

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
200 OCEANGATE, 10TH FLOOR  
LONG BEACH, CALIFORNIA 90802-4416  
(562) 590-5071 FAX (562) 590-5084

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# F13

## **SOUTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT**

*For the  
November 2016 Meeting of the California Coastal Commission*

October 25, 2016

**To:** Commissioners and Interested Parties  
**From:** For Orange Co.: Sherilyn Sarb, South Coast District Deputy Director

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the South Coast District Office for the November 2016 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the South Coast District.

**DE MINIMIS WAIVERS**

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
<p><b>5-16-0466-W</b> Rincon Real Estates Group</p>	<p>Lot line adjustment and reconfiguration of four legal parcels at 1902 E. Balboa Boulevard; demolition of a two-story triplex; and construction of an approximately 3,320 sq. ft., 29 ft. high three-story single-family residence with an attached approximately 528 sq. ft. two-car garage and 266 sq. ft. of total deck area at 501 L Street (one of four parcels). All proposed landscaping will be drought tolerant and non-invasive and will be irrigated through a drip or a micro-spray irrigation system. Site work involves the removal of three trees. The applicant acknowledges and accepts the risks and responsibilities associated with hazards associated with flooding, storms, and sea-level rise, which the project site may be subject to.</p>	<p>1902 E. Balboa Blvd, Newport Beach, Ca (APN(s): 048-240-41 &amp; 084-240-42)</p>
<p><b>5-16-0467-W</b> Rincon Real Estates Group</p>	<p>Construction of an approximately 3,525 sq. ft., 29 ft. high three-story single-family residence with an attached approximately 496 sq. ft. two-car garage and 376 sq. ft. of total deck area on a vacant lot. All proposed landscaping will be drought tolerant and non-invasive and will be irrigated through a drip or a micro-spray irrigation system. The applicant acknowledges and accepts the risks and responsibilities associated with hazards associated with flooding, storms, and sea-level rise, which the project site may be subject to.</p>	<p>503 L St, Newport Beach, Ca (APN(s): 048-240-41 &amp; 048-240-42)</p>

**SOUTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT CONTINUED**

<p><b>5-16-0495-W</b> Attn: John Christian</p>	<p>Demolition of an existing single-family residence and construction of a new two-story 3,438 square foot single-family residence with an attached 420 square foot two-car garage. The maximum height of the structure will not exceed 29-feet above finished grade. Grading will consist of 25 cubic yards of fill and 298 cubic yards of recompaction, which will balance onsite. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system.</p>	<p>338 L St, Newport Beach, Ca (APN(s): 048-252-03)</p>
<p><b>5-16-0701-W</b> Attn: Jose &amp; Cindy Lynch</p>	<p>Demolition of the existing single family residence and construction of a new 3941 square foot, 2-story over basement, 20 feet high, single family residence with two attached garages (one two-car garage, and one single car garage) totaling 778 square feet.</p>	<p>3820 Calle Tiara, San Clemente, Ca 92672 (APN(s): 060-281-34)</p>
<p><b>5-16-0741-W</b> TJC Opportunity Fund II, LP</p>	<p>Demolition of an existing single-family dwelling, and construction of a new 29 foot high, 3-story 2,718 square foot single-family residence on a level lot. Grading will consist of 300 cubic yards of cut and 300 cubic yards of fill.</p>	<p>218 Coral Ave, Newport Beach, Ca 92662 (APN(s): 050-122-27)</p>
<p><b>5-16-0773-W</b> Attn: Mike &amp; Jenny Christian</p>	<p>Demolition of an existing two-story single-family residence with an attached garage and construction of a new 3,571 square foot, two-story with a basement, single-family residence with an attached 466 square foot two-car garage. The maximum height of the structure will not exceed 24-feet above finished grade. Grading will consist of 530 cubic yards of cut, 5 cubic yards of fill and 525 cubic yards of export to a location outside of the Coastal Zone. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system.</p>	<p>106 Via Undine, Newport Beach, Ca 92663 (APN(s): 423-264-12)</p>

**SOUTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT CONTINUED**

**5-16-0921-W**

County of Orange, OC  
Parks, Attn: Susan  
Brodeur

Removal of 12.6 acres of pampas grass vegetation distributed over 36 acres within Talbert Regional Park utilizing excavators and front loaders to crush pampas grass and remove root masses. Front loaders with specialized clamshell or grabber buckets will be utilized to place the removed pampas grass material into trucks for off-site disposal. Pampas grass removal will be conducted outside of bird nesting and breeding season, between October 15, 2015, and March 15, 2016, and a qualified natural resources specialist and/or wildlife biologist will be present during all pampas grass removal efforts to identify and flag native and non-native plant species, to ensure focused treatment of non-native species and to avoid adverse impacts to wildlife. A Native American cultural monitor will be present during all pampas grass removal efforts to provide cultural and archaeological monitoring services to ensure any artifacts encountered are documented per local, state, and federal regulations; and the County will incorporate Best Management Practices, including re-vegetation with native plants to minimize adverse impacts on water quality that may result from the project. An annual inspection and treatment program to locally eradicate pampas grass re-sprouts will follow this removal effort.

1298 Victoria St, Costa Mesa, Ca (APN(s):  
422-341-06)

**EXTENSIONS - IMMATERIAL**

Applicant	Project Description	Project Location
<p>5-13-0898-E1 Attn: David Albin</p>	<p>Request for Extension of CDP 5-13-0898 for addition and remodel of an existing 1,694 sq. ft. 2-story single-family residence with an attached 383 sq. ft. 2-car garage consisting of a 277 sq. ft. 3rd floor. Post project, the single-family residence will be 3-stories and 1,971 sq. ft. with an attached 383 sq. ft. 2-car garage. The maximum height of the structure will be 29-ft. above existing grade. No grading is proposed. In addition, the project includes the request for after-the-fact approval of an existing patio with pavers with an approximately 1.5-ft. high perimeter wall that extends 15-ft. into a 15-ft. deep encroachment zone on the public beach.</p>	<p>5403 Seashore Dr, Newport Beach, Ca 92663</p>

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October 20, 2016

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 5-16-0466-W **Applicant:** Rincon Real Estate Group

**Location:** 1902 E Balboa Boulevard, Newport Beach (Orange County) (APN: 048-240-41 and 048-240-42)

**Proposed Development:** Lot line adjustment and reconfiguration of four legal parcels at 1902 E. Balboa Boulevard; demolition of a two-story triplex; and construction of an approximately 3,320 sq. ft., 29 ft. high three-story single-family residence with an attached approximately 528 sq. ft. two-car garage and 266 sq. ft. of total deck area at 501 L Street (one of four parcels). All proposed landscaping will be drought tolerant and non-invasive and will be irrigated through a drip or a micro-spray irrigation system. Site work involves the removal of three trees. The applicant acknowledges and accepts the risks and responsibilities associated with hazards associated with flooding, storms, and sea-level rise, which the project site may be subject to.

**Rationale:** The subject site is designated single-unit residential by the City of Newport Beach Land Use Plan (LUP) and is located on an inland lot within the first public road and the sea on the Balboa Peninsula, but is not bay front. The proposed project meets the Commission's parking requirements of two spaces per unit and is designed to be compatible with the character of the surrounding development. Drainage from the roof drains, gutters, and downspouts will be directed to a drainage swale and a catch basin before being directed to the street's main storm drain system. Adequate measures to address water quality during construction and flood hazards have been incorporated into the project design including a minimum of 6-inch waterproofing of the structure above the finished grade elevation of 9 ft. (NADV88). The proposed development incorporates water and energy conservation measures consistent with the City's adopted CALGreen standards concerning efficient fixtures and appliances. The proposed lot line adjustment will not create or result in the addition of new parcels. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation, or coastal views. Furthermore, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program, is consistent with the land use designation in the City's certified LUP, past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **November 2-4, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Acting Executive Director

Marlene Alvarado  
Coastal Program Analyst

cc: File

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**Waiver:** 5-16-0467-W **Applicant:** Rincon Real Estate Group

**Location:** 503 L Street, Newport Beach (Orange County) (APN: 048-240-41 and 048-240-42)

**Proposed Development:** Construction of an approximately 3,525 sq. ft., 29 ft. high three-story single-family residence with an attached approximately 496 sq. ft. two-car garage and 376 sq. ft. of total deck area on a vacant lot. All proposed landscaping will be drought tolerant and non-invasive and will be irrigated through a drip or a micro-spray irrigation system. The applicant acknowledges and accepts the risks and responsibilities associated with hazards associated with flooding, storms, and sea-level rise, which the project site may be subject to.

**Rationale:** The subject site is designated single-unit residential by the City of Newport Beach Land Use Plan (LUP) and is located on an inland lot (Lot line adjustment – CDP No. 5-16-0466-W) within the first public road and the sea on the Balboa Peninsula, but is not bay front. The proposed project meets the Commission's parking requirements of two spaces per unit and is designed to be compatible with the character of the surrounding development. Drainage from the roof drains, gutters, and downspouts will be directed to a drainage swale and a catch basin before being directed to the street's main storm drain system. Adequate measures to address water quality during construction and flood hazards have been incorporated into the project design including a minimum of 6-inch waterproofing of the structure above the finished grade elevation of 9 ft. (NADV88). The proposed development incorporates water and energy conservation measures consistent with the City's adopted CALGreen standards concerning efficient fixtures and appliances. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation, or coastal views. Furthermore, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program, is consistent with the land use designation in the City's certified LUP, past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **November 2-4, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Acting Executive Director

Marlene Alvarado  
Coastal Program Analyst

cc: File

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October 20, 2016

**Coastal Development Permit De Minimis Waiver  
Coastal Act Section 30624.7**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 5-16-0495-W

**Applicant:** John Christian

**Location:** 338 L St, Newport Beach (Orange County) (APN(s): 048-252-03)

**Proposed Development:** Demolition of an existing single-family residence and construction of a new two-story 3,438 square foot single-family residence with an attached 420 square foot two-car garage. The maximum height of the structure will not exceed 29-feet above finished grade. Grading will consist of 25 cubic yards of fill and 298 cubic yards of recompaction, which will balance onsite. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system.

**Rationale:** The lot size is 3,150 square feet and is designated as single-unit residential detached in the City of Newport Beach Land Use Plan (LUP). Some residential projects which are sited on inland lots in Newport Beach and have less than a 1.5 floor to buildable-lot area ratio are excluded from coastal development permit (CDP) requirements under Categorical Exclusion E-77-5, adopted by the Commission on June 14, 1977. However, the proposed project does not qualify for exclusion from CDP requirements because it exceeds the 1.5 floor to buildable-lot area ratio. The proposed project conforms to the Commission's parking requirement (2 spaces per residential unit). Directing storm drain runoff to permeable surfaces is consistent with the marine protection policies of the Coastal Act. The proposed development complies with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning irrigation systems, and efficient fixtures and appliances. The applicant has acknowledged that the project site is located in a coastal hazard area and assumes the responsibility of constructing a residence at this location. The proposed project design is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **November 2-4, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Acting Executive Director

Fernie Sy  
Coastal Program Analyst

cc: File

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October 18, 2016

**Coastal Development Permit De Minimis Waiver  
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**Waiver:** 5-16-0701-W**Applicant:** Jose and Cindy Lynch**Location:** 3820 Calle Tiara, San Clemente (Orange County) (APN: 060-281-34)

**PROPOSED DEVELOPMENT:** Demolition of the existing single family residence and construction of a new 3941 square foot, 2-story over basement, 20 feet high, single family residence with two attached garages (one two-car garage, and one single car garage) totaling 778 square feet.

**RATIONALE:** The subject site is a 7,713 square foot interior lot located approximately 350 feet inland of the beach within the existing gated community of Cyprus Shores, and is designated low-density residential in the City of San Clemente Land Use Plan. The proposed project exceeds the Commission's parking requirement of two spaces per residential unit, as it provides 3 parking spaces on-site, and is designed to be compatible with the character of the surrounding development. The applicant has indicated that the proposed residence will include water and energy conservative efficient fixtures and appliances. Runoff will be diverted into permeable surfaces, toward the landscaped areas for percolation, and to the street drainage system. Construction best management practices including the use of sand bags to control erosion during construction are included in the project plans. Public coastal access exists in the project vicinity at San Clemente State Beach and at San Onofre State Beach. The proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with the designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **November 2-4, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Acting Executive Director

Mandy Revell  
Coastal Program Analyst

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**Coastal Development Permit De Minimis Waiver  
Coastal Act Section 30624.7**

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**Waiver:** 5-16-0741-W**Applicant:** TJC Opportunity Fund II, LP**Location:** 218 Coral Ave., Newport Beach (Orange County) (APN: 050-122-27)

**PROPOSED DEVELOPMENT:** Demolition of an existing single-family dwelling, and construction of a new 29 foot high, 3-story 2,718 square foot single-family residence on a level lot. Grading will consist of 300 cubic yards of cut and 300 cubic yards of fill.

**RATIONALE:** The lot size is 2,550 square feet and is designated as residential high density in the City of Newport Beach Land Use Plan (LUP). The subject site is an inland lot not located between the first public road and the sea. Some residential projects which are sited on inland lots in Newport Beach and have less than a 1.5 floor to buildable-lot area ratio are excluded from coastal development permit (CDP) requirements under Categorical Exclusion E-77-5, adopted by the Commission on June 14, 1977. However, the proposed project does not qualify for exclusion from CDP requirements because it does not have less than a 1.5 floor to buildable-lot area ratio. Nevertheless, the proposed project conforms to the Commission's parking requirement (2 spaces per residential unit) and is designed to be compatible with the character of the surrounding development. Public access exists in the project vicinity along the public boardwalk that surrounds Balboa Island. The proposed project design is compatible with the character of surrounding development and does not have any negative effects on visual or coastal resources, public recreation or coastal access. The proposed project complies with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards and other City guidelines concerning irrigation systems, and efficient fixtures and appliances. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **November 2-4, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Acting Executive Director

Mandy Revell  
Coastal Program Analyst

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October 21, 2016

**Coastal Development Permit De Minimis Waiver  
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**Waiver:** 5-16-0773-W

**Applicant:** Mike and Jennie Christian

**Location:** 106 Via Undine, Newport Beach (Orange County) (APN(s): 423-264-12)

**Proposed Development:** Demolition of an existing two-story single-family residence with an attached garage and construction of a new 3,571 square foot, two-story with a basement, single-family residence with an attached 466 square foot two-car garage. The maximum height of the structure will not exceed 24-feet above finished grade. Grading will consist of 530 cubic yards of cut, 5 cubic yards of fill and 525 cubic yards of export to a location outside of the Coastal Zone. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system.

**Rationale:** The lot size is 3,080 square feet and is designated as single-unit residential detached in the City of Newport Beach Land Use Plan (LUP). Some residential projects which are sited on inland lots in Newport Beach and have less than a 1.5 floor to buildable-lot area ratio are excluded from coastal development permit (CDP) requirements under Categorical Exclusion E-77-5, adopted by the Commission on June 14, 1977. However, the proposed project does not qualify for exclusion from CDP requirements because it exceeds the 1.5 floor to buildable-lot area ratio. The proposed project conforms to the Commission's parking requirement (2 spaces per residential unit). Directing storm drain runoff to permeable surfaces is consistent with the marine protection policies of the Coastal Act. The proposed development complies with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning irrigation systems, and efficient fixtures and appliances. The applicant has acknowledged that the project site is located in a coastal hazard area and assumes the responsibility of constructing a residence at this location. The proposed project design is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **November 2-4, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,  
John Ainsworth  
Acting Executive Director

Fernie Sy  
Coastal Program Analyst

cc: File

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**Waiver:** 5-16-0921-W **Applicant:** O.C. Parks, County of Orange

**Location:** Talbert Regional Park, 1298 Victoria Ave., Costa Mesa (Orange County)

**Proposed Development:** Removal of 12.6 acres of pampas grass vegetation distributed over 36 acres within Talbert Regional Park utilizing excavators and front loaders to crush pampas grass and remove root masses. Front loaders with specialized clamshell or grabber buckets will be utilized to place the removed pampas grass material into trucks for off-site disposal. Pampas grass removal will be conducted outside of bird nesting and breeding season, between October 15, 2015, and March 15, 2016, and a qualified natural resources specialist and/or wildlife biologist will be present during all pampas grass removal efforts to identify and flag native and non-native plant species, to ensure focused treatment of non-native species and to avoid adverse impacts to wildlife. A Native American cultural monitor will be present during all pampas grass removal efforts to provide cultural and archaeological monitoring services to ensure any artifacts encountered are documented per local, state, and federal regulations; and the County will incorporate Best Management Practices, including revegetation with native plants to minimize adverse impacts on water quality that may result from the project. An annual inspection and treatment program to locally eradicate pampas grass re-sprouts will follow this removal effort.

**Rationale:** Pampas grass (*Cortaderia seloana*), a noxious weed species and non-native to California, has significantly increased its coverage and density within the southern portion of Talbert Regional Park. Pampas grass outcompetes and overtakes native plant habitat, leading to the degradation and reduction of available native plant habitat suitable for wildlife forage and shelter. Due to the dense growth habit and high flammability of pampas grass and high transient population within the park, brush fires occur approximately once a month, which also has adverse impacts on wildlife and native plant habitat. The project is consistent with Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **November 2-4, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to

**Coastal Development Permit De Minimis Waiver**

5-16-0921 (O.C. Parks)

13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth,  
Acting Executive Director

Mandy Revell  
Coastal Program Analyst

