

CALIFORNIA COASTAL COMMISSION

South Coast District Office
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Th5a

Staff: E. Tate-Pulliam – LB
Date: March 20, 2025

ADMINISTRATIVE PERMIT

Application No.: 5-23-0410

Applicant: Joshua Gaunya

Agent: Tony Russo, Crest Real Estate

Location: 259 W Channel Road, Pacific Palisades, City of Los Angeles, Los Angeles County (APN No: 4410-018-014)

Project Description: Demolition of an existing one-story, 1,456 single-family residence, detached 400 sq. ft. garage, and detached 92 sq. ft., storage shed, and construction of a new single-family residence with 2,062 sq. ft. of the primary residence, a 245 sq. ft. basement, attached 350 sq. ft. two-car garage, 973 sq. ft. of landscaped area, 750 sq. ft. of hardscape, a relocated driveway, 124 c. y. of cut and 103 c. y. of fill located on the portion of the site within the dual jurisdiction zone.

EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission on April 9-11, 2025. PLEASE NOTE THAT THIS WILL BE A HYBRID MEETING, WITH BOTH VIRTUAL AND IN PERSON PARTICIPATION ALLOWED. Please see the Coastal Commission's Virtual

Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

The in-person hearing will be held at:

Hilton Santa Barbara Beachfront Hotel
633 E. Cabrillo Blvd.
Santa Barbara, CA 93103

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

Dr. Kate Huckelbridge
Executive Director

by: E. Tate-Pulliam
Coastal Program Analyst

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EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Project Plans

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 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 or interpretation of any term or 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.

SPECIAL CONDITIONS: See pages eight through twelve.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

A. PROJECT DESCRIPTION

The subject lot is located approximately 0.25 miles inland from Will Rogers State Beach, is approximately 6,755 sq. ft., and is zoned as Low Residential (R1-1) in the City of Los Angeles's uncertified zoning code. The proposed development was approved by the City under local CDP DIR-2020-2860-CDP-MEL-HCA on March 24, 2023 and no appeals were received by Commission staff ([Exhibit 1](#)). The applicant proposes to

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demolish an existing one-story, 1,456 sq. ft. , 14 ft. tall single-family residence, detached 400 sq. ft., ~10 ft. tall garage, and detached 92 sq. ft., ~8 ft. tall storage shed and to construct a new three-level, 2,534 sq. ft., ~28 tall single-family residence with a 245 sq. ft. basement, attached 350 sq. ft. two-car garage, and detached two-level, 375 sq. ft., 16 ft. tall accessory dwelling unit (ADU). The applicant also proposes to construct a new 220 sq. ft. pool/spa, install new landscaping and hardscape, and relocate the existing driveway. The proposed project site is partially within the Dual Permit Jurisdiction zone in the Brentwood region of Pacific Palisades in the City of Los Angeles.¹ The project components that lie within the dual jurisdiction zone and thus require a second (“Dual”) CDP are 2,062 sq. ft. of the primary residence, the 245 sq. ft. basement, the attached 350 sq. ft. two-car garage, 973 sq. ft. of the landscaped area, 750 sq. ft. of hardscape, the relocated driveway, and 124 c. y. of cut and 103 c. y. of fill associated with the new residence and accessory structures.

The proposed project includes grading for a subterranean 245 sq. ft. basement associated with the primary residence ([Exhibit 2](#)). The maximum depth of grading is anticipated to be ~10 ft according to the Soils Engineering report dated June 30, 2022, by SubSurface Designs Inc. that was provided by the applicant. The subject lot is in an area that has high potential for Tribal Cultural Resources to exist on or near the site according to the Native American Heritage Commission Sacred Lands File record search result dated October 6, 2023, and a technical memorandum from SWCA Environmental Consultants dated October 6, 2023, submitted by the applicant. Specifically, the technical memorandum states, “SWCA finds there is high sensitivity for Native American archeological resources, which includes those that could meet the definition of a tribal cultural resource.” In accordance with its Tribal Consultation Policy, Commission staff reached out to potentially affected Tribes with a narrative description of the proposed project. Staff received a response from the Gabrielino Tongva Indians of California Tribal Council Tribal on September 30, 2024, informing staff of the subject site’s proximity to the village of Comicrabit. A follow-up consultation was held on October 14, 2024. Staff also received correspondence from the Gabrieleño Band of Mission Indians - Kizh Nation and consulted with representatives of that tribe on November 19, 2024. The concerns raised during consultation focused on the impacts of the proposed ground disturbing activities to potential cultural deposits and the tribe requested that such impacts should be carefully monitored by appropriate tribal

¹ On 9/24/2024, the applicant requested a boundary determination for the subject lot. On 11/1/2024, the Commission’s Ecologist, Dr. Jonna Engel, reviewed the submitted Habitat Analysis (Dudek, 9/24/2024) and conducted a site visit of the channelized stream that flows parallel to West Channel Road to determine habitat value of the stream. Dr. Engel determined that despite the “banks near the beach being developed with minimal vegetation, the western tributary at the convergence of Santa Monica and Rustic Canyon supports diverse riparian habitat.” As the result of the presence of “native trees such as sycamores and coast live oaks, as well as shrubs like toyon and lemonade berry, interspersed with non-native species.” The vegetation was deemed to “provide roosting and nesting sites for birds, shade and shelter for various wildlife, and facilitates a vital wildlife movement corridor from up-coast open spaces through residential zones to the open coast.” Given the location of the subject parcel being within 100 ft of the channelized section of Rustic Creek, it was concluded that a portion of the parcel lies within the dual jurisdiction zone per Commission staff’s Boundary Determination dated 12/23/2024.

representatives.

To ensure that the project minimizes impacts to archaeological resources and the tribal cultural resources that may be present on the site and is consistent with past Commission action, **Special Condition No. 1** requires all Gabrieleño-affiliated Tribes listed on an updated NAHC list be invited to monitor ground disturbing activities, that any tribe that accept the invitation be present at the site during all ground disturbing activities, and that a qualified archaeological monitor also be present on site during such activities to minimize impacts to potential non-tribal archaeological resources. The guidelines provided in **Special Condition No. 1** must also be followed if tribal cultural or other archaeological resources are discovered during the course of the project and, should the protection of discovered resources as determined by the research specialist(s)--i.e. Native American monitor(s) for tribal cultural resource deposits and the archaeologist for other in-ground deposits--require changes to the project, the applicant is required to apply for an amendment to the subject CDP.

Due to the project site's proximity to a blue line stream (within a manmade channel) that directly connects to the Santa Monica Canyon outlet and flows directly onto the beach and into the Pacific Ocean, there is potential for the discharge of demolition or construction debris into coastal waters at the project site. This could result in adverse effects on the marine environment. To ensure that all impacts (pre- and post-construction) to water quality are minimized, and to reduce the potential for construction related impacts on water quality, the Commission imposes **Special Condition No. 2** which requires implementation of construction best management practices (BMPs) including, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters, as well as and the continued use and maintenance of post-construction BMPs. To further protect coastal waters from runoff pollution, prevent potential spread of invasive species, and minimize energy consumption, **Special Condition No. 3** requires the applicant utilize only drought tolerant, low water use, non-invasive plant species and water conservative irrigation systems for any new landscaping.

There is tree within the dual permit jurisdiction portion of the site that has the potential to be used for nesting by avian species that play a role in the coastal ecosystem. This mature tree is proposed to be removed per a notice dated 8/8/2023 from the City of Los Angeles as it is impacting an adjacent sidewalk as it pertains to the City's ADA regulations for . To ensure the work does not disturb any bird nests during nesting season, **Special Condition No. 4** requires pre-construction nesting bird surveys be conducted.

The proposed development includes the demolition of an existing single-family residence and detached garage and construction of a new single-family residence with an attached garage and a detached ADU within the coastal zone and in an area deemed as a "Very High Fire Hazard Severity Zone" per the City of Los Angeles local approval. To ensure the applicant acknowledges the risks inherent to the project location, **Special Condition No. 5** requires the applicant to assume all risks of the

development, indemnify the Commission in the event of any damage resulting from the approved project, and acknowledge that future removal may be determined necessary if at any point the development poses a risk to public safety.

In conclusion, as conditioned, the proposed demolition of a one-story, single-family residence with detached garage and storage shed and construction of a new three-level single-family residence with attached garage, will have no adverse impact on coastal access or resources in the project vicinity and is consistent with the Chapter 3 policies of the Coastal Act.

B. PUBLIC ACCESS

The proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Therefore, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. ARCHAEOLOGICAL, PALEONTOLOGICAL, AND TRIBAL CULTURAL RESOURCES

The proposed development requires 124 c. y. of cut and 103 c. y. of fill within the coastal zone in area that has high potential for tribal cultural resources. As proposed and conditioned, the development would minimize potential impacts to archaeological and tribal cultural resources, consistent with Coastal Act section 30244.

D. WATER QUALITY

The proposed work will be occurring on, within, or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters could result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, special conditions are imposed requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. As conditioned, the development conforms to Sections 30230 and 30231 of the Coastal Act.

E. LOCAL COASTAL PROGRAM (LCP)

The proposed development is in dual permit jurisdiction of the Brentwood region of Pacific Palisades in the City of Los Angeles. There is no certified Local Coastal Program for the City of Los Angeles so the standard of review for the project are the Chapter 3 policies of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 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.

SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Protection of Archaeological and Tribal Cultural Resources. The permittee shall undertake development in compliance with the following mitigation measures to protect archaeological, including tribal cultural resources:

- A. AT LEAST ONE MONTH PRIOR TO COMMENCEMENT OF ANY GROUND-DISTURBING CONSTRUCTION ACTIVITIES, the permittee shall (i) notify in writing, email, and/or phone calls, as necessary, the representatives of Gabrieleño-affiliated Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list for the area; (ii) invite all affiliated Tribal representatives on that list to be present and to monitor ground-disturbing activities; and (iii) arrange for any invited Tribal representative that requests to monitor and a qualified archaeological monitor to be present to observe project activities with the potential to impact archaeological and/or tribal cultural resources. A qualified archaeologist means an individual who meets the Secretary of the Interior's Professional Standards for an Archaeological Principal Investigator and/or is listed as Registered Professional Archaeologist. The monitor(s) shall have experience monitoring for archaeological resources of the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended Tribal procedures for the inadvertent discovery of archaeological resources and human remains. Evidence of written notification shall be made available to the Executive Director upon request.
- B. If an area of archaeological resources is discovered during ground-disturbing activities, all construction shall cease and shall not recommence except as provided in subsection (D) hereof, and the permittee shall retain a qualified archaeologist, and a tribal cultural resource specialist qualified to analyze the significance of the find in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing Plan. The specialist(s) shall immediately notify the affiliated Tribes on the NAHC list. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s). Project activities may continue outside of the exclusion zone.

- C. Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site archaeologist and Native American monitor(s) shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. An “exclusion zone” may be established around the discovery area. If the county coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The permittee shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, the permittee shall notify the Coastal Commission’s Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.
- D. A permittee seeking to recommence construction within an exclusion zone (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in (C) above), following discovery of the archaeological resources shall submit a Supplementary Archaeological Plan (SAP) prepared by the project archaeologist in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP’s recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

2. Water Quality: Construction Responsibilities and Debris Removal

- (1) No demolition or construction materials, equipment, 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;

- (2) Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
- (3) 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;
- (4) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
- (5) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
- (6) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;
- (7) Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
- (8) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- (9) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- (10) 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;
- (11) All stockpiles 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;
- (12) 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;
- (13) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- (14) 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;

(15) 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; and

(16) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

3. Landscaping – Drought Tolerant, Non-Invasive Plants. Vegetated landscaped areas shall only 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>).

4. Construction Timing and Sensitive Bird Species Surveys. For any construction activities occurring between February 1 and August 31, including grading and removal of vegetation, the permittee shall retain the services of a qualified biologist or environmental resources specialist (hereinafter, “environmental resources specialist”) to conduct nesting bird surveys to determine the presence of sensitive songbirds and raptor species. The permittee shall ensure that all project construction operations shall be carried out consistent with the following:

- A. If an active nest of any sensitive songbird is found within 300 feet of the project, or an active nest for any raptor species is found within 500 feet of the project, the permittee shall retain the services of an environmental resources specialist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The nest shall not be removed or disturbed. The environmental resources specialist shall be present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The environmental resources specialist shall monitor birds and noise every day at the beginning of the project and during all periods of significant construction activities. Construction activities may occur only if construction noise levels do not exceed the greater of 65 dB or ambient noise level at the nest(s) site(s). If construction noise exceeds the greater of 65 dB or

ambient noise level at the nest(s) site(s), sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction shall cease and shall not recommence until either new sound mitigation can be employed or the nesting birds have fledged.

- B. If an active nest of a federally or state-listed threatened or endangered species or bird species of special concern is found within 300 feet of the project, or an active nest for any species of raptor is found within 500 feet of the project, the permittee shall notify the appropriate State and Federal Agencies within 24 hours, and appropriate action specific to each incident will be developed. The permittee will notify the California Coastal Commission by e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.
- C. The environmental resource specialist shall be present during all construction activities during the bird nesting/breeding season if an active nest is identified, until the birds have fledged.
- D. The permittee shall cease work should any breach in compliance with this condition occur, or if any unforeseen sensitive habitat issues arise. The permittee shall immediately notify the Executive Director if activities outside the scope of the subject CDP occur. If significant impacts or damage occur to sensitive habitats or to wildlife species, the permittee shall be required to submit a revised or supplemental program to adequately mitigate such impacts.

5. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to, storms, flooding, landslide, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee 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.

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ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing