



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: May 15, 2024 REPORT NO. HO-24-021

HEARING DATE: May 22, 2024

SUBJECT: CARR-GAFRIC RESIDENCE, Process Three Decision

PROJECT NUMBER: [PRJ-0695833](#)

OWNER/APPLICANT: Jacob A. Carr and Kristen M. Gafric / Alicia Calhoon Architect.

### SUMMARY

Issue: Should the Hearing Officer approve a Site Development Permit to remodel an existing four-story 3,457 square-foot single-dwelling unit and construct a 1,779-square-foot addition, and a new 1,126-square-foot Accessory Dwelling Unit at the basement level of the existing structure located at 2845 Union Street within the [Uptown Community Plan](#) area?

Proposed Action: APPROVE Site Development Permit No. PMT-2580305.

Fiscal Considerations: All costs associated with this action are recovered through a deposit account funded by the applicant.

Housing Impact Statement: The project is within the Uptown Community Plan with a land use designation as Open Space and Residential-Medium (16-29 dwelling units per acre), allowing between six and 12 units on the 0.42-acre site. The underlying zones are RM-2-5 (Residential-Multiple Unit) and OR-1-1 (Open Space-Residential); One dwelling unit per 1,500 square feet of lot area (or 12 dwelling units for this site) is allowed in the RM-2-5 zone, and one dwelling unit per site is allowed in the OR-1-1 zone. The project site is currently developed with a single-dwelling unit and proposes an addition to the existing structure and the construction of an attached accessory dwelling unit. There is no net loss of housing nor increase in density. Pursuant to SDMC Section [141.0302\(b\)\(2\)\(B\)](#) accessory dwelling units are not subject to the density limitations for the premises. Therefore, the project is consistent with the prescribed density. There is no requested density bonus for the proposed project.

Community Planning Group Recommendation: On January 11, 2022, Uptown Planners voted 14-0-0 to approve the project with no conditions (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of

Small Structures). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 1, 2024, and the opportunity to appeal that determination ended on March 15, 2024.

## BACKGROUND

### Site Description:

The 0.42-acre site at 2845 Union Street is developed with a four-story, 3,457-square-foot single-dwelling unit and an attached 445-square-foot garage within an established residential area in the Uptown Community Plan area. The site is in the Residential Multiple Unit (RM-2-5) Zone and the Open Space Residential (OR-1-1) Zone, Federal Aviation Administration (FAA) Part 77 Noticing Area for the San Diego International Airport (SDIA), Airport Influence Area (Review Area 1), Airport Approach Overlay Zone, and contains Environmentally Sensitive Lands in the form of steep hillsides with slopes 25 percent or greater.

### Project Description:

The project consists of remodeling the existing single-dwelling unit and constructing a 1,779-square-foot addition and a new 1,126-square-foot Accessory Dwelling Unit. The project scope (Attachment 9) includes:

- Demolition of the existing entry space on the fourth floor (street level) and stairs for the construction of a new entry, interior stairs, elevator, and dining room;
- Demolition of the existing kitchen, living room, and bedroom on the third floor for the construction of a new living room, kitchen, pantry, powder room, exterior stair to all levels, and deck;
- Demolition of three bedrooms, office, and baths on the second floor for the construction of a media room, guest bedroom with bath, lounge, laundry, and master bedroom with bath and walk-in closet;
- Demolition of interior walls on the first floor (formerly basement storage) for the construction of a new office, game room, fitness room, exterior deck with outdoor kitchen, pool and spa; and
- The construction of a new basement-level Accessory Dwelling Unit consisting of two bedrooms with baths, laundry, kitchen, living space, and exterior deck.

### Permits Required:

A Site Development Permit (SDP) is required per the San Diego Municipal Code (SDMC) Section [143.0110\(b\)](#), [Table 143-01A](#) for development on a site containing Environmentally Sensitive Lands (ESL) in the form of Steep Hillsides on a lot greater than 15,000 square feet. A decision on an application for an SDP containing ESL shall be made in accordance with Process Three, with the Hearing Officer as the decision maker with appeal rights to the Planning Commission.

## DISCUSSION

### Development:

The proposed development was designed to conform with all applicable regulations of the underlying RM-2-5 and OR-1-1 Zones, including Maximum Building Height (40 feet) in the RM-2-5 zone and (30 feet) in the OR-1-1 zone. The zoning allows one dwelling unit, where one dwelling unit

per 1,500 square feet of lot area (or 12 dwelling units for this site) is allowed in the RM-2-5 zone, and one dwelling unit per site is allowed in the OR-1-1 zone. The project conforms to the required setbacks and Floor Area Ratio (FAR), proposing 1.02 FAR within the RM-2-5 zone, which is below the maximum (1.35) for RM-2-5, and 0.45 FAR within the OR-1-1 zone, which is equal to the allowed maximum (0.45) for OR1-1. The Allowable Development Area is 39.6 percent which is below the maximum 40 percent for sites in the OR-1-1 zone. This includes up to 25 percent for the entire premises with an additional 15 percent for projects where the existing development area is noncontiguous pursuant to development regulations for steep hillsides, per SDMC section [143.0142\(a\)\(3\)\(C\)](#). The project site contains a previously disturbed sewer easement area that lies within RM-2-5, which is noncontiguous to the proposed development and does not have direct access to a public right of way, therefore allowing for the additional 15 percent increment.

#### Community Plan Consistency:

The Uptown Community Plan (Community Plan) designates the site as Open Space and Residential-Medium: 16-29 dwelling units per acre, allowing between six and 12 units on the 0.42-acre site. The Community Plan Land Use goals and policies include:

- Residential densities appropriate to each Uptown neighborhood.
- Enable rental and ownership opportunities in all types of housing, including alternative housing units such as companion units, live/work studios, and shopkeeper units; and
- Preservation of natural hillsides and canyons as open space.

The 0.42-acre site sits within the Mission Hills area of the Community Plan, which consists of predominantly single-dwelling units. The proposed development is consistent with the prescribed land use and density, by providing a single dwelling unit within an Open Space-Residential and Residential-Medium site that allows for up to 12 dwelling units. In addition, the proposed accessory dwelling unit provides alternative housing opportunities and does not increase the density of the site. The project design takes advantage of a sloping site, adhering to building height limitations dictated by existing grades while minimizing bulk at the Street level.

#### Project-Related Issues:

##### *Environmentally Sensitive Lands*

The project site contains ESL in the form of steep hillsides with slopes of 25 percent or greater per SDMC [Section 143.0110](#). Sheet A0.02 of the Project Plans (Attachment 9) includes an analysis of the steep hillsides on the site. The proposed design is sensitive to the steep hillsides present on site, and it is located in previously disturbed areas of the premises. A permit condition has been included for the undeveloped remainder of the premises to be incorporated into a covenant of easement that shall be recorded against title to the property prior to the issuance of any construction permits to ensure the preservation of the 0.21 acres of ESL shown on Sheet A0.02 of the project plans.

The project site does not contain ESL in the form of sensitive habitat, as analyzed in the Biological Reconnaissance Survey and Resources Report prepared by Pacific Southwest Biological Services. The site lies within the Urban Area of the City's Multiple Species Conservation Program (MSCP) plan area and is not located within or adjacent to the Multiple Habitat Planning Area of the MSCP subarea plan.

### *Geologic Conditions*

City staff has reviewed a preliminary geotechnical studies report prepared by Geotechnical Exploration, Inc. for the site that includes slope stability calculations and concluded that the project adequately addresses the site's soil and geologic conditions. The project site is not located within a flood area, and drainage for the project complies with the City's drainage regulations and standards.

### *Brush Management*

The project site is in the Very High Fire Severity Zone. Non-combustible, one-hour or better fire-rated, and/or heavy timber construction is required, as well as Dual Pane/Dual Tempered windows for all portions of the building. A Brush Management Plan is included in the Project Plans (Attachment 9), and the permit contains conditions requiring a complete Brush Management Program to be submitted for review and approval prior to the issuance of any construction permits, that is in compliance with the City of San Diego's Landscape regulations and Standards and is in substantial conformance with the approved Exhibit "A".

### *Airports*

The project site is within the FAA Part 77 Noticing Area for the SDIA and is within the 65-70 decibel Community Noise Equivalent Level (dB CNEL) noise exposure contour. The project exceeds the FAA Part 77 notification surfaces. As an alternative to FAA notification, the City has allowed a No FAA Notification Self-Certification Agreement, in which the applicant certifies that the proposed project is within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation. The San Diego International Airport Land Use Compatibility Plan identifies residential uses within the 65-70 dB contour as conditionally compatible when sound attenuation measures are provided to a 45 dB CNEL noise level and requires an aviation easement to be recorded with the County of San Diego Recorder. The proposed development includes sound attenuation for all habitable rooms to ensure an interior noise level of 45 dB CNEL. In addition, the recordation of an aviation easement for aircraft noise and height prior to issuance of construction permits is included as a condition of approval. Therefore, the overflight notification requirement is satisfied.

The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect public health, safety, and welfare. Permit requirements include:

- Submitting a Water Pollution Control Plan prepared in accordance with the City's Construction Best Management Practices.
- Obtaining a bonded grading permit for the proposed grading for this project. All grading shall conform to SDMC requirements in a manner satisfactory to the City Engineer.
- Obtaining an Encroachment Maintenance and Removal Agreement, for the private improvements located in the City's right-of-way, satisfactory to the City Engineer.

Conclusion:

Staff has reviewed the proposal, including all issues identified through the review process, and has determined that all project issues have been addressed. The project conforms to the Community Plan and the adopted City Council policies and regulations of the Land Development Code. Therefore, draft findings and conditions to support project approval are presented to the Hearing Officer for consideration.

ALTERNATIVES

1. Approve Site Development Permit No. PMT-2580305, with modifications.
2. Deny Site Development Permit No. PMT-2580305, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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Veronica Davison  
Development Project Manager  
Development Services Department

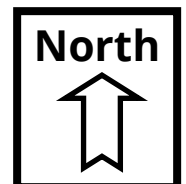
Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. Notice of Right to Appeal (NORA)
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project plans

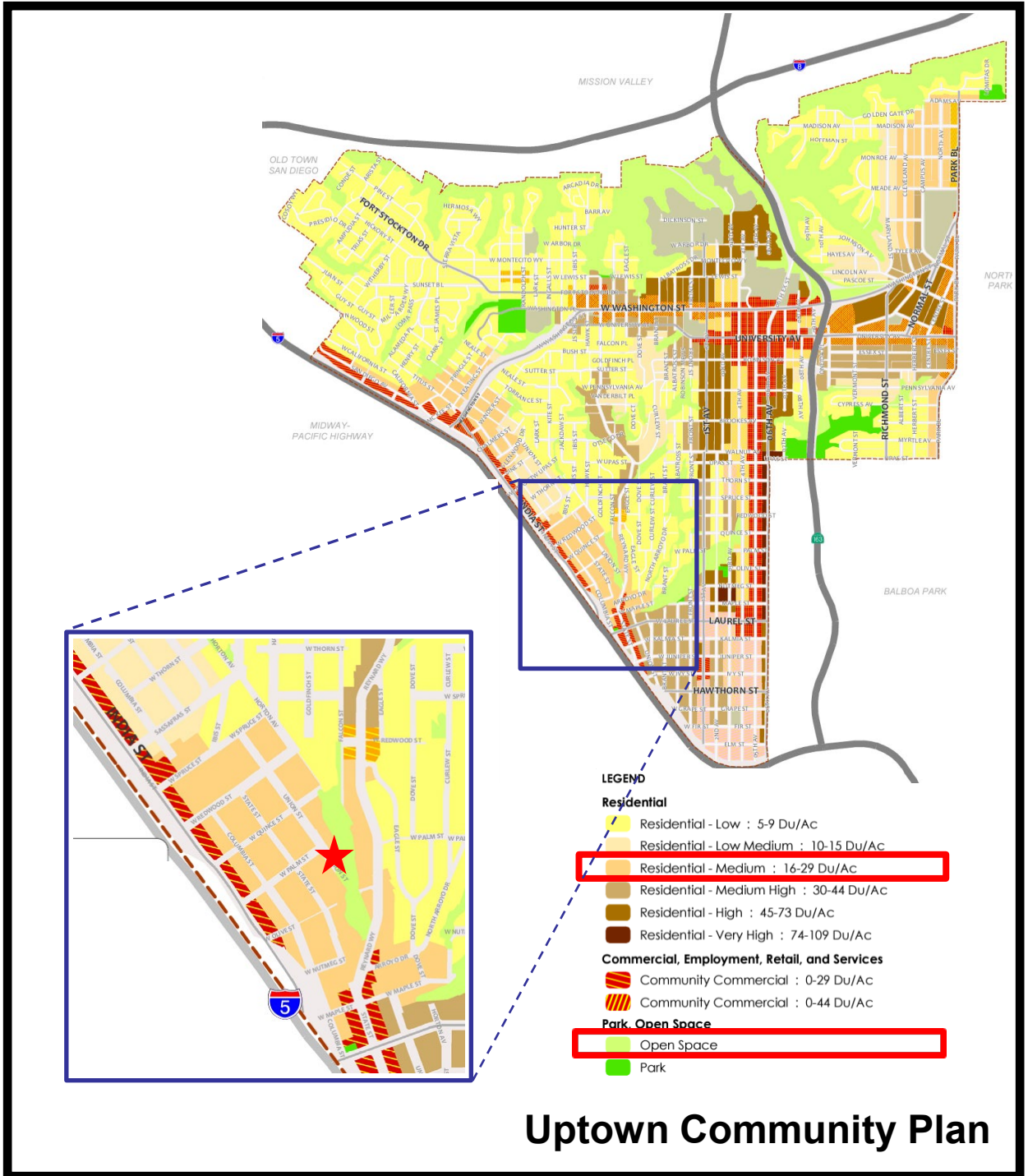


## Project Location

**Carr-Gafric Residence - PRJ-0695833**  
**2845 Union Street**





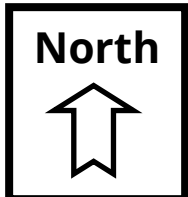


## Uptown Community Plan

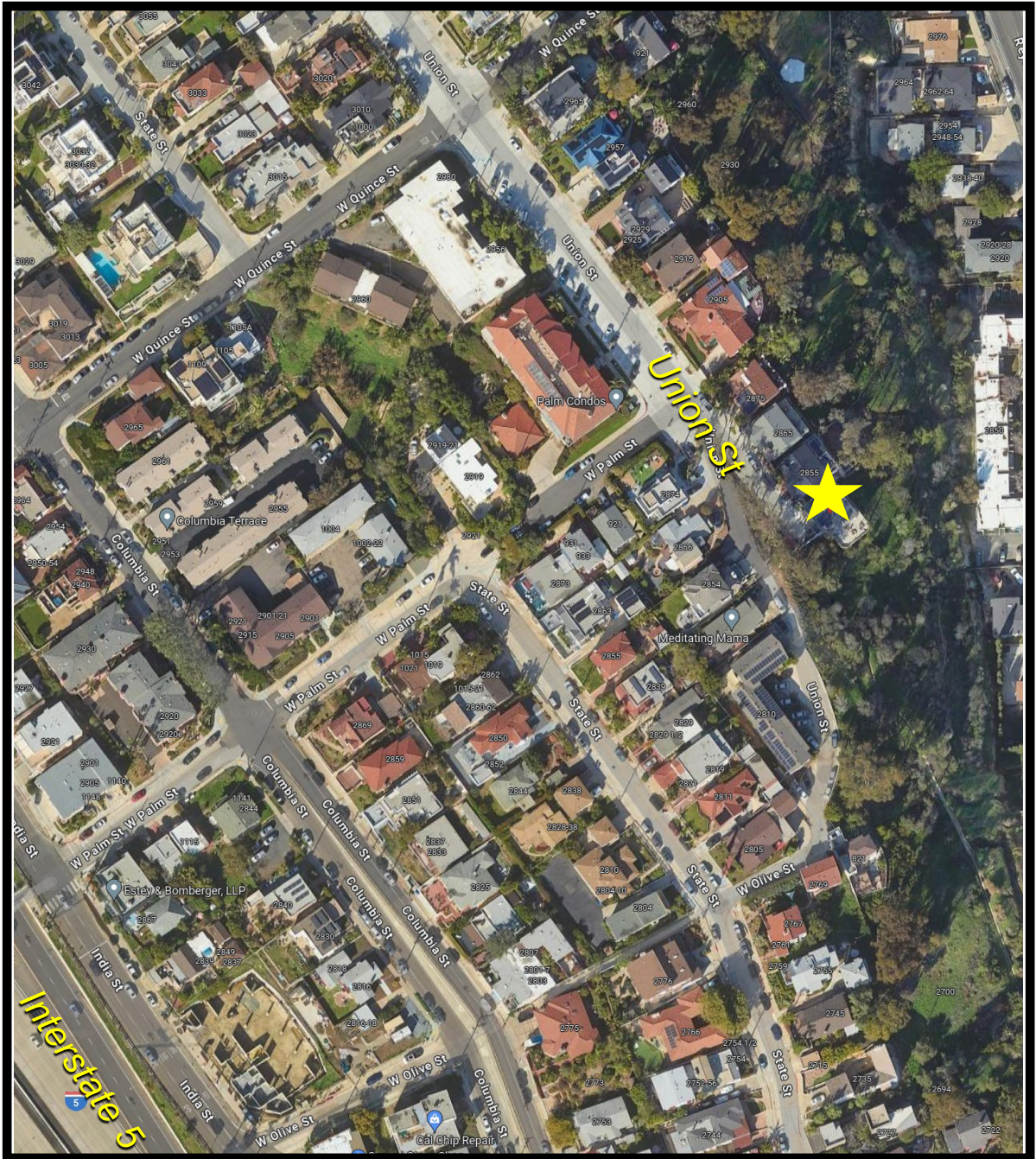


### Land Use Map

Carr-Gafric Residence - PRJ-0695833  
2845 Union Street

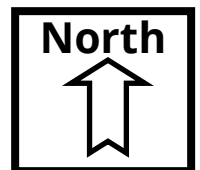






## Aerial Photo

Carr-Gafric Residence - PRJ-0695833  
2845 Union Street





**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**

INTERNAL ORDER NUMBER: 24009022

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT No. PMT-2580305  
**CARR-GAFRIC RESIDENCE - PROJECT NO. PRJ-0695833**  
HEARING OFFICER

This Site Development Permit No. PMT-2580305 is granted by the Hearing Officer of the City of San Diego to Jacob A. Carr and Kristen M. Gafric, husband and wife, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 143.0110(b). The 0.42-acre site is located at 2845 Union Street and is in the Residential Multiple Unit (RM-2-5) and Open Space Residential (OR-1-1) Zones, Federal Aviation Administration Part 77 Noticing Area for the San Diego International Airport (Lindbergh and North Island), Airport Influence Area (Review Area 1), Airport Approach Overlay Zone, and contains Environmentally Sensitive Lands (Steep Hillides) within the Uptown Community Plan area. The project site is legally described as Lot 4 of Union Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 8255, filed in the Office of the County Recorder of San Diego County, February 11, 1976.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to remodel the existing single-dwelling unit and construct a 1,779-square-foot addition and new 1,126-square-foot Accessory Dwelling Unit described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 22, 2024, on file in the Development Services Department.

The project shall include:

- a. Remodel of an existing four-story 3,457 square-foot dwelling unit, and construction of a 1,779-square-foot addition, a new 1,126-square-foot Accessory Dwelling Unit at the basement level of the existing structure, new exterior decks, and a new pool.
- b. Landscaping (planting, irrigation, and landscape-related improvements); and
- c. 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 June 5, 2027.
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. 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.

10. 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.

**AIRPORT REQUIREMENTS:**

11. Prior to the issuance of any construction permits, the Owner/Permittee shall grant an avigation easement to the San Diego County Regional Airport Authority as the operator of the San Diego International Airport for the purposes of aircraft operations, noise and other effects caused by the operation of aircraft, and for structure height if the same would interfere with the intended use of the easement. The Owner/Permittee shall use the avigation easement form provided by the San Diego County Regional Airport Authority.

12. Prior to submitting building plans to the City for review, the Owner/Permittee shall place a note on all building plans indicating that an avigation easement has been granted across the property to the airport operator. The note shall include the County Recorder's recording number for the avigation easement.

13. Prior to the issuance of any construction permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the

structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

**ENGINEERING REQUIREMENTS:**

14. The project proposes to export 130 cubic yards of material from the project site. All excavated material listed to be exported shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition, and Regional Supplement Amendments adopted by the Regional Standards Committee.

15. The drainage system proposed for this development, as shown in Exhibit "A" is private and subject to approval by the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to SDMC requirements in a manner satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the private driveway, private storm drainpipe, retaining wall, landscaping, and irrigation located in the city's right-of-way, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate into the construction Plans and Specifications any construction Best Management Practices (BMP) necessary to comply with the Grading Regulations of SDMC, Chapter 14, Article 2, Division 1.

19. 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 Part-2 Construction BMP Standards, Chapter 4 of the City's Storm Water Standards.

**LANDSCAPE REQUIREMENTS:**

20. Prior to the issuance of any grading permits, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A."

21. Prior to the issuance of any construction permits for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water, and sewer laterals shall be designed so as not to prohibit the placement of Street trees.



22. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease-, weed-, and litter-free condition at all times. Severe pruning or "topping" of trees is not permitted.

**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

23. The Brush Management Program shall be based on a standard Zone One of 35-foot in width and a Zone Two of 65-foot in width, exercising the Zone Two reduction option and Alternative Compliance measures set forth under SDMC Sections 142.0412(f), 142.0412(i), and 142.0412(j). Zone One shall range from 10-foot to 20.5-foot in width with a corresponding Zone Two of 14-foot to 90-foot in width, extending out from the habitable structures toward the native/naturalized vegetation as shown in Exhibit "A." Where the full brush management zones cannot be provided, alternative compliance for the reduced brush management zones shall be provided as determined by the Fire reviewing discipline.

24. Prior to the issuance of any grading permits, landscape construction documents required for engineering permits shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

25. Prior to the issuance of any construction permits, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A". The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and Standards.

26. Within Zone One, combustible accessory structures (including, but not limited to, decks, trellises, gazebos, etc.) shall not be permitted, while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

27. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

**PLANNING/DESIGN REQUIREMENTS:**

28. All automobile parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with the requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose unless otherwise authorized in writing by the appropriate City decision-maker in accordance with the SDMC.

29. 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

30. Pursuant to SDMC Section 143.0140, the undeveloped remainder of the premises, as illustrated on Exhibit "A," shall be incorporated into a covenant of easement that shall be recorded against title to the property, in accordance with procedures set forth in Section 143.0152.

31. 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.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

32. Prior to the issuance of any construction permits, if it is determined during the building permit review process that the existing water and sewer service will not be adequate to serve the proposed project, the Owner/Permittee shall assure by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer.

33. The Owner/Permittee Subdivider shall apply for a plumbing permit for the installation of appropriate private backflow prevention device(s) (BFPDs) on each water service (domestic, fire, and irrigation) in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service, and immediately adjacent to the right-of-way.

34. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

35. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 May 22, 2024, and [Approved Resolution Number].

DRAFT

Site Development Permit No. PMT-2580305  
Date of Approval: May 22, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Veronica Davison  
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.

Owner/Permittee

By \_\_\_\_\_  
Jacob A Carr

Owner/Permittee

By \_\_\_\_\_  
Kristen M Gafric

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



HEARING OFFICER RESOLUTION NO. \_\_\_\_\_  
SITE DEVELOPMENT PERMIT NO. PMT-2580305  
**CARR-GAFRIC RESIDENCE - PROJECT NO. PRJ-0695833**

WHEREAS, JACOB A. CARR AND KRISTEN M. GAFRIC, husband and wife, Owner/Permittee, filed an application with the City of San Diego for a permit to remodel an existing four-story 3,457 square-foot single-dwelling unit and to construct a 1,779-square-foot addition, a new 1,126-square-foot Accessory Dwelling Unit at the basement level of the existing structure, new exterior decks, and a new pool (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. PMT-2580305, on portions of a 0.42-acre site;

WHEREAS, the project site is located at 2845 Union Street in the Residential Multiple Unit (RM-2-5) and Open Space Residential (OR-1-1) Zones, Federal Aviation Administration Part 77 Noticing Area for the San Diego International Airport (Lindbergh and North Island), Airport Influence Area (Review Area 1), Airport Approach Overlay Zone, and contains Environmentally Sensitive Lands (Steep Hillides) within the Uptown Community Plan area;

WHEREAS, the project site is legally described as Lot 4 of Union Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 8255, filed in the Office of the County Recorder of San Diego County, February 11, 1976;

WHEREAS, on March 1, 2024, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15303 (New Construction or Conversion of Small Structures); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on May 22, 2024, the Hearing Officer of the City of San Diego considered Site Development Permit No. PMT-2580305 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. PMT-2580305:

**A. SITE DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE (SDMC) 126.0505(a)**

**1. Findings for all Site Development Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.**

The project site is located at 2845 Union Street within an established residential area in the Uptown Community Plan (Community Plan). The site is developed with a four-story, 3,457-square-foot single-dwelling unit with an attached 445-square-foot garage. The project includes remodeling the existing residence and constructing a 1,779-square-foot addition, a 1,126-square-foot Accessory Dwelling Unit at the existing basement level, new exterior decks, and a new pool.

The 0.42-acre site is in the Mission Hills neighborhood of the Community Plan, which consists predominantly of single-dwelling units. The project site is designated for Residential-Medium uses (16-29 dwelling units per acre) and open space (one dwelling unit per acre). The Community Plan Land Use goals and policies include:

- Residential densities appropriate to each Uptown neighborhood;
- Enable rental and ownership opportunities in all types of housing, including alternative housing units such as companion units, live/work studios, and shopkeeper units; and
- Preservation of natural hillsides and canyons as open space.

The proposed development is consistent with the prescribed land use and density, by providing a single dwelling unit within an Open Space-Residential and Residential-Medium site that allows for up to 12 dwelling units. In addition, the proposed accessory dwelling unit provides alternative housing opportunities and does not increase the density of the site. The project design takes advantage of a sloping site, adhering to building height limitations dictated by existing grades while minimizing bulk at the street level. Therefore, the project will not adversely affect the applicable land use plan.

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

The project site contains Environmentally Sensitive Lands (ESL) in the form of Steep Hill-sides with slopes of 25 percent or greater per San Diego Municipal Code (SDMC) Section 143.0110. The proposed development is sensitive to the steep hillsides present on site and is located in a previously disturbed area of the premises. A preliminary geotechnical study was prepared by Geotechnical Exploration, Inc. on May 23, 2022, that includes slope stability calculations for the site and concluded that the project adequately addresses the site's soil and geologic conditions.

The project site is in the Very High Fire Severity Zone. The project will be constructed of non-combustible, one-hour or better fire-rated, and/or heavy timber. In addition, a Brush Management Plan has been reviewed and accepted for the project, which identifies areas that require permanently irrigated planting and areas of thinned native vegetation.

The proposed Site Development Permit contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect public health, safety, and welfare. Permit requirements include implementing construction best management practices, a water pollution control plan, a drainage system to be approved by the City engineer, a bonded grading permit that conforms to the requirements of the SDMC in a manner satisfactory to the City engineer and an encroachment maintenance and removal agreement for private improvements in the public right-of-way. The project has been conditioned to require a Covenant of Easement over the remaining on-site Environmentally Sensitive Lands to ensure the preservation of the private open space and the protection of Steep Hill-sides outside of the development footprint.

Furthermore, the project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and has been determined to be exempt from CEQA pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), and no adverse impacts to public health, safety or welfare were identified during the project's environmental review. Therefore, the proposed development will not be detrimental to public health, safety, and welfare.

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

The project includes remodeling the existing single-dwelling unit and constructing a 1,779-square-foot addition, a 1,126-square-foot Accessory Dwelling Unit at the existing basement level, new exterior decks, and a new pool.

The proposed development was designed to conform with all applicable regulations of the underlying RM-2-5 (Residential-Multiple Unit) and OR-1-1 (Open Space-Residential) Zones, including a Maximum Building Height of 40 feet in the RM-2-5 zone and 30 feet in the OR-1-1 zone. The zoning allows one dwelling unit for the

premises, where one dwelling unit per 1,500 square feet of lot area (or 12 dwelling units for this site) is allowed in the RM-2-5 zone, and one dwelling unit per site is allowed in the OR-1-1 zone. The project conforms to the required setbacks and Floor Area Ratio (FAR), proposing 1.02 FAR within the RM-2-5 zone, which is below the maximum (1.35) for RM-2-5, and 0.45 FAR within the OR-1-1 zone, which is equal to the allowed maximum (0.45) for OR1-1. The Allowable Development Area is 39.6 percent which is below the maximum 40 percent for sites in the OR-1-1 zone. This includes up to 25 percent for the entire premises with an additional 15 percent for projects where the existing development area is noncontiguous pursuant to development regulations for steep hillsides, per SDMC section 143.0142(a)(3)(C). The project site contains a previously disturbed sewer easement area that lies within RM-2-5, which is noncontiguous to the proposed development and does not have direct access to a public right of way, therefore allowing for the additional 15 percent increment.

The proposed residential use is consistent with the Community Plan land use designation of residential and preserves the sensitive areas of the on-site open space. The project conforms to the development area limitations for Environmentally Sensitive Lands. No deviations or variances are requested. Therefore, the project will comply with the regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

**2. Supplemental Findings – Environmentally Sensitive Lands - SDMC 126.0505(b)**

**a. 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 project includes remodeling the existing single-dwelling unit and the construction of a 1,779-square-foot addition, a 1,126-square-foot Accessory Dwelling Unit at the existing basement level, new exterior decks, and a new pool.

The project site contains Environmentally Sensitive Lands (ESL) in the form of steep hillsides with slopes of 25 percent or greater per SDMC Section 143.0110. Sheet A0.02 of the Project Plans includes an analysis of the steep hillsides on the site. The proposed development is within the previously disturbed area of the site. City staff determined that the proposed development will not impact the Steep Hillsides. The project has been conditioned to require a Covenant of Easement over the remaining on-site ESL to ensure the preservation of the private open space and the protection of Steep Hillsides outside of the development footprint.

The project site does not contain ESL in the form of sensitive habitat, as analyzed in the Biological Reconnaissance Survey and Resources Report prepared by Pacific Southwest Biological Services. The site lies within the Urban Area of the City's Multiple Species Conservation Program (MSCP) plan area and is not located within or adjacent to the Multiple Habitat Planning Area of the MSCP subarea plan.



A preliminary geotechnical studies report was prepared by Geotechnical Exploration, Inc. on May 23, 2022, that includes slope stability calculations for the site and concluded that the project adequately addresses the site's soil and geologic conditions. In addition, drainage for the project complies with the city's drainage regulations and standards.

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.

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

The project site contains Environmentally Sensitive Lands (ESL) in the form of steep hillsides with slopes of 25 percent or greater per San Diego Municipal Code (SDMC) Section 143.0110. The project development is sensitive to the steep hillsides present on site and is located on previously disturbed areas of the premises. City staff has reviewed the preliminary geotechnical studies report prepared by Geotechnical Exploration, Inc. on May 23, 2022, which includes slope stability calculations for the site and concluded that the project adequately addresses the site's soil and geologic conditions. The project site is not located within a flood area, and drainage for the project complies with the City's drainage regulations and standards.

The project site is in the Very High Fire Severity Zone. Non-combustible, one-hour or better fire-rated, and/or heavy timber construction is required, as well as Dual Pane/Dual Tempered windows for all portions of the building. A Brush Management Plan has been reviewed and accepted for the project, which identifies areas that require permanently irrigated planting and areas of thinned native vegetation.

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

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

The project contains ESL in the form of steep hillsides with slopes of 25 percent or greater per SDMC Section 143.0110. Sheet A0.02 of the Project Plans includes an analysis of the steep hillsides on the site. The proposed development is within a previously disturbed area of the site, and City staff determined that the proposal will not impact the steep hillsides that are present on site. In addition, prior to the issuance of any construction permits, an executed and recorded Covenant of Easement ensures the preservation of 0.21 acres of ESL.

The project site does not contain ESL in the form of sensitive habitat, as analyzed in the Biological Reconnaissance Survey and Resources Report prepared by Pacific Southwest Biological Services. The site lies within the Urban Area of the City's

Multiple Species Conservation Program (MSCP) plan area and is not located within or adjacent to the Multiple Habitat Planning Area of the MSCP subarea plan. City staff has reviewed the preliminary geotechnical studies report prepared by Geotechnical Exploration, Inc. on May 23, 2022, which includes slope stability calculations for the site and concluded that the project adequately addresses the site's soil and geologic conditions.

Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

**d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).**

The project site is partially located in Open Space as part of a canyon towards the rear of the property. ESL is present in the form of steep hillsides but does not contain ESL in the form of sensitive habitats, as analyzed in the Biological Reconnaissance Survey and Resources Report prepared by Pacific Southwest Biological Services. The site lies within the Urban Area of the City's Multiple Species Conservation Program (MSCP) plan area and is not located within or adjacent to the Multiple Habitat Planning Area of the MSCP subarea plan. The project site does not contain vernal pools. Therefore, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan and VPHCP.

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

The project site is located approximately one mile northeast of the shoreline. There are no physical beach access routes from the project site. In addition, the permit contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect public health, safety, and welfare. Permit requirements include implementing construction best management practices, a water pollution control plan, and a drainage system to be approved by the City Engineer. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**f. 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.**

The project site contains ESL in the form of steep hillsides with slopes of 25 percent or greater. The project design is sensitive to the steep hillsides present on-site and is located in previously disturbed areas. The project site does not contain ESL in the form of sensitive habitat and is not located within or adjacent to the City's Multiple Habitat Planning Area of the MSCP Subarea Plan. A permit condition has been included for the undeveloped remainder of the premises to be incorporated into a

covenant of easement that shall be recorded against title to the property prior to the issuance of any construction permits to ensure the preservation of the 0.21 acres of ESL.

City staff has also reviewed and accepted a preliminary geotechnical report prepared for the site that concluded that the project adequately addresses the site's soil and geologic conditions. The project site is not located within a flood area, and drainage for the project complies with the city's drainage regulations and standards.

In addition, the permit contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect public health, safety, and welfare. Permit requirements include implementing construction best management practices, a water pollution control plan, and a drainage system to be approved by the City Engineer.

There is no mitigation required as a permit condition. Therefore, 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.

The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. PMT-2580305 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. PMT-2580305, a copy of which is attached hereto and made a part hereof.

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Veronica Davison  
Development Project Manager  
Development Services

Adopted on: May 22, 2024

IO#: 24009022



THE CITY OF SAN DIEGO

DATE OF NOTICE: March 1, 2024

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

IO No. 24009022

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**PROJECT NAME / NUMBER:** Carr-Gafric Residences/ PRJ 695833

**COMMUNITY PLAN AREA:** Uptown Community Plan

**COUNCIL DISTRICT:** 3

**LOCATION:** 2845 Union Street, San Diego, CA 92103

**PROJECT DESCRIPTION:** The project is a Site Development Permit (SDP) for the remodel of an existing four-story, 3,457-square-foot (sf) single-family residence and the construction of a 1,779 sf addition including a new 1,126 sf ADU, new exterior decks, and a new pool, on a 0.42-acre site. The project site is in the RM-2-5 (Residential-Multiple Unit) and OR-1-1 (Open Space-Residential) Zones, Federal Aviation Administration Part 77 Noticing Area for the San Diego International Airport (Lindbergh and North Island), Airport Influence Area (Review Area 1), Airport Approach Overlay Zone, and contains Environmentally Sensitive Lands (steep hillsides) within the Uptown Community Plan. **LEGAL DESCRIPTION:** Lot 4 of Union Subdivision in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 8255, Filed in the Office of the County Recorder of San Diego County, February 11, 1976; APN 451-672-1600. The community plan designates the site for medium-density residential uses (16-29 dwelling units per acre) and open space (1 dwelling unit per acre).

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego Hearing Officer

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15303 (New Construction or Conversion of Small Structures).

**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego Development Services

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City of San Diego conducted an environmental review that determined the project would not have the potential to cause a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303 which consists of construction and location of limited numbers of new small facilities or structures. Since CEQA Section 15303 allows for the construction of a new residential dwelling

unit, this exemption was deemed appropriate. This exemption includes but is not limited to: one single-family residence or a second dwelling unit in a residential zone. In addition, the exceptions listed in CEQA Section 15300.2 would not apply. **The site is not included on any list compiled pursuant to Government Code Section 65962.5 for hazardous waste sites.**

**DEVELOPMENT PROJECT MANAGER:** Veronica Davison  
**MAILING ADDRESS:** 1222 First Avenue, MS 501, San Diego, CA 92101-4153  
**PHONE NUMBER / EMAIL:** (619) 446-5462/ HDavison@[sanidiego.gov](mailto:HDavison@sanidiego.gov)

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On March 1, 2024, the City of San Diego (City), as Lead Agency, has made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk by 5:00pm within ten (10) business days from the date of the posting of this Notice (March 15, 2024). Appeals to the City Clerk must be filed by email or in-person as follows:

- 1) Appeals filed via E-mail: The Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031>. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to [Hearings1@sanidiego.gov](mailto:Hearings1@sanidiego.gov) by 5:00p.m. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked) before or on the final date of the appeal. Please include the project number on the memo line of the check.
- 2) Appeals filed in person: Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>. Bring the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation) to the City Administration Building-Public Information Counter (Open 8:00am to 5:00pm Monday through Friday excluding City-approved holidays), 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.

This information will be made available in alternative formats upon request.



City of San Diego  
Development Services

## Community Planning Committee Distribution Form

Project Name:  
CARR-GAFRIC RESIDENCE SDP

Project Number:  
695833

Community:  
Uptown

For project scope and contact information (project manager and applicant),  
log into OpenDSD at <https://aca.accela.com/SANDIEGO>.

Select "Search for Project Status" and input the Project Number to access project information.

- Vote to Approve
- Vote to Approve with Conditions Listed Below
- Vote to Approve with Non-Binding Recommendations Listed Below
- Vote to Deny

# of Members Yes  
14

# of Members No  
0

# of Members Abstain  
0

Conditions or Recommendations:  
None

- No Action  
(Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)

NAME: Tom Mullaney

TITLE: Chair, Uptown Planners

DATE: January 11, 2022

*Attach additional pages if necessary (maximum 3 attachments).*



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

# Ownership Disclosure Statement

**FORM  
DS-318**  
October 2017

**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:** Carr-Gafric Residence **Project No. For City Use Only:** \_\_\_\_\_  
**Project Address:** 2845 Union Street San Diego, CA 92103

**Specify Form of Ownership/Legal Status (please check):**  
 Corporation  Limited Liability -or-  General - What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_  
 Partnership  Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. 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.

**Property Owner**  
Name of Individual: Jacob Carr & Kristen Gafric  Owner  Tenant/Lessee  Successor Agency  
Street Address: 1942 Timber Lane  
City: Boulder State: CO Zip: 80304  
Phone No.: 415-867-4372 Fax No.: \_\_\_\_\_ Email: kmgafric@gmail.com  
Signature: [Signature] Date: 8/9/21  
Additional pages Attached:  Yes  No

**Applicant**  
Name of Individual: JACOB CARR & KRISTEN GAFRIC  Owner  Tenant/Lessee  Successor Agency  
Street Address: 1942 Timber Lane  
City: Boulder State: CO Zip: 80304  
Phone No.: 415-867-4372 Fax No.: \_\_\_\_\_ Email: kmgafric@gmail.com  
Signature: [Signature] Date: 8/9/21  
Additional pages Attached:  Yes  No

**Other Financially Interested Persons**  
Name of Individual: \_\_\_\_\_  Owner  Tenant/Lessee  Successor Agency  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Additional pages Attached:  Yes  No

Printed on recycled paper. Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services).  
Upon request, this information is available in alternative formats for persons with disabilities.