.

In addition, we fully support the ruling of Zoning Admin., William E. Lienberg, who ruled that any residence built on these two properties would have to be in full compliance with the Hillside Ordinance, Section 12.21-A, 17(a) of the L.A. Municipal Code which took affect on September 1, 1992.

Thank you in advance for your continued work in protecting the Coastal hillside areas.

Sincerely,



Don & Reta Singer

cc: Councilman Marvin Braude, 11th District
Castellammare Mesa Home Owners Board of Directors

5-93-229E
Exhibit B

Christopher J. Harrer
17487 Tramonto Drive
Pacific Palisades, CA 90272

October 17, 1995

California Coastal Commission
South Coast Area
P.O. Box 1450
Long Beach, CA 90802-4416

Attn: James L. Ryan, Coastal Program Analyst

Ref: Hans Schollhammer, Expired Permit No's 5-93-228 & 5-93-229

Dear Mr. Ryan:

My wife and I want to go on record as objecting to an extension on the above two expired permits. It is a Coastal Commission requirement to review and approve the plans that the applicant proposes to build. Accordingly, once approved, the applicant may not deviate substantially from those plans. Please be advised that the proposed houses are to be built on the downslope edge of a coastal bluff in the slide-ridden Castellammare tract of Pacific Palisades, and the footprint, elevations, setback, size, parking and other aspects of the plans the applicant has submitted are in substantial non-conformance with changes in the law since the 1994 earthquake.

In short, the plans will have to be changed drastically to conform with the law as a result of the implementation of the Hillside Ordinance, Section 12.21-A, 17 (a) of the LA Municipal Code, and the major code changes regarding earthquake safety requirements and the buildability of habitable structures on documented landslides.

As you probably are aware from the file, there are several geologists who tested the property and found a less than adequate factor of safety. Those geologists were concerned enough to oppose building at the site. The Commission approved the projects by only one vote when the local community couldn't pay to send those geologists to the San Francisco hearing. I submit to you that the geologist of record, Tucker, was the first and only geologist to endorse the project. That was before the earthquake. We understand there has been no geological update since the earthquake of 1994, because the applicant's geologist is no longer comfortable approving projects in this area.

It is inconsistent with previous Coastal Commission policy to approve plans that have no relation to anything that may be built, and it would be inappropriate to approve plans when circumstances have changed, causing the building of those plans to be against the law. Accordingly, we request that you do not extend these two permits, and require the applicant to submit appropriate plans and a geological inspection that is dated since the earthquake.

Sincerely,


Christopher J. Harrer

RECEIVED

OCT 19 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

5-93-229E
EXHIBIT C

RECEIVED

October 15, 1995

California Coastal Commission
South Coast Area
P.O. Box 1450
Long Beach, CA 90802-4416

OCT 18 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Attn: James L. Ryan, Coastal Program Analyst

Ref: Hans Schollhammer, Expired Permit No's 5-93-228 & 5-93-229

Dear Mr. Ryan:

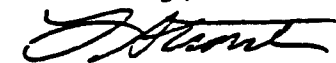
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As you probably are aware from the file, there are several geologists who tested the property and found a less than adequate factor of safety. Those geologists were concerned enough to oppose building at the site. The Commission approved the projects by only one vote when the local community couldn't pay to send those geologists to the San Francisco hearing. I submit to you that the geologist of record, Tucker, was the first and only geologist to endorse the project. That was before the earthquake. We understand there has been no geological update since the earthquake of 1994, because the applicant's geologist is no longer comfortable approving projects in this area.

It is inconsistent with previous Coastal Commission policy to approve plans that have no relation to anything that may be built, and it would be inappropriate to approve plans when circumstances have changed, causing the building of those plans to be against the law. Accordingly, we request that you do not extend these two permits, and require the applicant to submit appropriate plans and a geological inspection that is dated since the earthquake.

Sincerely,



Lloyd Straits

cc. Peter Douglas

5-93-229E
Exhibit D

Hans Schollhammer, 918 - 10th Street, Santa Monica, CA 90403
Tel. 310-393-6433

California Coastal Commission
South Coast District
245 West Broadway, Suite 380
Long Beach, CA 90801-1450

November 7, 1995

RECEIVED

NOV 9 1995

Attention Mr. James L. Ryan, Coastal Program Analyst

RE: Extension of Permit 5-93-228E & 5-93-229E

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Dear Mr. Ryan:

This is in response to your letter of October 23rd (postmarked November 2nd) informing me of an objection by Mr. & Mrs. Lloyd Straits to my request for an extension for my development permits 5-93-228E and 229E. I want to inform you that the Straits letter contains misinformation and series of allegations that are simply not true.

1. The Straits letter states that the plans submitted to the Coastal Commission when approval was granted in 1993 are not in conformity with the Los Angeles Hillside Ordinance and new regulations adopted after the 1994 earthquake. This allegation is false. In fact, the designs for the project submitted to and approved by the Coastal Commission are in full compliance with the regulations of the Hillside Ordinance as can easily be verified. In addition, the incorporation of any new regulations concerning earthquake safety is the task of the structural engineers and their specifications will be reviewed by city officials. The structural engineering work has just been completed by a licensed company, Kurily Szymanski Tchirkow Inc., 520 Broadway, Santa Monica. I have been assured that their structural engineering specifications for the project meet (in fact exceed) all current structural regulations.

2. The project plans and designs not only meet all the city requirements, they also have been approved by the Coastal Commission. No feature of the design has been changed since then - except the structural engineering work has been completed in the meantime.

3. The Straits letter states that "there are several geologists who tested the property and found a less than adequate factor of safety." This again is a false allegation. Documentation that was submitted to the Coastal Commission shows that extensive geological testing was done on the site including borings and

5-93-229E
EXH. 6, 7, 8
2 of 2

trenching into the slope. Our geologist, Harley Tucker, submitted an exhaustive report on the geological investigations and several geologists of the City of Los Angeles have examined the site while the trenches were open. They all reached the same conclusion, namely that there exist no geological reasons for denying buildings on the site as specified. While the geological testing was in progress, and while the trenches were open, the neighbors opposing the project were invited to have the geologists they hired on the test site; none availed themselves of the opportunity.

4. The progress in developing the project approved by the Coastal Commission in 1993 has admittedly been slow. However, the engineering studies (at a cost of \$ 9,000.00) are now completed and I plan to advance the development of the project more speedily once the requested extension is granted.

Given that the objections by Mr. & Mrs. Straits are clearly based on untrue allegations, I hope that the Commission Staff can recommend the requested extension without having to deal with this misinformation at another open hearing of the Coastal Commission.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hans Schollhammer".

Hans Schollhammer

5-93-229E
EXHIBIT E
20f2



Consulting Engineering Geologists

21500 Wyandotte Street, Suite 108
Canoga Park, California 91303
818 703-0908

November 28, 1995

Proj. No. 5350-6.90

Mr. and Mrs. Hans Schollhammer
918 - 10th Street
Santa Monica, California 90403

SUBJECT: UPDATED ENGINEERING GEOLOGIC REPORT,
PROPOSED RESIDENTIAL CONSTRUCTION, LOTS
2, 3 AND 4 OF BLOCK 19, TRACT 8923,
17484, 17490 AND 17496 TRAMONTO DRIVE,
PACIFIC PALISADES AREA, LOS ANGELES,
CALIFORNIA.

- Ref:**
1. City of Los Angeles Geologic Review Letter, September 10, 1991, Tract 8923, Lots 2, 3 and 4, Block 19, 17484, 17490 and 17496 Tramonto Drive, Pacific Palisades Area, Los Angeles, California.
 2. SWN Soiltech Consultants, Inc., February 28, 1990, "Report of Soil Engineering Investigation, Proposed Single-Family Residences, Lots 2 and 4, Block 19, Tract 8923, Tramonto Drive, Pacific Palisades Area, Los Angeles, California."
 3. -----, March 30, 1990, "Addendum Report of Soil Engineering Investigation, Proposed Single-Family Residences, Lots 2, 3 and 4, Block 19, Tract 8923, Tramonto Drive, Pacific Palisades Area, Los Angeles, California."
 4. Tucker, Harley A. Inc., February 22, 1990, "Report of Professional Engineering Geologic Investigation, Proposed Residential Construction, Lots 2 and 4, Block 19, Tract 8923, Tramonto Drive, Pacific Palisades Area, Los Angeles, California."
 5. -----, March 29, 1990, "Lot 3, Tract 8923, Tramonto Drive, Pacific Palisades Area, Los Angeles, California."

5-93-229E
EXHIBIT F
1 of 5

Schollhammer - Tramonto
Proj. No. 5350-6.90

Page 2

6. -----, June 17, 1991, "Proposed Single-Family Residences, Lots 2 and 4, Block 19, Tract 8923, 17484 and 17496 Tramonto Drive, Pacific Palisades Area, Los Angeles, California."
7. -----, July 23, 1991, "Lots 2, 3 and 4, Tract 8923, 17490 Tramonto Drive, Pacific Palisades Area, Los Angeles, California."
8. -----, August 27, 1991, "Supplemental Engineering Geologic Report, Proposed Residential Construction, Lots 2 and 4, Block 19, Tract 8923, Tramonto Drive, Pacific Palisades Area, Los Angeles, California."
9. -----, October 19, 1991, "Lot 3, Block 19, Tract 8923, 17490 Tramonto Drive, Pacific Palisades Area, Los Angeles, California."
10. -----, October 2, 1992, "Update Engineering Geologic Report, Lots 2, 3 and 4, Block 19, Tract 8923, 17484, 17490 and 17496 Tramonto Drive, Pacific Palisades Area, Los Angeles, California."

Dear Mr. Schollhammer:

In accordance with a request from your architect, Mr. Douglas Briedenbach, the undersigned performed a geologic reconnaissance of the above subject property to assess the condition of the property, specifically, in relation to the intense storms that occurred during January, 1995. Furthermore, the site was also evaluated regarding the effects of the January 17, 1994, 6.8 Richter magnitude Northridge Earthquake, which created strong ground shaking in the Pacific Palisades area.

Geologic reconnaissance of the property was conducted on November 27, 1995. No significant erosion or instability affected the property during the intense storms that occurred in January, 1995. No evidence of soil slippage or other forms of instability were noted. Furthermore, the site does not appear to have been significantly impacted by the strong ground shaking associated with the Northridge Earthquake. Although significant damage did occur in the Pacific Palisades area, no observable damage occurred to the subject property.

It is my opinion that the property has remained essentially unchanged since our original investigative studies conducted in 1990.

Single-family dwelling construction is feasible subject to implementation of the recommendations contained in the referenced reports, as well as specific elements of the City of Los Angeles Department of Building and Safety grading code standards.

5-93-229 E
EXHIBIT F
HARLEY TUCKER, INC.
20 f5

Schollhammer - Tramonto
Proj. No. 5350-6.90

Page 3

Attached to this report is the final City Approval Letter for single-family construction on the above-referenced property.

If you have any questions regarding this update report, please contact the undersigned.

Very truly yours,

Harley A. Tucker, President
C.E.G. 1796

HAT/smb.b

Enclosure: City of Los Angeles letter

Distribution: Addressee (2)
Mr. Douglas Briedenbach, Via FAX, 310-576-7915

5-93-229E
Exhibit F
3045

HARLEY TUCKER, INC.

COMMISSIONERS

RICHARD W. HARTZLER
PRESIDENTBENITO A. SINCLAIR
VICE-PRESIDENT

REVELACION P. ABRACOSA

MARCIA MARCUS

TOM WOO

CALIFORNIA

TOM BRADLEY
MAYORDEPARTMENT OF
BUILDING AND SAFETY
407, CITY HALL
LOS ANGELES, CA 90012-4869WARREN V. O'BRIEN
GENERAL MANAGERTIMOTHY TAYLOR
EXECUTIVE OFFICER

February 11, 1993

RECEIVED

DEC 14 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT* CORRECTED LETTER
This letter
supercedes the
Department Letter
dated September
10, 1991 to add
Condition No. 1Log # 25663
C.D. 11Hans Schollerhammer
918 Tenth Street
Santa Monica, CA 90403

(SOILS/GEO FILE - 2)

TRACT: 8923
LOT: 2, 3, and 4 of Block 19
LOCATION: 17484, 17490, and 17496 TRAMONTO DRIVE

<u>CURRENT REFERENCE REPORT/LETTER(S)</u>	<u>REPORT NO.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Geology Report	5350-4.90	08-27-91	Harley Tucker
Grading Ovrstd Docs	5350-4.90	08-27-91	---

<u>PREVIOUS REFERENCE REPORT/LETTER(S)</u>	<u>REPORT NO.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Department Letter	17130	05-11-90	Bldg & Safety
	18184	06-06-90	
	24707	08-08-91	

5-93-229E

The above report concerning additional evaluation of a postulated landslide in connection with the proposed construction of two single family residences has been reviewed by the Grading Division of the Department of Building and Safety. According to the report, the subject property is not underlain by a landslide as was postulated by other investigators. This conclusion is based on two additional expository backhoe trenches which were excavated at the site for a total linear extent of 155 feet and up to 18 feet in depth.

Exhibit F
4045

Page 2

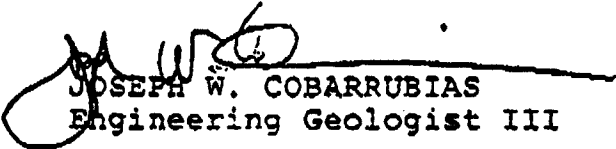
17484, 17490, & 17496 Tramonto Drive
February 11, 1993

It is to note that the Department letters dated May 11, 1990 and June 6, 1990 show different street addresses which have been corrected in this and the preceding letter.

The report is acceptable, provided the following conditions are complied with during site development:

1. The owner shall record a sworn affidavit with the Office of the County Recorder which attests to his knowledge that the site is located in an area subject to slides or unstable soil.
2. Footings adjacent to a descending slope steeper than 3:1 in gradient shall be located a distance of one-third the vertical height of the slope with a minimum of 5 feet but need not exceed 40 feet measured horizontally from the face of the bedrock or compacted fill slope.
3. All conditions of the Department letter dated June 6, 1990 which is reinstated herewith shall remain in effect.

LARRY WESTPHAL
Chief of Grading Division


JOSEPH W. COBARRUBIAS
Engineering Geologist III


DANA V. PREVOST
Engineering Geologist I

JWC/DVP:sa
TGRSG021193B/4GR
(213) 485-2160

cc: Harley A. Tucker, Inc.
WLA District Office

5-93-229E
Exh. b, c, F
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