

CALIFORNIA COASTAL COMMISSION

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

T3aPermit Application No. **5-05-326**

Date: March 23, 2006

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**ADMINISTRATIVE PERMIT****APPLICANT:** Bahman Bakhtar**PROJECT****DESCRIPTION:** Remodel and addition of 52 square feet to an existing two-story, single-family residence on a bayfront lot with new roof deck, accessory improvements, drainage improvements and construction of a cantilevered deck 5' beyond the bulkhead.**PROJECT****LOCATION:** 409 Morning Star Lane, Newport Beach (Orange County)**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 at the following time and place:

Tuesday, April 11, 2006**10:00 am****Hotel Mar Monte****(Formerly Radisson)****1111 East Cabrillo Blvd.****Santa Barbara, CA**

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.

PETER DOUGLAS
Executive Director

By: Anne L. Blemker
Title: Coastal Program Analyst

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 this permit is reported to the Commission. 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 page four.

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 project site is located at 409 Morning Star Lane on a bulkheaded lot facing the Upper Newport Bay in the City of Newport Beach (Exhibits 1-2). The site is designated Low Density Residential in the certified Land Use Plan (LUP).

The proposed project involves the remodel and 52 square foot addition to an existing two-story, single-family residence on a 6,048 square foot bayfront lot (Exhibit 3). The resultant structure will consist of a 25-foot high, two-story, 5,104 square foot, single-family residence with an attached 765 square foot three-car garage and a new 400 square foot roof deck. The project also includes accessory improvements including patio cover replacement, new front wall and gate, replacement of the rear patio, new 44'6" x 5' concrete cantilevered deck with 42" high guardrail, and drainage improvements. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system. No grading is proposed and no work is proposed on the existing bulkhead. No change to the existing boat dock is proposed.

The proposed cantilevered deck will extend 5 feet beyond the existing bulkhead and will serve the existing residential use. In this area of Newport Beach, a portion of the water area is owned by the individual property owner. Most of the water frontage in the project vicinity is developed with single-

family homes, many of which also have cantilevered decks and boat docks. The proposed development is consistent with past Commission actions in the area. Thus, the proposed deck 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. Vertical public access to the Bay exists at North Star Beach and lateral public access exists along the Upper Newport Bay trail and bikeway.

Drainage from the new cantilevered deck will be directed landward toward permeable areas for infiltration. All construction is conditioned to occur from the landward side of the bulkhead. No products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye may be used on the deck, therefore, pollutants from those products will not drain to the harbor during or after construction.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Newport Beach only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

B. Public Access

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, the development, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. 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 would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions 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. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post construction BMPs. As conditioned, the Commission finds that the development conforms to Sections 30230 and 30231 of the Coastal Act.

D. Local Coastal Program

The LUP for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was comprehensively updated on October 13, 2005. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

E. 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 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.

SPECIAL CONDITION:

1. Construction Responsibilities and Debris Removal

- (1) No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- (2) Any and all construction material shall be removed from the site within 10 days of completion of construction.
- (3) Machinery or construction materials not essential for project improvements shall not be allowed at any time in the intertidal zone.
- (4) If turbid conditions are generated during construction a silt curtain shall be utilized to control turbidity.
- (5) Floating booms shall 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.
- (6) Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss.
- (7) All construction shall occur from the land side of the deck;
- (8) No products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall be used on the deck.

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

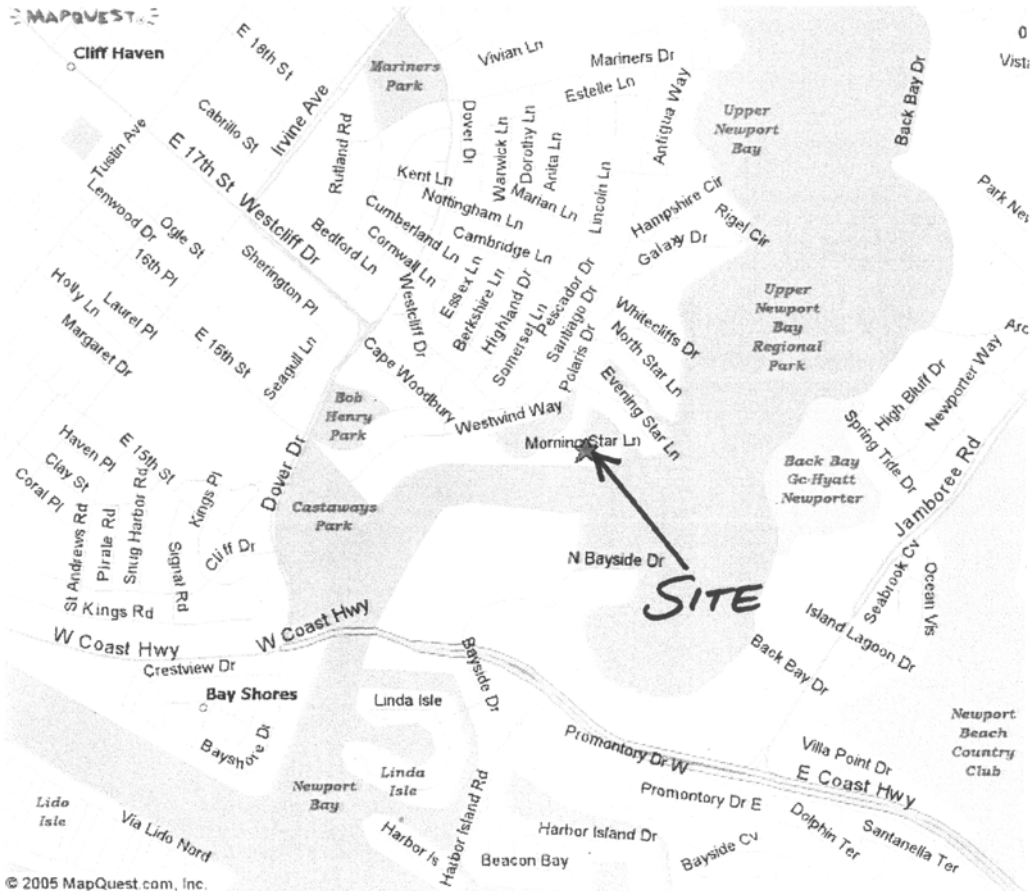
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South Coast Region

AUG 29 2005

CALIFORNIA
COASTAL COMMISSION

★ 409 Morning Star Ln Newport Beach,
CA 92660-5712, US



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LOCATION MAP

COASTAL COMMISSION
5-05-326

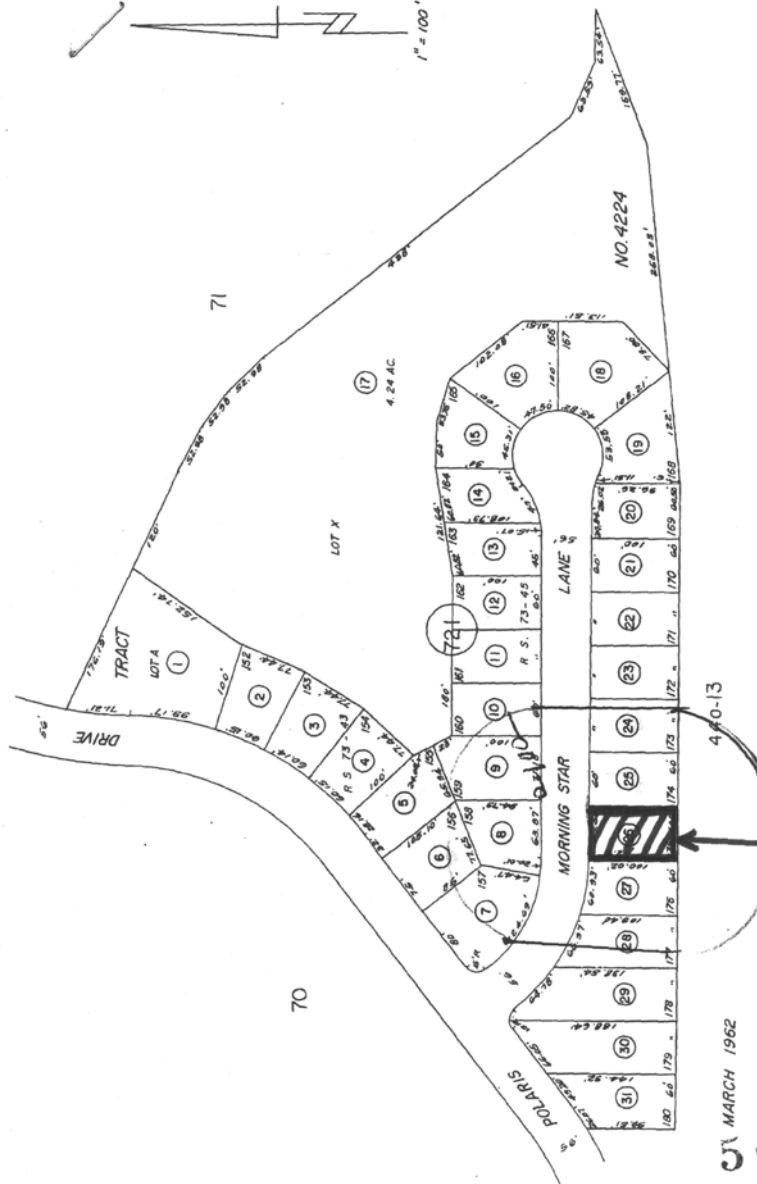
EXHIBIT # 1

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5-05-326 (Bakhtar)
Administrative Permit
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AND MAKES NO GUARANTEE AS TO ITS ACCURACY
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117-72



ASSESSOR'S MAP
BOOK 117 PAGE 72
COUNTY OF ORANGE

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

TR. NO. 4224 M. M. 157-1 TO 14 INC.

5 MARCH 1962

5-05-326

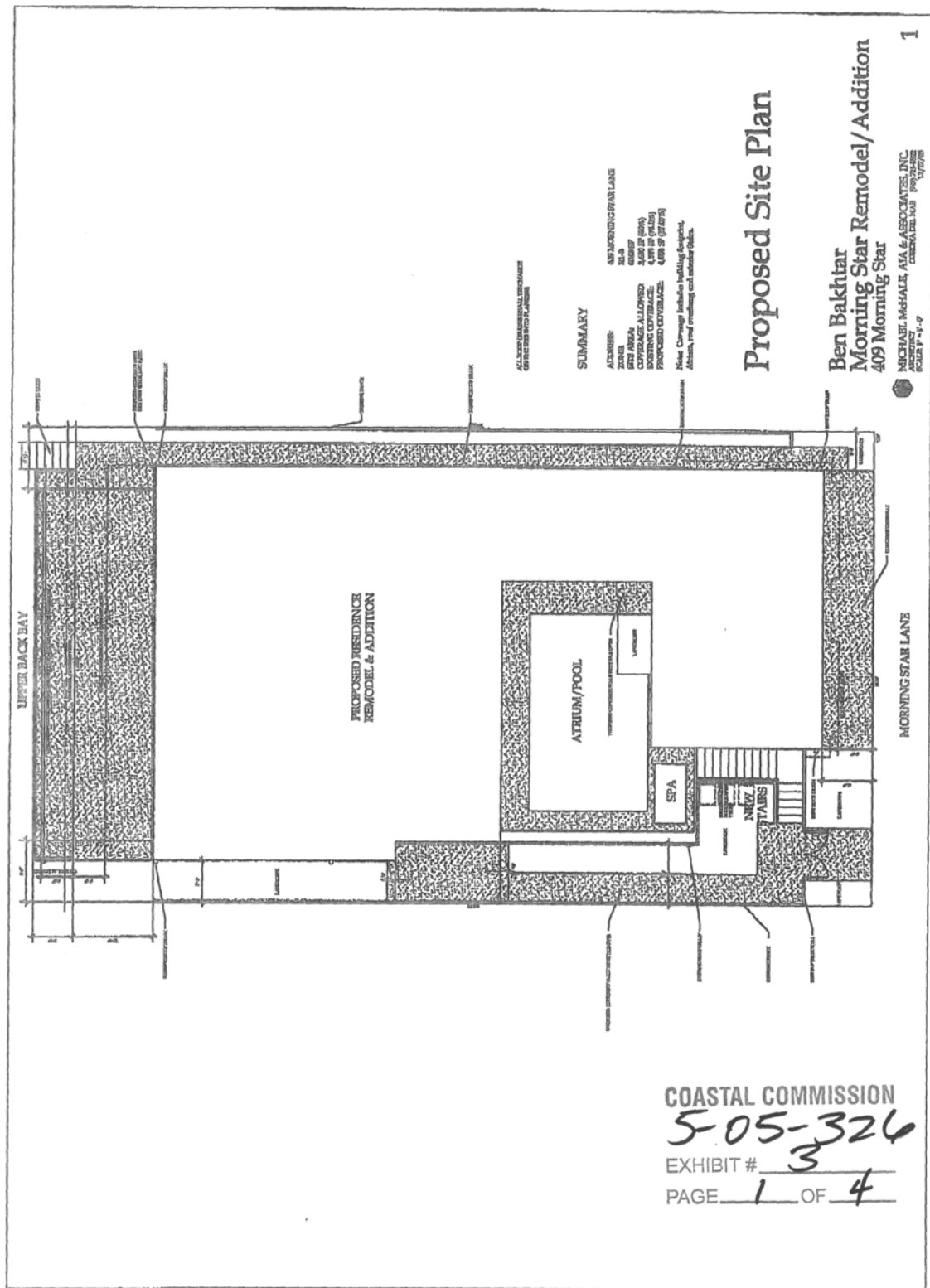
COASTAL COMMISSION
5-05-326
EXHIBIT # 2
PAGE 1 OF 1

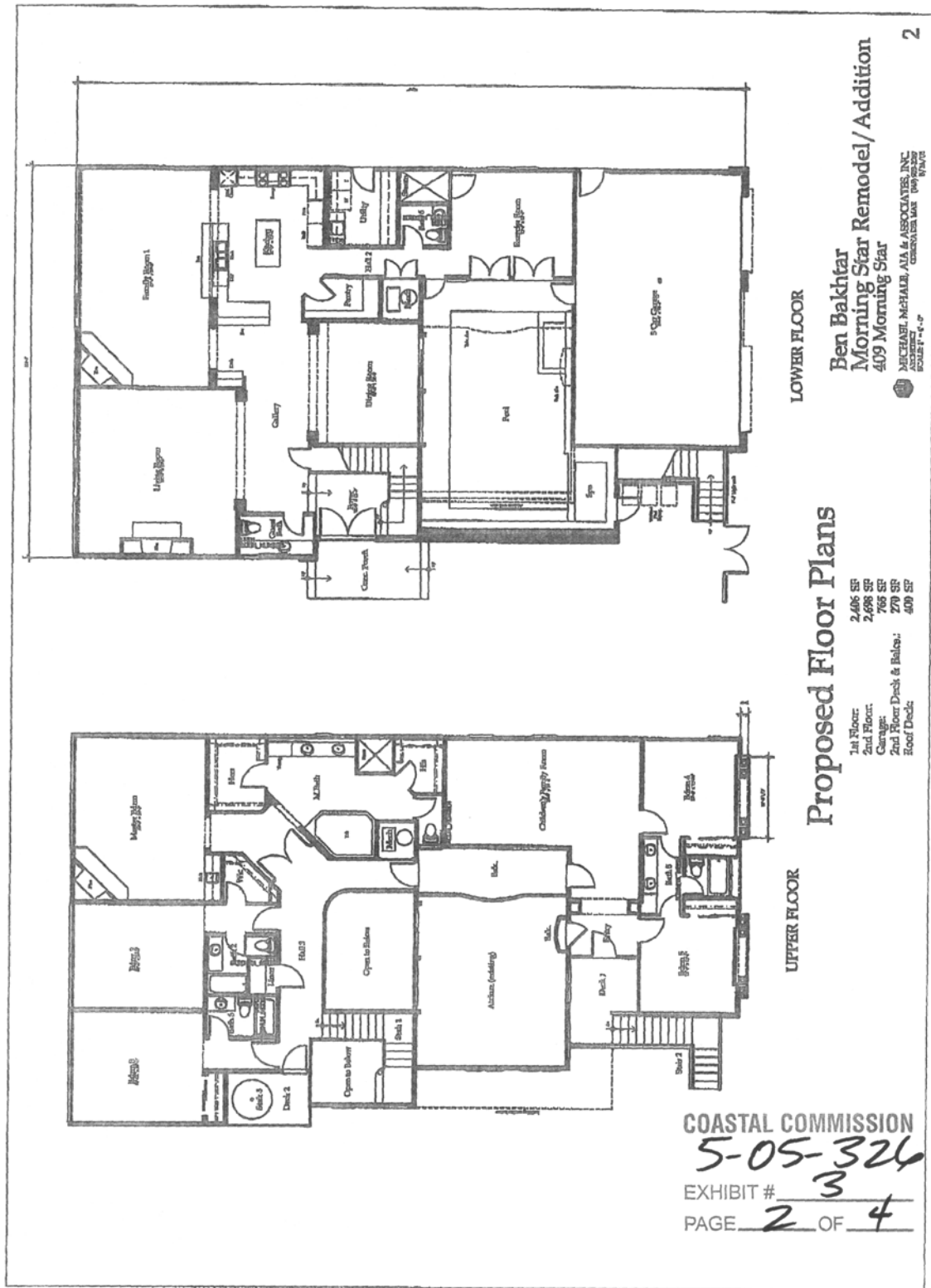
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South Coast Region

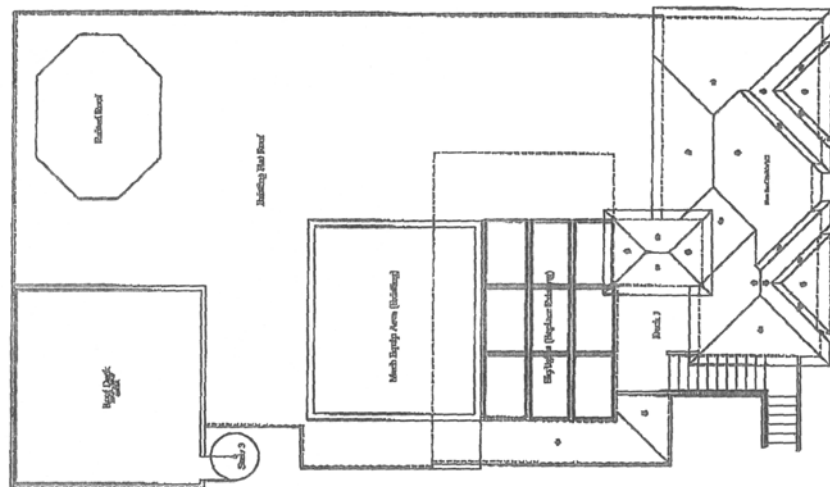
AUG 29 2005

CALIFORNIA
COASTAL COMMISSION

1799.000 Feet







Proposed Atrium Elevations

Roof / Roof Deck

Ben Bakhtar
Morning Star Remodel/Addition
409 Morning Star

MICHAEL McHALE, AIA & ASSOCIATES, INC.
ARCHITECT
CORONA DEL MAR (914) 754-8922
6/7/78

