



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: December 5, 2012
ATTENTION: Hearing Officer

REPORT NO. HO 12-086

SUBJECT: BROWAR RESIDENCE
PTS PROJECT NUMBER: 269064

LOCATION: 2725 Iverness Court

APPLICANT/ OWNER: Marcos Vanorden, Hayer Architecture
Matthew S. and Nancy A. Browar (Attachment 11)

SUMMARY

Issue(s): Should the Hearing Officer approve a Coastal Development and Site Development Permit to demolish existing improvements and construct a new residence with improvements in the La Jolla Community Plan area?

Staff Recommendation -

1. CERTIFY Mitigated Negative Declaration No. 269064 and ADOPT the Mitigation, Monitoring and Reporting Program; and
2. APPROVE Coastal Development Permit No. 946214 and Site Development Permit No. 946215.

Community Planning Group Recommendation – On May 3, 2012, the La Jolla Community Planning Association voted 14-0-1 to recommend approval of the project with no conditions (Attachment 9).

On July 17, 2012, the La Jolla Shores Advisory Board voted 4-0 to recommend approval of the project with no conditions.

Environmental Review: Mitigated Negative Declaration No. 269064 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce any potential impacts identified in the environmental review process, to a level below significance.

BACKGROUND

The project site is a developed site in an established residential area just below and west of the Torrey Pines Road grade, and on the La Jolla Shores hillside. The project site is located at 2725 Iverness Court in the SF zone of the La Jolla Shores Planned District, the Coastal Overlay zone (non-appealable Area), the Coastal Height Limit and Parking Impact Overlay zones (Campus and Coastal), within the La Jolla Community Plan area. The La Jolla Community Plan has designated this site for "Very Low Density" single-family residential development, at a density of 0-5 dwelling units per acre, and the proposed development is consistent with this designation (Attachment Nos. 1-3).

A single family residence with associated improvements built in 1972 exists on site. A Coastal Development Permit is required for the demolition of the existing structure and construction of the new residence with improvements and a Site Development Permit is required for the development as the site contains Environmentally Sensitive Lands, and it is new construction within the La Jolla Shores Planned District.

DISCUSSION

A Coastal Development Permit (CDP) and Site Development Permit (SDP) are required to demolish existing improvements and construct an approximate one-story plus basement, 6,566 square foot residence (1,348 square foot basement not counted toward Gross Floor Area) with guest quarters, called out as an office, an attached 3-car garage, a pool with spa, and site walls, is located on a 1.35 acre site. The site is east of the Pacific Ocean, on the La Jolla Shores hillside, between La Jolla Shores Drive and Torrey Pines Road.

The proposed three-bedroom, single-family residence would consist of one level over basement. The basement level contains the guest quarters, called out on the plans as an office, a gallery and a bathroom. The access to this level is outside of the residence on the north side yard. Although guest quarters are allowed by right in the SF zone of the La Jolla Shores Planned District, one parking space is required for that use. In addition, the permit conditions include limitations of use for the guest quarters. Associated improvements would include the construction of a pool and spa (Attachments 4-5).

The proposed project would be consistent with the bulk and scale of the surrounding residential community. The one-story residence would have a height not greater than 30'-0" as defined, which would comply with the Coastal Height Limitation Overlay Zone's maximum allowable height of 30 feet. Landscaping would conform to the La Jolla Shores Planned District minimum percentage and the City's Landscape Technical Manual, and would consist of non-invasive plant species.

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following area: Biological Resources. Subsequent revisions in the project proposal created the specific mitigation identified in Section V of the Mitigated Negative Declaration (MND). The project as revised now avoids or mitigates the potentially significant environmental effects previously identified (Attachment 6).

The proposed project will not encroach beyond the development limits previously disturbed by a prior residence, and will not further disturb Environmentally Sensitive Lands on the premises. In addition, the undisturbed portion of the site shall be included in a Covenant of Easement, recorded against the subject property (Attachment 7-8).

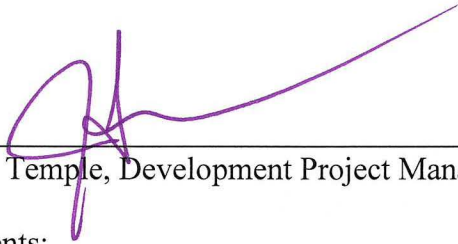
CONCLUSION

Staff has reviewed the application for the Coastal Development Permit and Site Development Permit and has determined that the proposed project complies with the applicable sections of the Municipal Code. Staff believes the required findings can be made to support the project as proposed. Therefore, staff recommends that the Hearing Officer approve Coastal Development Permit No. 946214 and Site Development Permit No. 946215.

ALTERNATIVES

1. Approve Coastal Development Permit No. 946214 and Site Development Permit No. 946215, with modifications.
2. Deny Coastal Development Permit No. 946214 and Site Development Permit No. 946215, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Jeannette Temple, Development Project Manager

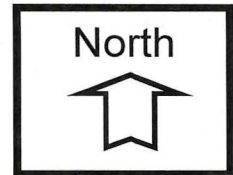
Attachments:

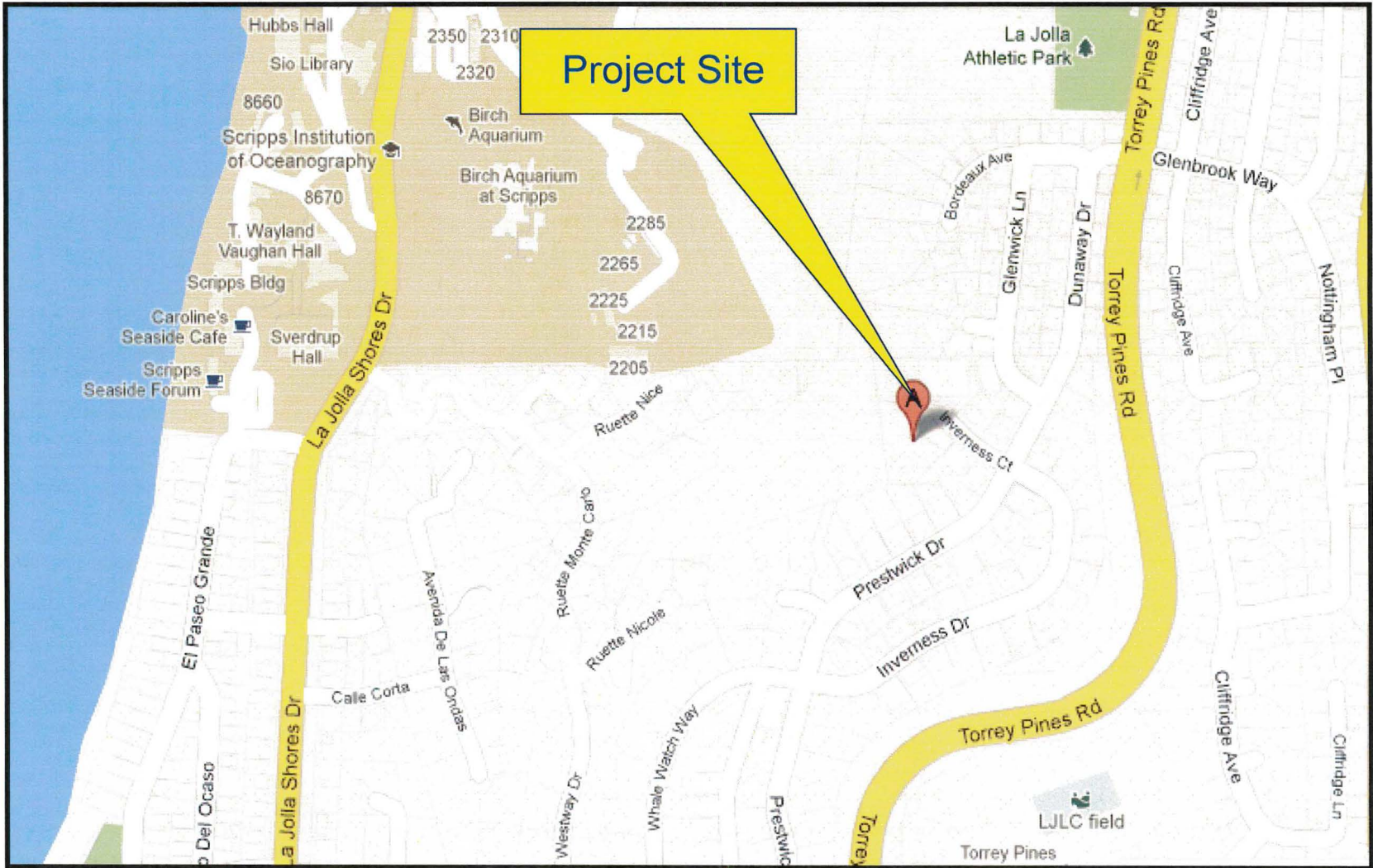
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan (Full Plan set to Hearing Officer only)
6. Draft Environmental Resolution
7. Draft Resolution with Findings
8. Draft Permit with Conditions
9. Community Planning Group Recommendations
10. Ownership Disclosure Statement
11. Notice of Hearing



Aerial Photo

BROWAR RESIDENCE – 2725 INVERNESS COURT
PROJECT NO. 269064

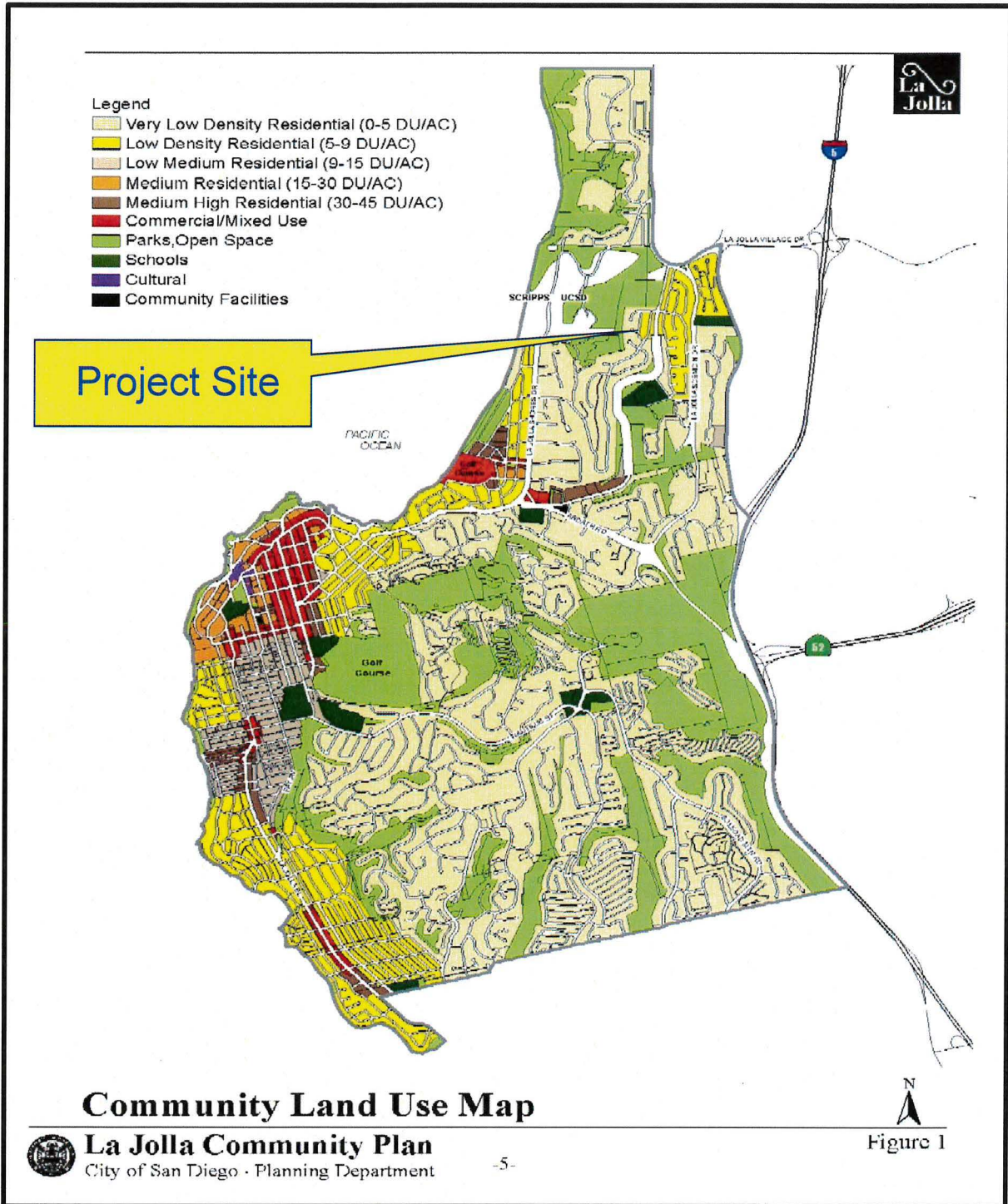




Project Location Map

BROWAR RESIDENCE – 2725 INVERNESS COURT
PROJECT NO. 269064





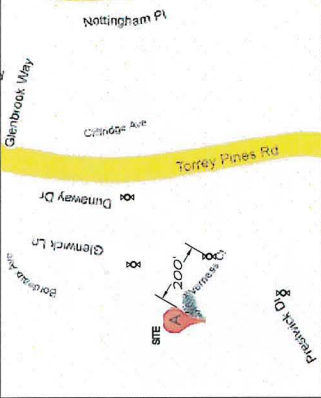
Land Use Map

BROWAR RESIDENCE – 2725 INVERNESS COURT
PROJECT NO. 269064

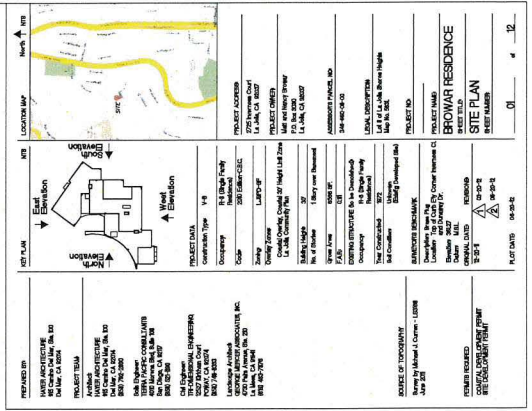


PROJECT DATA SHEET

PROJECT NAME:	Project No. 269064 – Browar Residence	
PROJECT DESCRIPTION:	Demo of Existing improvements and Construction of a 6,566 sq.ft.(Gross Floor Area), single dwelling unit	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Coastal Development Permit and Site Development Permit (Process 3)	
COMMUNITY PLAN LAND USE DESIGNATION:	Very Low Density Residential (0-5 du/ac)	
<u>ZONING INFORMATION:</u>		
ZONE: SF HEIGHT LIMIT: 30-feet LOT SIZE: Average in area FLOOR AREA RATIO: NA/ Lot Coverage 0.60 max FRONT SETBACK: min. 20'-0" / Proposed 20-feet SIDE SETBACK: min. 20'-0" for total/ Proposed 16'-0" & 4'-0" STREETSIDE SETBACK: n/a REAR SETBACK: min. 48-feet / Proposed approximately 250-feet PARKING: min. 3 spaces / Proposed 4 spaces		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential (5-9 du/ac); RS-1-4	Single-Family Residential
SOUTH:	Residential (5-9 du/ac); RS-1-7	US Fisheries and Scripps Institute of Oceanography
EAST:	Residential (5-9 du/ac); RS-1-4	Single-Family Residential
WEST:	Open Space; RS-1-1	Open Space/Pacific Ocean
DEVIATIONS OR VARIANCES REQUESTED:	none	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On December 1, 2011, the La Jolla Community Planning Association voted 15-0-1 to recommend approval of the project with no conditions..	



Vicinity Map & Fire Hydrant locations
N.T.S.

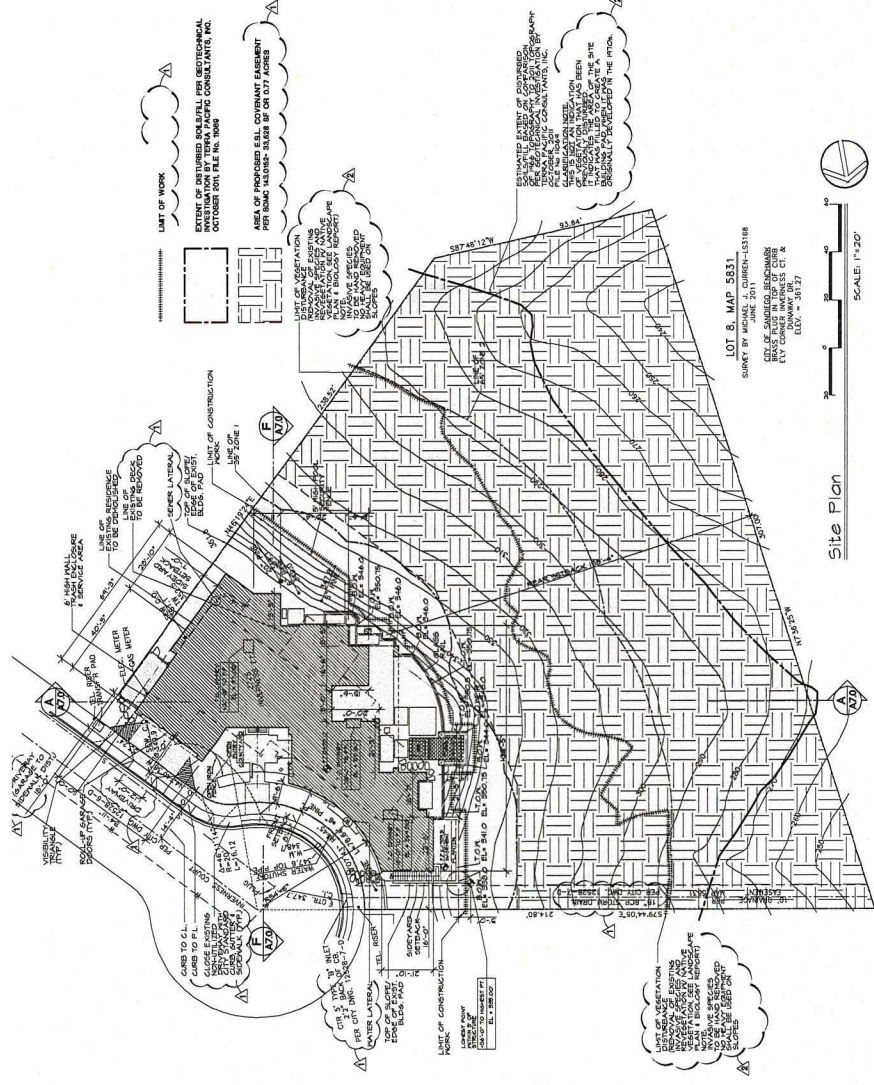


PREPARED BY: HAYLER ARCHITECTURE
 PROJECT NO: 1825-01
 PROJECT NAME: BROWAR RESIDENCE
 DATE: 10/20/2018
 DRAWN BY: J. W. HAYLER
 CHECKED BY: J. W. HAYLER
 SCALE: AS SHOWN
 SHEET NO. 01 OF 02

CLIENT: BROWAR RESIDENCE
 ADDRESS: 7575 WILSON BLVD
 SAN DIEGO, CA 92126
 PROJECT DATE: 10/20/2018
 PROJECT NO: 1825-01

PROJECT NO: 1825-01
 PROJECT NAME: BROWAR RESIDENCE
 ADDRESS: 7575 WILSON BLVD
 SAN DIEGO, CA 92126
 PROJECT DATE: 10/20/2018
 PROJECT NO: 1825-01

SHEET NO. 01 OF 02
 SHEET NAME: SITE PLAN
 SHEET SCALE: AS SHOWN
 SHEET DATE: 10/20/2018



DEVELOPMENT CRITERIA
 1. BLANK CREEKS
 2. CONSTRUCTION TYPE: VLB (NO CHANGE)
 3. MAX. BUILDING HEIGHT: 30' (NO CHANGE)
 4. ZONING: SFOR (NO CHANGE)
 5. PROPOSED LAND USE: RESIDENTIAL (NO CHANGE)
 6. FLOOR AREA: 11,347 S.F. (NO CHANGE)
 7. BENCH MARK: 1111.0 (NO CHANGE)
 8. FLOOD ZONE: X-1 (NO CHANGE)
 9. PAVING: ASPHALT (NO CHANGE)
 10. SURFACE WATER: PERMANENT (NO CHANGE)

STANDARD GRADING NOTES
 1. TOTAL AREA OF SITE TO BE GRABER: 450.270
 2. AMOUNT OF FILL: 60.070
 3. AMOUNT OF EXCAVATION: 0.070
 4. MAXIMUM DEPTH OF FILL: 0.0 FT
 5. MAXIMUM DEPTH OF EXCAVATION: 0.0 FT
 6. RETAINING WALL LENGTH: 200 FT

BASEMENT TABULATIONS
 1. AMOUNT OF CUT: 450.270
 2. AMOUNT OF FILL: 0.0 FT
 3. AMOUNT OF EXCAVATION: 60.070
 4. MAXIMUM DEPTH OF CUT: 0.0 FT
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ALARM NOTES:
 1. SHOCK ALARMS SHALL BE INSTALLED ACCORDING TO THE 2016 CALIF. SECTION 905, 905.4, 905.5, 905.6, 905.7, 905.8, 905.9, 905.10, 905.11, 905.12, 905.13, 905.14, 905.15, 905.16, 905.17, 905.18, 905.19, 905.20, 905.21, 905.22, 905.23, 905.24, 905.25, 905.26, 905.27, 905.28, 905.29, 905.30, 905.31, 905.32, 905.33, 905.34, 905.35, 905.36, 905.37, 905.38, 905.39, 905.40, 905.41, 905.42, 905.43, 905.44, 905.45, 905.46, 905.47, 905.48, 905.49, 905.50, 905.51, 905.52, 905.53, 905.54, 905.55, 905.56, 905.57, 905.58, 905.59, 905.60, 905.61, 905.62, 905.63, 905.64, 905.65, 905.66, 905.67, 905.68, 905.69, 905.70, 905.71, 905.72, 905.73, 905.74, 905.75, 905.76, 905.77, 905.78, 905.79, 905.80, 905.81, 905.82, 905.83, 905.84, 905.85, 905.86, 905.87, 905.88, 905.89, 905.90, 905.91, 905.92, 905.93, 905.94, 905.95, 905.96, 905.97, 905.98, 905.99, 906.00

SHEET INDEX
 01 SITE PLAN
 02 FLOOR PLANS
 03 FOUNDATION PLANS
 04 MECHANICAL PLANS
 05 ELECTRICAL PLANS
 06 PLUMBING PLANS
 07 SANITARY PLANS
 08 LANDSCAPE PLANS
 09 UTILITIES PLANS
 10 EXISTING CONDITIONS

GENERAL NOTES:
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN DIEGO AND THE STATE OF CALIFORNIA.
 2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 4. THE CONTRACTOR SHALL MAINTAIN THE SITE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND STANDARDS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE ENVIRONMENT AND ALL NECESSARY RESTORATION WORK.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORIC AND CULTURAL RESOURCES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL PLANT AND ANIMAL LIFE.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SOILS AND ROCKS.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL WATER RESOURCES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL AIR QUALITY.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL VISUAL QUALITY.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SOUND AND VIBRATION.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL CLIMATE.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SOCIAL AND ECONOMIC CONDITIONS.
 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL CULTURAL HERITAGE.
 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SCIENTIFIC AND HISTORICAL VALUES.
 17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ARTISTIC AND CREATIVE EXPRESSIONS.
 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL RECREATIONAL AND AMUSEMENT VALUES.
 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EDUCATIONAL AND RESEARCH VALUES.
 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HEALTH AND SAFETY VALUES.
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SCALE: 1" = 20'
 DATE: 10/20/2018

RESOLUTION NUMBER HO-XXXX-1

ADOPTED ON DECEMBER 5, 2012

WHEREAS, on January 17, 2012, Marcos Vanorden submitted an application to Development Services Department for a Coastal Development Permit (CDP) and a Site Development Permit (SDP), for the Browar Residence Project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on DECEMBER 5, 2012]; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the HEARING OFFICER to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigation Negative Declaration No. 269064 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, Ca 92101

BE IT FURTHER RESOLVED, that Development Services staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project No. 269064.

By: _____
Jeannette Temple, Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM****COASTAL DEVELOPMENT PERMIT (CDP), SITE DEVELOPMENT PERMIT (SDP)
PROJECT NO. 269064**

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 269064 shall be made conditions of COASTAL DEVELOPMENT PERMIT (CDP) and SITE DEVELOPMENT PERMIT (SDP) as may be further described below.

V. MITIGATION, MONITORING AND REPORTING PROGRAM: To ensure that site development would avoid significant environmental impacts, a Mitigation, Monitoring, and Reporting Program (MMRP) is required. Compliance with the mitigation measures shall be the responsibility of the applicant. The mitigation measures are described below.

A. GENERAL REQUIREMENTS – PART I**Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:
<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit

Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

- 1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Biologist

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

- 2. MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 269064, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

- 3. OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall

include copies of permits, letters of resolution or other documentation issued by the responsible agency.

Not Applicable

- 4. MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

- 5. OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

[List all and only project specific required verification documents and related inspections table below]

<u>Issue Area</u>	<u>Document submittal</u>	<u>Assoc Inspection/Approvals/ Notes</u>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Report	Biology/Habitat Revegetation Inspection
Biology	Land Use Adjacency Guidelines	Land Use Adjacency Issue Site Observations
Bond Release	Request for Bond Release letter	Final MMRP Inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES

Requirements for Land in Proximity to Biological Resources

Preconstruction Measures

1. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of Entitlements verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (A through D):
 - A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of Entitlements stating that a qualified Biologist, as defined in the City of San Diego Biological Review References (BRR), has been retained to monitor construction operations.
 - B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section which includes the name and contact information of the Biologist names and of all persons involved in the Biological Monitoring of the project, if changed and/or not provided in the first letter.
 - C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant salvage/ relocation requirements and timing (i.e. per coastal cactus wren requirements etc.), avian or other wildlife (including USFWS protocol) surveys, impact avoidance areas or other such information/plans are completed and are placed on the construction plans and approved by City MMC.
 - D. The qualified biologist (project biologist) shall attend the first preconstruction meeting and arrange to perform any measures site specific fauna/flora surveys/salvage/revegetation.

Construction Measures

1. The project biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (i.e. explain flag system for removal or retention, limit vegetation removal/demolition areas to fall only outside of sensitive biological areas).
2. As determined at the Precon Meeting, the qualified project biologist shall supervise the installation of the limit of work fence (per approved Exhibit A) to protect biological resources and during construction be on-site to prevent/note any new disturbances to habitat, flora, and/or fauna onsite. The biologist shall perform pregrading bird surveys; flag biological resources such as plant specimens etc. for avoidance during access (as appropriate). In the event of a positive bird nest survey, the biologist shall delay construction and notify City MMC to accommodate additional mitigation as needed/required.
3. All construction (including staging areas) shall be restricted to areas previously developed as shown on the aerial photo above (bare earth areas and dirt roads). The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys.

Post Construction Measures

1. Prior to the release of the construction bond, the project biologist shall submit a letter report to the ADD of Entitlements that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Development Code, to the satisfaction of the City ADD.
2. The Principal Qualified Biologist (PQB) shall submit two copies of the Final Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring.
3. The PQB shall submit any required revised Report to MMC (with a copy to the Resident Engineering (RE)) for approval within 30 days.
4. MMC will provide written acceptance to the PQB and RE of the approved report.

Nesting Bird Mitigation (General) – Ensure Prior to Permit Issuance (Entitlements Division Plan Check)

1. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. February 1-September 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.
 - A. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
 - B. If no nesting birds are detected per "A" above, mitigation under "A" is not required.

HEARING OFFICER RESOLUTION NO. HO-XXXX
COASTAL DEVELOPMENT PERMIT NO. 946214
SITE DEVELOPMENT PERMIT NO. 946215
BROWAR RESIDENCE - PROJECT NO. 269064 [MMRP]

WHEREAS, MATTHEW S. AND NANCY A. BROWAR, Trustees of the M.S. Browar Trust dated February 9, 1988, collectively the Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing residence with improvements, and construct a one-story over basement, 6,566 square foot gross floor area, single-family residence with an attached garage and guest quarters, as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. Coastal Development Permit No. 946214 and Site Development Permit No. 946215, on portions of a 1.35-acre site;

WHEREAS, the site is located at 2725 Inverness Court in the SF (Single Family) zone of the La Jolla Shores Planned District, Coastal (non-appealable), Coastal Height Limit, and Parking Impact Overlay zones within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 8, La Jolla Shores Heights, Map No. 5831;

WHEREAS, on December 5, 2012, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 946214 and Site Development Permit No. 946215, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated December 5, 2012.

Coastal Development Permit - Section 126.0708 (a)

- 1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The proposed project, to demolish existing improvements and construct a one-story over basement, 6,566 square foot gross floor area, single-family residence with an attached garage and guest quarters, pool with spa, and site walls, is located on an approximately 1.35-acre site. The site is east of the Pacific Ocean, on the La Jolla Shores hillside, between La Jolla Shores Drive and Torrey Pines Road. The access and view corridors for the ocean are to the west from La Jolla Shores Drive and westward of the project site. There are no identified public views or accessways on or near this proposed project site.

Therefore, the proposed project does not encroach upon any existing physical accessway or any proposed public accessway used by the public and enhances and protects the identified public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The proposed project, to demolish existing improvements and construct a one-story over basement, 6,566 square foot gross floor area, single family residence with an attached garage and guest quarters, pool with spa, and site walls complies with the development regulations of the SF (Single Family) zone of the La Jolla Shores Planned District and the La Jolla Community Plan. This project is not located adjacent to the City of San Diego Multiple Species Conservation Program's (MSCP) Multi-Habitat Planning Area (MHPA). No direct impacts would occur to sensitive habitats or sensitive plant species on-site as a result of mitigation during the proposed project construction to protect the environmentally sensitive lands.

Of the 1.35-acre site, approximately 0.58-acres has been graded for the existing development, and will be disturbed with the proposed construction. The other 0.95 acres that has native vegetation will remain undisturbed with the recordation of a covenant of easement. The 25,312 square foot previously disturbed area will be re-graded, and drainage will be modified to prevent erosion of the adjacent steep hillsides. For these reasons, the proposed development will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The proposed project, to demolish existing improvements and construct a one-story over basement, 6,566 square foot gross floor area, single-family residence with an attached garage and guest quarters, pool with spa, and site walls, is in conformance with the certified Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program. The La Jolla Community Plan designates the site and surrounding area to the north, south and east as Very Low Density Residential (0-5 dwelling units/acre). The project site and surrounding residential development is zoned SF (Residential-Single Unit). As proposed, the project would be consistent with the bulk and scale of the surrounding residential community. The building would be one-story and have a height not greater than 30'-0" as defined, which would comply with the Coastal Height Limitation Overlay Zone's maximum allowable height of 30 feet.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The proposed development is not located between the nearest public road and the sea or the shoreline within the Coastal Overlay Zone. The nearest identified view to the ocean is from La Jolla Shores drive in intermittent views through side yards. Public Access to the coast is located with the first public roadway along the coast, west of this project site. Therefore, the proposed project is in conformance with Chapter 3 of the California Coastal Act.

Site Development Permit - Section 126.0504**1. The proposed development will not adversely affect the applicable land use plan.**

The proposed project, to demolish existing improvements and construct a one-story over basement, 6,566 square foot gross floor area, single-family residence with an attached garage and guest quarters, pool with spa, and site walls, is located on a 1.35-acre site. The project site is designated Very Low Density Residential land use and the proposed project, which is approximately one-half mile west of the Pacific Ocean within a single-family residential neighborhood, is consistent with that designation. The La Jolla Community Plan and Local Coastal Program Land Use Plan require special treatment of our coastal resources. The site is not within or adjacent to any identified public view point, vantage point, accessway or other coastal resources. The proposed project complies with all development regulations for the SF zone of the La Jolla Shores Planned District, and limits development to the disturbed portions of the site while placing the native and undisturbed portion into a Covenant of Easement. Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed construction of a 6,556 square foot single-family residence with guest quarters and associated improvements is conditioned to comply with the zoning, building, and fire codes. Specifically, the required brush management zones 1 and 2 will be maintained on the site to protect the residence from fire. Geology conditions require that prior to the issuance of construction permits, the applicant will need to submit an updated technical report to show that the proposed construction will be completed properly. Additional conditions of approval are contained in the permit, which require the construction to comply with the Fire, Life, Health and Safety, and Uniform Building Codes. These codes specifically ensure adequate separation with adjacent structures and adequate access for the Fire Department in the time of emergency.

Mitigated Negative Declaration No. 269064 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level below significance, any potential impacts identified in the environmental review process. Therefore, the construction of a new single-family residence and guest quarters, with three off-street parking spaces would therefore not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The proposed construction of a 6,556 square-foot single-family residence with guest quarters and associated improvements on a 1.35-acre site located at 2725 Iverness Court, was found to comply with the development regulations of the SF (Residential-Single Unit) zone of the La Jolla Shores Planned District, the applicable Overlay zones and the La Jolla Community Plan. These zones include required setbacks, maximum height, public views, and required parking. The proposed project would be consistent with the bulk and scale of the surrounding residential community, and in compliance with the development regulations that apply to this site. The setbacks are 16'-0" at the end of the cul-de-sac and 7'-0" for the opposite side. The height will be well under the 30'-0"

height limit, as a one-story over basement structure. The proposed residence is situated on the previously disturbed portion of the site to reduce all coastal impacts. Project construction and operation is conditioned to not adversely affect the community plan. There are no deviations requested with this proposed development. Therefore, the development will comply with the applicable regulations of the Land Development Code.

Supplemental Findings--Environmentally Sensitive Lands

- 1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The proposed construction of a 6,556 square-foot single-family residence with guest quarters and associated improvements on a 1.35-acre site complies with the development regulations of the SF zone of the La Jolla Shores Planned District and the La Jolla Community Plan. No direct impacts would occur to sensitive habitats or sensitive plant species on-site as a result of mitigation measures during the proposed project construction.

Of the 1.35-acre site, approximately 0.58-acres was previously graded for the existing development, and will be disturbed with the proposed construction. The other 0.95 acres that has native vegetation would remain so with the recordation of a covenant of easement. The 25,312 square foot previously disturbed area will be re-graded, and drainage will be modified to prevent erosion of the adjacent steep hillsides. For these reasons, the proposed development will not adversely affect environmentally sensitive lands.

In addition, the undisturbed portion of the site shall be included in a Covenant of Easement, recorded against the subject property. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

- 2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

The proposed construction of a 6,556 square-foot single-family residence with guest quarters and associated improvements are located on the disturbed portion of the site. The property is located within geologic hazard categories (GHC) 53 and 26 as shown on the San Diego Seismic Safety maps. A geotechnical study was submitted to address potential issues, including faults. The project will be required to utilize proper engineering design and construction practices, and will have to ensure that there will not be undue risk from geologic forces. The 25,312 square foot previously disturbed area will be re-graded, and drainage will be modified to prevent erosion of the adjacent bluffs. The proposed development will comply with all building and fire codes and will not result in undue risk from flood hazards or fire hazards.

- 3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

The proposed construction of a 6,556 square-foot single-family residence with guest quarters and associated improvements on a 1.35-acre site complies with the development regulations of the SF zone of the La Jolla Shores Planned District and the La Jolla Community Plan. No direct impacts

would occur to sensitive habitats or sensitive plant species on-site as a result of mitigation during the proposed project construction.

Adjacent to the development pad to the west, is a sloping area with Environmentally Sensitive Lands: native vegetation and steep hillsides. The adjacent resources will not be disturbed as a covenant of easement will be recorded over the west 0.95 acres of this site. Therefore, the proposed development is sited and designed to prevent adverse impacts on the adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

The project site is not located adjacent to the City of San Diego Multiple Species Conservation Program's (MSCP) Multi-Habitat Planning Area (MHPA). Project construction and operation will therefore not adversely affect the MHPA.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The 1.35-acre project site is located at 2725 Iverness Court, approximately one-half mile east of the Pacific Ocean. The project site is relatively flat on the east and slopes abruptly to the west. The project is located on the La Jolla Shores hillside between La Jolla Shores Drive and Torrey Pines Road. With implementation of the required Best Management Practices as conditioned by the permit, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

Mitigated Negative Declaration No. 269064 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines for the proposed construction of the new single family residence. Conditions of approval have been incorporated into the permit in order to ensure that the project fully complies with the Mitigation, Monitoring and Reporting Program.

Mitigation associated with this project is related to the potential for impacts to biological resources. The mitigation is based on the site conditions and potential for these resources to be located and disturbed by the proposed project. These conditions and all other conditions of the permit are reasonably related, and calculated to alleviate, negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 946214 and Site Development Permit No. 946215, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 946214 and 946215, a copy of which is attached hereto, and made a part hereof.

Jeannette Temple
Development Project Manager
Development Services

Adopted on: December 5, 2012
Job Order No. 24002035

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002436

COASTAL DEVELOPMENT PERMIT NO. 946214
SITE DEVELOPMENT PERMIT NO. 946215
BROWAR RESIDENCE - PROJECT NO. 269064
HEARING OFFICER

This Coastal Development Permit No. 946214 and Site Development Permit No. 946215 is granted by the Hearing Officer of the City of San Diego to Matthew S. and Nancy A. Browar, Trustees of the M.S. Browar Trust dated February 9, 1988, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708, 126.0504, and 1510.0201. The 1.35 -acre site is located at 2725 Inverness Court in the SF (Single Family) zone of the La Jolla Shores Planned District, Coastal (non-appealable), Coastal Height Limit, and Parking Impact Overlay zones within the La Jolla Community Plan area. The project site is legally described as Lot 8, La Jolla Shores Heights, Map No. 5831.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish existing residence and construct a one-story over basement, 6,566 square foot gross floor area, single family residence with an attached garage and guest quarters, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 5, 2012, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing one-story residence and improvements;
- b. Construction of a one-story over basement, approximately 6,566 square foot, gross floor area, single-family dwelling unit with an attached garage and guest quarters;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;

- e. Construction of site walls and a pool with spa; and
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by XX-XX-XX.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements

may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in **Mitigated Negative Declaration No. 269064**, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 269064, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue area: **Biological Resources**

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the existing non-utilized driveway, on Inverness Court with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.

15. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway, on Inverness Court, with a 12-foot wide City standard driveway, per Standard Drawing G-14A, G-16 and SDG-100, satisfactory to the City Engineer.

16. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the pressurized sidewalk underdrains, landscape and irrigation locate within Inverness Court right-of-way and the public drainage easement, satisfactory to the City Engineer.

17. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

18. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

20. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

21. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

22. All of the property not used or occupied by structures, unplanted recreational areas, walks and driveways shall be landscaped and may include native materials, and in no case shall this landscaped area be less than 30 percent of the total parcel area. All landscaping and irrigation shall be developed in conformance with the Landscape Guidelines of the Land Development Manual.
23. All landscape material shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material.
24. All landscaping shall be completed within 6 months of occupancy or within one year of the notice of completion of a residence.
25. Existing mature trees and landscaping features outside of the building footprint and where feasible shall be retained. New landscaped areas shall respect types and patterns of existing landscaping.
26. Complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
27. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.
28. The Owner/Permittee or Subsequent Owner/Permittee shall maintain temporary irrigated landscape for a period of not less than 25 months where revegetation is required. All temporary irrigation shall be removed prior to final acceptance by Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

29. Owner/Permittee shall maintain a minimum of three (3) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
30. The guest quarters shall not be rented, leased, or sold as a separate dwelling unit and shall be used solely by the property owner, their guests, or their employees.

31. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

32. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources and Steep Hillides. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

33. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on _____ and
Resolution No. _____

Permit Type/PTS Approval No.: CDP 946214 and SDP 946215

Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeannette Temple
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

By _____
Matthew S. Browar

By _____
Nancy A. Browar

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

LA JOLLA SHORES PLANNED DISTRICT

Applicant: Marcus Vanorden

Item: #1 - Brown Residence

Date: July 17, 2012

269064

To: Planning Director
From: La Jolla Shores Planned District Advisory Board
Subject: Proposal Within La Jolla Shores Planned District

The La Jolla Shores Planned District Advisory Board has reviewed the applicant for:

Well-Proportioned Design with sensitive
use of materials + good site design
to take advantage of views, and
to distribute mass well at site.
Good proportion + entrance at
street.

located _____

and recommends;

- A. Approval because of conformity to criteria and design standards adopted by the City Council
- B. Denial because of nonconformity to criteria and design standards adopted by the City Council. (Reasons for nonconformity on reverse side.)
- C. Approval subject to the following modifications to ensure conformity to criteria and design standards adopted by the City Council.

- D. Denial because of lack of four affirmative votes.

Board Signatures

Approving Item: A-0

Disapproving Item: _____

Suzanne Weissman
[Signature]
Van Hoore
[Signature]

[Empty Signature Box]

Absentees:

[Signature]
Chairman



P.O. BOX 889
LA JOLLA
CALIFORNIA 92038

LA JOLLA COMMUNITY PLANNING ASSOCIATION

P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900

<http://www.LaJollaCPA.org> Email: Info@LaJollaCPA.org

Regular Meeting – 03 May 2012

Attention: Jeannette Temple, PM
City of San Diego

Project: Browar Residence
2725 Inverness Court
PN: 269064

Motion: To accept the actions of the La Jolla Shores Permit Review Committee: Findings can be made for a SDP and a CDP based on the plans presented to the committee dated by presenter 4/24/12 (and to be submitted to the City), with front setbacks of 9' 6" and arching stone wall set back 8' 6" as indicated on sheet 2 of 12. 4-1-1 **Vote: 14-0-1**

A handwritten signature in black ink, appearing to read "Tony Crisafi".

03 May 2012

Submitted by: Tony Crisafi, President
La Jolla CPA

Date



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title

BROWAR RESIDENCE

Project No. For City Use Only

269064

Project Address:

2725 INVERNESS COURT, LA JOLLA, CA 92037

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of individual (type or print):

Matt Browar

Owner Tenant/Lessee Redevelopment Agency

Street Address:

P.O. Box 3030

City/State/Zip:

La Jolla, CA 92037

Phone No:

[Signature]

Fax No:

12-19-11

Signature:

Date:

Name of individual (type or print):

Nancy Browar

Owner Tenant/Lessee Redevelopment Agency

Street Address:

same

City/State/Zip:

Phone No:

Signature:

Fax No:

Date:

Name of individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Signature:

Fax No:

Date:

Name of individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Signature:

Fax No:

Date:



THE CITY OF SAN DIEGO

DATE OF NOTICE: November 19, 2012

NOTICE OF PUBLIC HEARING

HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	December 5, 2012
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	Coastal Development and Site Development Permit with a Mitigated Negative Declaration; Process 3
PROJECT NO:	<u>269064</u>
PROJECT NAME:	<u>BROWAR RESIDENCE</u>
APPLICANT:	Marcos Vanorden, Hayer Architecture
COMMUNITY PLAN AREA:	La Jolla
COUNCIL DISTRICT:	District 1
CITY PROJECT MANAGER:	Jeannette Temple, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 557-7908/jtemple@sandiego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish an existing residence with improvements, and construct an approximate one-story over basement, 6,566 square feet of Gross Floor Area, single family residence with guest quarters, an attached 3-car garage, a pool with spa, and site walls on 1.35 acre site. The project is located at 2725 Iverness Court in the SF zone of the La Jolla Shores Planned District, the Coastal Overlay (non-appealable), Coastal Height Limit, and Parking Impact Overlay zones within the La Jolla Community Plan area.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

The certification of an Environmental Impact Report, adoption of a Mitigated Negative Declaration or Negative Declaration may be appealed to the City Council **after an appeal of the Hearing Officer's decision is heard by the Planning Commission**. All such appeals must be filed by 5:00 PM within ten (10) business days from the date of the Planning Commission's certification/adoption of the environmental document. Please do not e-mail appeals as they will not be accepted. The proper forms are available from the City Clerk's Office, located on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101.

The final decision by the City of San Diego is not appealable to the California Coastal Commission. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager listed above.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.
Internal Order Number: 24002035