



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: October 29, 2025 REPORT NO. HO-25-037

HEARING DATE: November 5, 2025

SUBJECT: 1876 Elm Avenue, Process Three Decision

PROJECT NUMBER: [PRJ-1122086](#)

OWNER/APPLICANT: Feddy Konix and Marcela Holguin

SUMMARY

Issue: Should the Hearing Officer approve a Map Waiver to convert four existing dwelling units into condominiums located at [1876 Elm Avenue](#) within the [Otay Mesa-Nestor Community Plan](#)?

Proposed Action:

1. APPROVE Map Waiver No. [PMT-3312330](#).

Fiscal Considerations: The applicant has paid a flat fee pursuant to the Development Services Department's fee schedule.

Code Enforcement Impact: There are currently no code violations associated with the property.

Housing Impact Statement: The project will create four new condominiums where currently four apartment units exist. The Otay Mesa-Nestor Community Plan designates the 0.25-acre site as Low-Medium Density, with a residential density range of 10-15 dwelling units per net acre, allowing a maximum of four dwelling units on the subject site. The proposed project will not demolish any of the existing units and will maintain four units on site. Prior to the issuance of the final map, the permittee shall demonstrate compliance with the provisions of the San Diego Municipal Code, specifically the Inclusionary Affordable Housing Regulations of Chapter 14, Article 2, Division 13 and the Inclusionary Housing Procedures Manual by payment of the applicable Inclusionary Affordable Housing In Lieu Fee.

Community Planning Group Recommendation: On July 9, 2025, the Otay Mesa-Nestor Community Planning Group voted 8-1-0 to recommend approval of the project with no conditions.

Environmental Impact: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 Existing Facilities,

15303 New Construction or Conversion of Small Structures, and 15332 In-fill Development Projects. The environmental exemption determination for this project was made on June 6, 2025, and the opportunity to appeal that determination ended on June 20, 2025.

BACKGROUND

The 0.25-acre site is zoned RM-1-1 (Residential-Multiple Unit) and is located at 1876 Elm Avenue in an urbanized area of the Otay Mesa-Nestor Community Plan area, which designates it for residential use. The site contains four multiple-dwelling units.

Project Description:

The project proposes a Map Waiver to convert four existing apartment units into condominiums on a fully developed site. This action would not result in a distinguishable change to the density, use, or the physical nature of the properties. The subdivision will not affect access to the adjacent properties, as all parcels will continue to have access to Elm Avenue. The four condominiums will not adversely affect housing needs, as the same number of units will remain on site. The permittee shall either show evidence that relocation assistance has been paid to eligible tenants or enter into a written agreement with the San Diego Housing Commission which incorporates applicable relocation benefit conditions consistent with the San Diego Municipal Code (SDMC). Additionally, existing public utility services to the subdivision will continue to be provided.

Permits Required

- Map Waiver: Pursuant to [SDMC Sections 125.0120 and 125.0122](#), a Map Waiver is required to subdivide a single parcel into four condominium parcels in accordance with a Process Three Decision by the Hearing Officer, appealable to the Planning Commission.

Community Plan Analysis:

The approximately 0.25-acre site is designated as residential in the Otay Mesa-Nestor Community Plan (Community Plan). The project proposes to subdivide four existing units into four new condominiums. The Community Plan designates the site as residential Low-Medium Density (10-15 dwelling units per net acre), which allows up to four dwelling units on the site. The existing units are consistent with this land use designation. Further, the Map Waiver subdivides the property for condominium ownership, which is consistent with the Community Plan and specifically complies with the following residential strategy:

Maintain planned residential land use intensities that ensure conservation of neighborhood character and do not permit rezones to higher densities inconsistent with the community's land use designations (OMNCP page 55).

The project maintains the site's current land use intensity and does not propose any new development or intensification of the property, nor does it request a rezone. Converting existing apartments into condominiums preserves the neighborhood's character.

Conclusion:

All issues raised during the review process have been addressed, and the project conforms with the regulations of the Land Development Code and policies of the Community Plan. All required information was disclosed and shared with interested parties during the review process. Therefore, City staff recommends that the Hearing Officer approve Map Waiver No. PMT-3312330.

ALTERNATIVES

1. Approve Map Waiver No. PMT-3312330 with modifications.
2. Deny Map Waiver No. PMT-3312330 if the required findings for the project cannot be affirmed.

Respectfully submitted,

Christian Hoppe

Christian Hoppe
Development Project Manager
Development Services Department

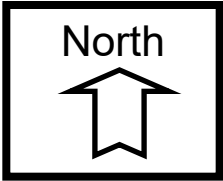
Attachments:

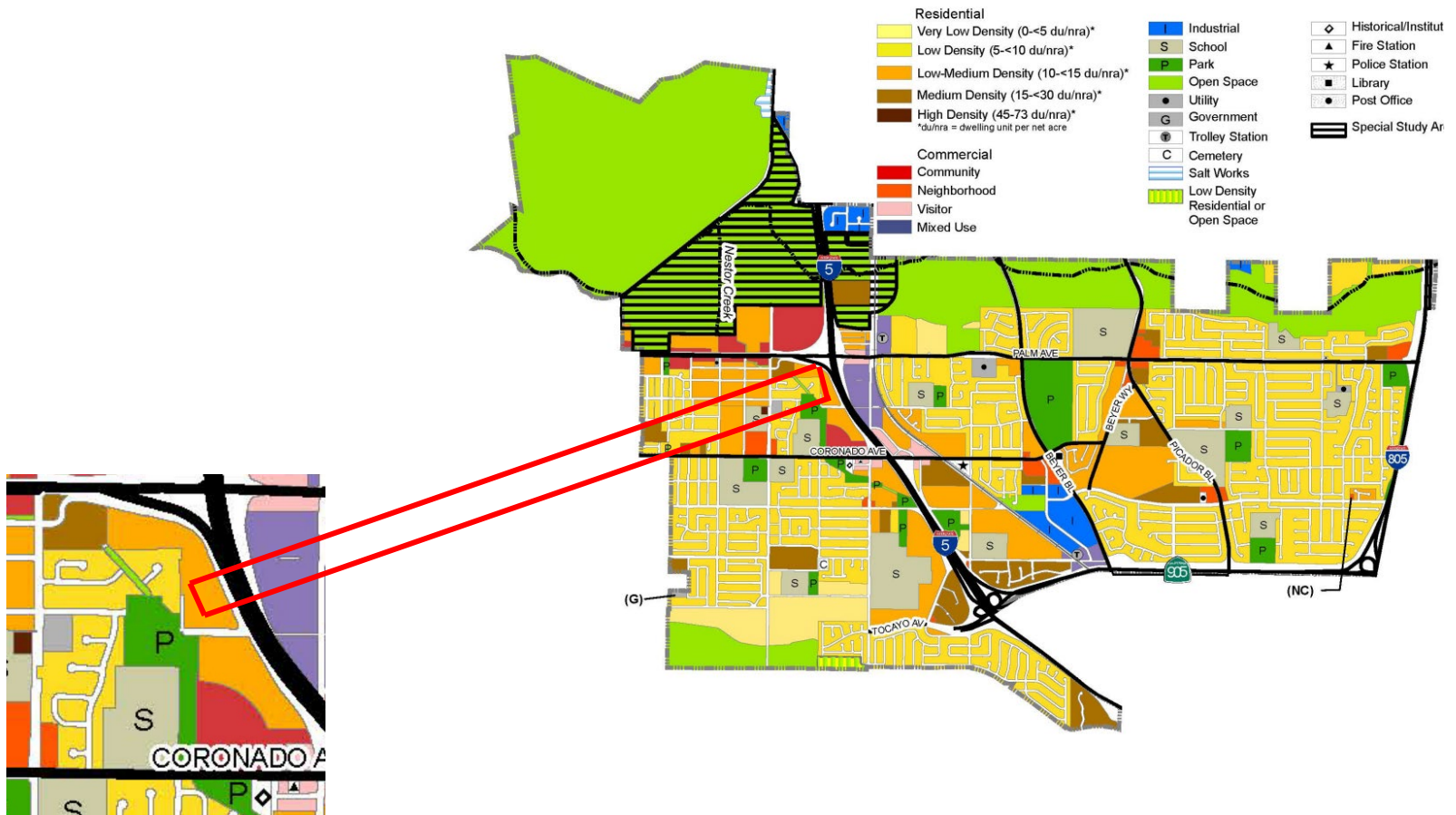
1. Aerial Photographs
2. Community Plan Land Use Map
3. Map Waiver Conditions
4. Draft Resolution with Findings
5. Community Planning Group Recommendation
6. Environmental Exemption
7. Ownership Disclosure Statement
8. Project Plans



Aerial Photograph

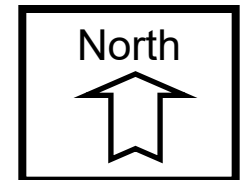
1876 Elm Avenue, Map Waiver
Project No. 1122086





Community Plan Land Use Map

1876 Elm Avenue, Map Waiver
Project No. 1122086



ATTACHMENT 03

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. PMT-3312330
ELM AVENUE - **PROJECT NO.** PRJ-1122086
ADOPTED BY RESOLUTION NO. _____ ON _____

GENERAL

1. This Map Waiver will expire November 20, 2028.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map unless otherwise noted.
3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
4. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Parcel Map shall conform to the provisions of Map Waiver PMT-3312330.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

CONDOMINIUM CONVERSION

7. The Subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the condominium conversion being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed condominium conversion.

ATTACHMENT 03

8. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the Subdivision Map Act.
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Subdivision Map Act section 66427.1(a)(2)(E). The provisions of this condition shall neither alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Civil Code sections 1941, 1941.1 and 1941.2.
10. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days after approval of a Certificate of Compliance for the proposed conversion, in conformance with Subdivision Map Act section 66427.1(a)(2)(D).
11. The Subdivider shall give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (San Diego Municipal Code § 125.0431(a)(4)).
12. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Subdivision Map Act section 66427.1(a)(2)(F) and San Diego Municipal Code section 125.0431(a)(5). The right shall commence on the date the subdivision public report is issued, as provided in section 11018.2 of the Business and Professions Code, and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right. (San Diego Municipal Code § 125.0431(a)(5)).
13. The Subdivider shall provide a copy of the Building Conditions Report to a prospective purchaser prior to the opening of an escrow account. (San Diego Municipal Code § 144.0504(c)).
14. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for building and landscape improvements (San Diego Municipal Code § 144.0507), to the satisfaction of the City Engineer.

AFFORDABLE HOUSING

15. Prior to issuance of the final map, the Owner/Permittee shall demonstrate compliance with the provisions of the San Diego Municipal Code, including the Condominium Conversion Regulations of Chapter 14, Article 4, Division 5; the Inclusionary Affordable Housing Regulations of Chapter 14, Article 2, Division 13; and the Inclusionary Housing Procedures Manual by payment of the applicable Inclusionary Affordable Housing In-Lieu Fee.
16. The Owner/Permittee shall either show evidence that relocation assistance has been paid to eligible tenants or enter into a written Agreement with the San Diego Housing Commission which shall be drafted and approved by the San Diego Housing Commission, executed by

the Owner/Permittee, and secured by a deed of trust which incorporates applicable relocation benefit conditions consistent with the San Diego Municipal Code.

MAP WAIVER / CONDO CONVERSION

17. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the Building Permit set under PTS-682764, including in the right-of-way, consistent with the Landscape Regulations and Landscape Standards, unless long-term maintenance of said landscaping will be the responsibility of another approved entity such as a Homeowner's Association.

ENGINEERING

18. Prior to the recordation of the Certificate of Compliance, the subdivider shall dedicate an additional 2-feet on Elm Avenue to provide a 14-foot right-of-way, in accordance with the Exhibit 'A', to the satisfaction of the City Engineer.
19. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

MAPPING

20. Prior to the expiration of the Tentative Map Waiver (TMW), a Certificate of Compliance to convert four residential apartment units into four residential condominium units shall be recorded in the San Diego County Recorder's Office.
21. Prior to the recordation of the Certificate of Compliance, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.

Please note if tax bond is required as indicated in the tax certificate, please make sure that it is paid or posted, and submit evidence (e.g., filed bond letter or receipt from Clerk of the Board) indicating the required tax bond amount has been paid or bonded.

22. Prior to the issuance of a Certificate of Compliance, City staff will perform a field monument inspection to verify that all property corners are being marked with survey monuments. If any of the survey monuments are missing, it must be replaced with a new monument, and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the filed Corner Record or Record of Survey must be submitted to satisfy this requirement prior to the approval and recordation of the Certificate of Compliance.

23. Every Certificate of Compliance shall:

- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for the conversion of the grid to ground distances shall be shown on the map.

INFORMATION:

- The approval of this Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies, including but not limited to the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of the development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 11004543

HEARING OFFICER
RESOLUTION NO. _____
MAP WAIVER NO. PMT-3312330
1876 Elm Avenue – PRJ-1122086

WHEREAS, Feddy Konix and Marcela Holguin husband and wife as joint tenants, Subdivider, and Robert J Bateman, surveyor, submitted an application with the City of San Diego for Map Waiver No. 3312330, to waive the requirement for a tentative map to convert four existing units into four new condominiums. The project site is located at 1876 Elm Avenue (Assessor's Parcel Number [APN] 627-201-2000) in the RM-1-1 (Residential- Multiple Unit) zone, the Airport Land Use Compatibility Overlay Zone (Naval Outlying Landing Field - Imperial Beach and Brown Field Municipal Airport), the Coastal Height Limit Overlay Zone, and a Transit Priority Area within the Otay Mesa-Nestor Community Plan. The property is legally described as: Lot 22 in Block "L" of IMPERIAL BEACH GARDENS, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1978, filed in the office of the County Recorder of San Diego County, December 28, 1926; and

WHEREAS, the Map proposes the subdivision of a 0.247-acre site into four condominiums; and

WHEREAS, on June 6, 2025, 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 Guidelines Sections 15301 Existing Facilities, 15303 New Construction or Conversion of Small Structures, and 15332 In-fill Development Projects, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code (SDMC) section 112.0520; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on November 5, 2025, the Hearing Officer of the City of San Diego considered Map Waiver No. PMT-3312330, and pursuant to sections 125.0122 (Map Waiver), and 125.0444 (condo conversion), of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following Findings with respect to Map Waiver No. PMT-3312330:

A. Findings for a Tentative Map Waiver – SDMC Sections 125.0123 and 125.0440

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The project site contains four existing units, which will be converted into condominiums. The 0.25-acre site is zoned RM-1-1 and is designated as Low-Medium Density Residential (10-15 units per acre) in the Otay Mesa-Nestor Community Plan (Community Plan). The purpose of RM zones is to provide multiple dwelling unit development at varying densities. Additionally, the project is located in the Egger Highlands neighborhood, which is the gateway to the city and the community from Imperial Beach. The project's scope of work is to convert four existing apartment units into four new condominiums. This will not change the existing density or result in a net loss of housing.

The project is consistent with the Community Plan and specifically complies with the following strategy:

Maintain planned residential land use intensities that ensure conservation of neighborhood character and do not permit rezones to higher densities inconsistent with the community's land use designations (OMNCP page 55).

The project maintains current land use intensity and does not propose any new development or intensification of the property, nor does it request a rezone. Converting existing apartments into condominiums preserves the neighborhood's character. Therefore, the project is consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The approximately 0.25-acre site is located at 1876 Elm Avenue in the RM-1-1 zone, within the Otay Mesa-Nestor Community Plan. The project proposes to subdivide four existing units into four new condominiums.

The project site is fully developed, and no additional development will occur with this project. Conversion from rental units to condominium ownership does not represent a distinguishable change in either the density or use of the property. The purpose of the RM zones is to provide for multiple dwelling unit developments at varying densities. The current RM-1-1 zone allows one dwelling unit for every 3,000 square feet of lot area, and the site area is 10,759 square feet, which allows four units. The project will provide four condominium units and is consistent with the development regulations of the RM-1-1 zone. The surrounding parcels are of similar size and character to the existing project site. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

3. The site is physically suitable for the type and density of development.

The project site is already developed, and the project does not propose additional physical development. The project site and adjacent properties will continue to have access to Elm Avenue and all City utilities and services. No grading is proposed, and the project site is not located within or adjacent to the Multiple Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program, nor does it contain Environmentally Sensitive Lands as defined in SDMC Section 113.0103. The land use designation is Low-Medium Density Residential (10-15 units per acre), and the site's density is consistent with the land use plan; therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The proposed Map Waiver consists of the conversion of four existing apartments into condominiums. There will be no physical development as part of the project. The 0.25-acre site is located at 1876 Elm Avenue within a developed neighborhood served by existing public services and utilities and is surrounded by existing development on all sides.

The Map Waiver would not result in a distinguishable change in either the use or the physical nature of the property. The project site is not located within or adjacent to environmentally sensitive lands, floodplain or floodway area, MHPA lands, riparian habitat, or wetlands. The

project was reviewed for conformance with the applicable zoning and development regulations of the Land Development Code. The project shall comply with the Map Waiver and development permit conditions of approval.

Furthermore, the project was subject to environmental review and was determined to be exempt pursuant to the California Environmental Quality Act Guidelines Section 15301 Existing Facilities, 15303 New Construction or Conversion of Small Structures, and 15332 In-fill Development Projects. The project is located within an urbanized and built environment where there are no watercourses on or adjacent to the site. There is no physical development associated with the project. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare.

The project is located within a developed neighborhood, surrounded by similar development and served by existing right-of-way improvements and public utilities. The proposed subdivision was reviewed and determined to be in conformance with the regulations of the SDMC and the State's Subdivision Map Act. The subject property is served by existing utilities, and access to the site is provided via Elm Avenue. The property's frontage is developed with existing curb, gutter, and sidewalk. The Tentative Map Waiver includes conditions of approval, including installation of public improvements to be current to city standards, along with additional dedication of public right of way. The proposed subdivision is consistent with the development regulations of the underlying zone. Therefore, the design of the subdivision or type of improvements will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The project is located on a private lot with no existing public access easements, and where none are required by the Community Plan. The dwelling units will continue to have access to Elm Avenue and the public right-of-way. Therefore, the design of the subdivision and proposed improvements would not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The project will divide the existing parcel with fully developed buildings into four new condominium units. No physical development is proposed.

The establishment of four condominiums would not change the use or the physical nature of the property, as there are currently already four existing apartment units, and the only action is the conversion from apartment to condominium. Any future development must comply with

all applicable building and zoning reviews and requirements, including setbacks, building materials, site orientation, architectural treatments, and landscaping to provide for future passive or natural heating and cooling opportunities. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The creation of four residential condominiums does not adversely impact public services and available fiscal and environmental resources as the residential dwelling units currently exist on site and are adequately served by public services and resources. All appropriate public services, including fire, police, schools, public parks, libraries, and medical services, as well as necessary utilities such as electricity, water, and sewer, exist within the built-out urbanized community. Thus, the project will provide adequate services for the proposed subdivision. Other than the subdivision to allow for the creation of condominium units for individual ownership within a built-out developed, urbanized neighborhood, the project does not include additional development of the property and no other modifications to the site, or structures are requested with this subdivision other than site improvements and public right of way improvements that are a part of the permit conditions of approval.

The proposed subdivision is required to pay the City of San Diego's Affordable Housing Inclusionary In Lieu Fee as a required condition of approval. The project has been analyzed and determined to be exempt from environmental review.. The decision maker has reviewed the administrative record, including the project plans, environmental documentation, and public testimony, to determine the effects of the proposed subdivision on the housing needs of the region and determined that the proposed subdivision for the creation of four residential condominiums is consistent with the housing needs of the Otay Mesa-Nestor Community. Therefore, the decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

B. Findings for Tentative Maps for Condominium Conversion - SDMC Section 125.0444

1. The notices required by San Diego Municipal Code section 125.0431 have been given in the manner required.

The applicant has provided all notices required by the San Diego Municipal Code section 125.0431. The initial notice of application of the Map Waiver for the condominium conversion was dated October 10, 2024, and posted at the subject premises. Furthermore, conditions of approval require that notice as required by the San Diego Municipal Code section 125.0431 has been and will be given in the manner required.

- 2. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing.**

This project is privately financed, and no funds were obtained from a governmental agency to provide for elderly, disabled, or low income housing.

- 3. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed.**

The project was not developed to provide housing for the elderly, disabled, or to provide low-income housing. Therefore, this finding is not applicable.

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on these Findings adopted by the Hearing Officer, Map Waiver No. PMT-3312330 is hereby granted to Feddy Konix and Marcela Holguin subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Christian Hoppe
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions

Internal Order No. 11004543

**OTAY MESA-NESTOR COMMUNITY PLANNING GROUP
MEETING MINUTES**

Robert Egger, Sr. - South Bay Recreation Center
July 9th, 2025

Members Present:

District 1 Edgar Garfias
District 2 Mary Lou Tarobal
District 5 Alexis Gonzalez
District 9 Albert Estrada
District 10 Bob Mikloski
District 11 Albert Velasquez
District 12 Carlos Sanchez
District 13 Brian McGonagill
District 15 Gary McGrath

Members Absent:

District 4 Omar Araiza
District 7 Johnny E. Swanson
District 8 Steve Egger
District 14 Augie Hernandez
District 16 Bobby Hicks

Vacant District Seats:

District 3
District 6

1. **Call to Order/Introduction of Members:** Albert Velasquez, Chair of the Otay Mesa Nestor Community Planning Group (OMNCPG), called the meeting to order at 6:31 p.m. He welcomed all Board members and members of the community to the meeting.
2. **Approval of the Minutes:** The draft minutes of the June 11th, OMNCPG meeting were approved unanimously.
3. **Non-Agenda Public Comments:** (2-minute limit per speaker).
 - a. Albert Estrada: Mailing List for US section International Border Commission on the expansion of the Sewage plant. Goal is to get it done in a 100 days. Online dashboard for tracking available for transparency.
 - b. Marco Espinosa: Spoke about gratitude for his grandparents.
4. **San Diego Police Department Report:** SDPD Officer Carlos Edington, 619-424-0412, cedington@pd.sandiego.gov
 - a. National Night Out August 5th (4:15pm to 7:30pm)
 - i. Community Walk starting at 4:15pm.
 - ii. Free food
 - b. Escalation of Engagement with Vehicle Habitation
 - i. First Contact – Information and services will be offered and provided
 - ii. Field Interview – Second meeting leads to citation
 - iii. Misdemeanor Citation
 - iv. Up to Officer Discretion – Can be arrested
 - v. Only Neighborhood Policing Division will address these issues moving forward.
 - c. Noise Ordinance: There is no time. Any unreasonable noise at any time.
 - i. First Response will be a warning.
 - ii. Second Response will be a citation and potential confiscation.
 - d. Bob Mikloski: Del Sol and Picador – Green Stripes being painted
 - i. Might be a Bike Lane
 - e. Brian McGonagill: Regulation on E-Bikes. Anything new?
 - i. Enforcement is ramping up especially for children
 - ii. Tickets are being issued at SDSU for not following the rules.

- f. Mary Lou: Coleman and Twining, too many vehicles preventing vision for turning and large vehicles.
 - g. Resident: How understaffed is the Police Department?
 - i. Down 300 officers.
 - h. Resident: Question about call for racing in Ocean View Hills.
 - i. It has been a thing for years especially because of the Otay Industrial Area for racing.
 - ii. Enforcement allows follow up after the fact that has brought down the number of incidents. Taking pictures of the car and license plate can help for making a case even after the fact.
5. **Council District 8 Report:** Victor Caymaris, Council Representative, 619-236-6688, VCaymaris@sanidiego.gov
- a. Air purifier program still looking to distribute.
 - b. Trash Levees article – Meeting with author to remove trash from the flow right now as a practical approach. August meeting proposal and potential site visit to see what is being done.
 - c. CDC Agency to study the effects of the TRV on the community’s health. Would take 1 year.
 - d. Green Agora – Agenda for Local Cross-Border Vision of the Tijuana River on July 10th. Tijuana River National Estuarine Research Reserve.
 - e. July 14th, ESD informational workshop for transition to private haulers. 5:30-6:30pm at Montgomery Waller Rec Center.
 - i. Website will be available on July 15th
 - f. City Planning Department Infrastructure priorities survey. Due August 1st
 - g. HEART Program – Rebates for Energy Efficient Home Appliances
<https://www.sandiego.gov/event/heart-program-overview-webinar>
 - ii. District 8 is the target area for this program.
 - h. CPS funding is available for non-profits and parks to hold events during the year.
 - i. August 2nd Movies in the Park at Montgomery Waller.
 - j. Albert Estrada:
 - iii. 101 Ash Building article. Questioning whether the City will still be making payments for the building?
 - iv. Is there budget for projects in Otay Mesa-Nestor?
 - v. Sea World Unpaid Rent from Covid. The money will be used for parks, but none are mentioned from below the 8 freeway. Why?
 - k. Mary Lou Tarobal: How did they come about with the allocation of the money? Did the councilmember ever participate in the allocation discussion?
 - l. Bob Mikloski: Asked what Vivian’s position about Balboa Park parking?
 - vi. Vivian voted against, but the item passed.
6. **City of San Diego, Office of the Mayor:** Lucero Maganda, Community Representative, LMaganda@sanidiego.gov
- a. No report.

7. **County Supervisor, First District:** Ernesto Castañeda, Community Representative, 858-289-9198, Ernesto.Castaneda@sdcounty.ca.gov
 - a. No report.
8. **80th District Report:** Lilianna Barba, Field Representative, 619-498-8580, Lilianna.barba@asm.ca.gov
 - a. AB 16 to urge Congress and President Trump to declare a national emergency for the TRV problem.
 - b. Caucus has come together to address the immigration system
 - c. AB 662 Chula Vista Act has moved
 - i. Bill would establish the task force to identify how to form the University in Chula Vista.
 - d. South Bay College Fair
 - i. FAFSA application
 - e. Bob Mikloski: Governor doesn't want to declare an emergency. What is Alvarez doing?
 - i. AB 16 to urge national government
 - f. Albert Estrada: Last month, asked about the embankments on the freeway that fall under CalTrans. Representative would be open to attending future meetings with Community Planning groups on quarterly basis.
 - g. Bob Mikloski: Wanted to thank for the assemblymember for his service.
9. **52th District Report:** Valery Gomez, District Aide, Valery.Gomez@mail.house.gov
 - a. No report.
10. **18th District Report:** Rosanna Javier, District Representative, 619-409-7690, Rosanna.Javier@sen.ca.gov
 - a. No Report
11. **Sub-Committee Reports:**
 - a. Tijuana River Valley Subcommittee
 - i. Action Item: Letters to Political Leaders
 - b. Community Planning Group Vision Subcommittee
 - i. Held first meeting on June 24th via Zoom
 1. Alexis Gonzalez spoke about the request to have City Planning staff to attend a future meeting so that we can align our community plan ideas with the goals of the City.
 - ii. Next meeting on July 15th at 6:30pm via Zoom
12. **Action Item: Project 1122086 Assessment Letter**
 Otay Mesa-Nestor (Process 3) Map Waiver for converting 4 existing residential units into condominium units, includes 3 attached three-story townhouses and a detached single dwelling unit, located at 1876, 1878, 1880, and 1882 Elm Ave. The 0.24-acre site is in the RM-1-1 Base Zone within the Otay Mesa Nestor Community Plan Area. Council District 8. Robert Bateman, San Diego Land Surveying & Engineering, 858-244-0420, rbateman@sdlse.com
 - a. The request is only for the transition from apartments to units for sale for market

- price. In lieu fee is expected to paid to allow them to be sold at market price.
- b. Mary Lou Tarobal: How many units? Are they currently being rented out?
 - a. 4 total, 3 condos and 1 single family home.
 - b. Owner is living in one, and the other 3 are rented out.
 - c. The renters would be able to receive rental assistance for 3 months if sold.
 - c. Bob Mikloski: How much is 3 months rent? Would they be provided with any additional assistance?
 - a. San Diego Housing Commission says that would be \$12K
 - b. Just the financial assistance.
 - c. There's a lack of housing.
 - d. Brian McGonagill: Would there be an HOA?
 - a. There would be an HOA.
 - e. Albert Estrada: Would the renter have first right of choice?
 - a. Yes, and one tenant is already planning on buying.
 - f. Brian McGonagill made a motion to approve, Marco Espinosa seconded. 8-1.
 - a. Approved.
13. **Discussion Item: Omar Araiza Proposals**
 Omar Araiza has proposed adopting Jotform for digital attendance. Additional, proposes board members report on their districts, with even and off districts taking turns.
 - a. Final decision postponed for next meeting. Lack of information on the system and some concerns about potential tracking and limitations were brought up.
14. **Chair's Report:** Albert Velasquez, OMNCPG Chair
 - a. Spoke about the workshop on the Garbage fee on July 14th.
 - b. Make sure to stay cool.
15. **Meeting was adjournment at 7:43 pm.**

Guests Present at Meeting		
Rodrigo Morales Villareal	Natalie Rios	Michael Rios
Robert Bateman	Marcela Holguin	Lilianna Barba
Cindy Barrows		

NOTICE OF EXEMPTION

TO: Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2400

From: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Office of Land Use and Climate Innovation
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title / Number: 1876 Elm Avenue / PRJ-1122086

State Clearinghouse No.: N/A

Project Location-Specific: 1876 Elm Avenue, San Diego, California 92154

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: The project requests a TENTATIVE PARCEL MAP WAIVER to convert four residential units to condominium units. No new construction is proposed. The site addresses are 1886, 1878, 1880, and 1882 Elm Avenue. The 0.25-acre site is in the RM-1-1 Base Zone, and is within the Otay Mesa-Nestor Community Plan Area. Also, the site is located in the Imperial Beach Naval Outlying Landing Field Airport Influence Area, Review Area 2, and Federal Aviation Administration Part 77 Noticing Area; Brown Field Airport Land Use Compatibility Overlay Zone; and Coastal Height Limit Overlay Zone. **LEGAL DESCRIPTION:** Lot 22, in Block "L" of Imperial Beach Gardens, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1978 filed in the office of the County Recorder of San Diego County, December 28, 1926. **ASSESSOR'S PARCEL NUMBER:** 627-201-2000

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Solarius LLC, Robert Bateman, 9665 Chesapeake Drive, Suite 445, San Diego CA 92123. (858) 244-0420

Exempt Status: (Check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268)
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))
- ☐ Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- ☒ Categorical Exemption: Sections 15301 Existing Facilities, 15303 New Construction or Conversion of Small Structures, and 15332 In-fill Development Projects
- ☐ Statutory Exemptions:
- ☐ Other:

Reasons why project is exempt: he City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Sections 15301 Existing Facilities, 15303 New Construction or Conversion of Small Structures, and 15332 In-fill Development Projects; and where

the exceptions listed in Section 15300.2 would not apply. The project meets the existing facilities exemption criteria considering the conversion of rental units to condominiums involves negligible or no expansion of use. The exemption criteria of New Construction or Conversion of Small Structures is met considering the project is converting no more than six multi-family dwelling units in an urban area from rental to for-sale units with no or minor exterior changes. The project also meets the infill development projects criteria considering it is consistent with the General Plan, zoning and land use designation; is within the city on a site no more than five acres; on a site with no habitat for endangered, rare or threatened species; has no significant effects to traffic, noise, air quality or water quality; and the site can be adequately serviced by all required utilities and public services. The project does not meet any of the exceptions of Section 15300.2 considering the site is not located in a particularly sensitive area that would lead to a significant impact, no significant cumulative impact would result, no significant impact from an unusual circumstance would result, no scenic highway would be impacted, the project is not located on a hazardous waste site, and the project would not cause a substantial adverse change in the significance of a historical resource. The site is not included on any list compiled pursuant to Government Code Section 65962.5 for hazardous waste sites.

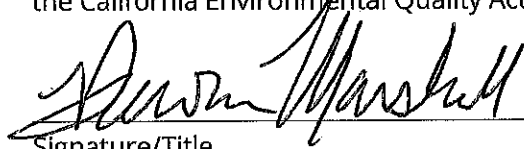
Lead Agency Contact Person: D. Marshall

Telephone: (619) 687-5904

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from the California Environmental Quality Act.

 Senior Planner
Signature/Title

10/14/2025
Date

Check One:

- ☒ Signed by Lead Agency
☐ Signed by Applicant

Date Received for Filing with County Clerk or LCI:

FORM

DS-318

July 2024

Ownership Disclosure Statement

Permit/Approval Type: Check the appropriate box for permit/approval and type(s) requested (See [Project Submittal Manual](#)):

☒ **Development Permit:** Tentative Map Waiver

☐ **Subdivision Approval:** _____

☐ **Policy Approval:** _____

Project Title: Solarius Elm Avenue Conversion

Project No. For City Use Only: _____

Project Location/Address/Accessor's Parcel Number:

1876, 1878, 1880 & 1882 Elm Ave., San Diego, CA 92154 APN: 627-201-20

Specify Form of Ownership/Legal Status (please check):

☐ Individual ☐ Partnership ☐ Corporation ☒ Limited Liability -or- ☐ General – What State? CA

Corporate Identification No.: 83-0537373

☐ Trust - Date of Trust: _____

☐ City of San Diego/Asset Management Department: _____

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. On the second page of this form, please list the owner(s), the 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, or:

Important Instructions

1. If the applicant includes a corporation or partnership, include the names, titles, and addresses of all individuals owning more than 10% of the shares.
2. If it's a publicly owned corporation, include the names, titles, and addresses of the corporate officers.
3. If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer, director, trustee or beneficiary of the nonprofit organization.
4. 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 30 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.
5. A signature is required of at least one of the property owners.
6. Attach additional pages if needed.

Property Owner/Authorized Agent

(Per **SDMC §112.0102**)

☒ Owner ☐ Authorized Agent ☐ Member ☐ Trustee ☐ Tenant/Lessee ☐ Successor Agency
☐ City of San Diego/Asset Management Department*

Name of Individual: Freddy Konix, President, Solarius LLC, a California Limited Liability Company

On behalf of:

Street Address: 1880 Elm Avenue

City: San Diego

State: CA

Zip: 92154

Phone Number: 619-354-7063

Email: solariusllc@gmail.com

Signature: 

Date: 09/10/2024

Additional pages attached: ☐ Yes ☒ No

*(Signature within this section not required for City of San Diego/Asset Management Department)

Applicant ☒ Check if Same as Property Owner/Authorized Agent(Per **SDMC §112.0102**)

☒ Owner ☐ Authorized Agent ☐ Member ☐ Trustee ☐ Tenant/Lessee ☐ Successor Agency

Name of Individual: Freddy Konix, President, Solarius LLC, a California Limited Liability Company

On behalf of:

Street Address: 1880 Elm Avenue

City: San Diego

State: CA

Zip: 92154

Phone Number: 619-354-7063

Email: solariusllc@gmail.com

Signature: 

Date: 09/10/2024

Additional pages attached: ☐ Yes ☒ NoOther Financially Interested Persons ☐ Check if N/A

☒ Owner ☐ Authorized Agent ☐ Member ☐ Trustee ☐ Tenant/Lessee ☐ Successor Agency

Name of Individual: Marcela Holguin, Managing Partner, Solarius LLC, a California Limited Liability Company

On behalf of:

Street Address: 1880 Elm Avenue

City: San Diego

State: CA

Zip: 92154

Phone Number: 619-207-9179

Email: marcelaholguin2005@gmail.com

Signature: 

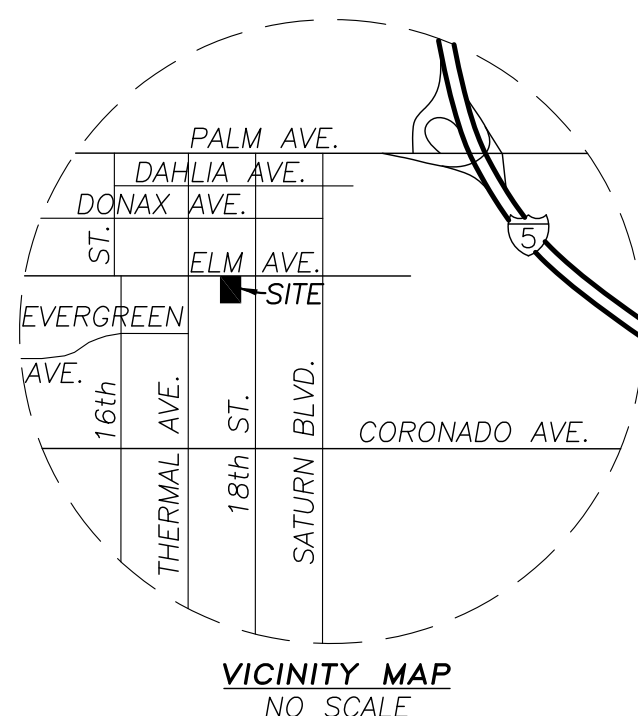
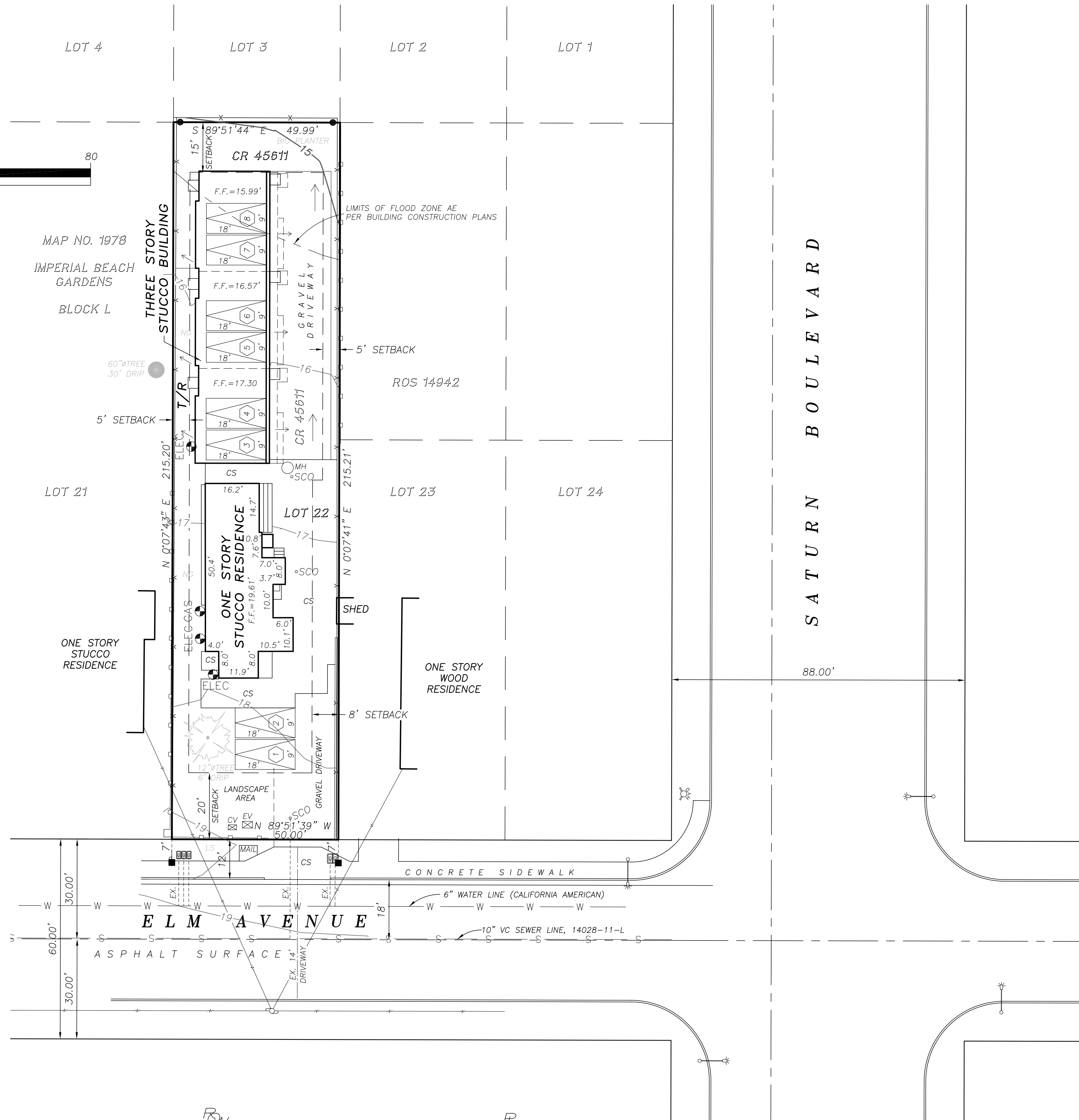
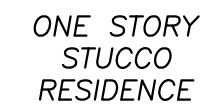
Date: 09/10/2024

Additional pages attached: ☐ Yes ☒ NoVisit our web site: sandiego.gov/DSD.

Upon request, this information is available in alternative formats for persons with disabilities.

DS-318 (07-24)

TENTATIVE PARCEL MAP WAIVER



60'

30' 30'

12' 18' 18' 12'

5' SIDEWALK

LANDSCAPE

EXISTING SIDEWALK

EXISTING AC PAVING

EXISTING CURB

2%

2%

EXIST. SIDEWALK

EXISTING CURB

LANDSCAPE

TYPICAL STREET SECTION OF

ELM AVENUE

(EXISTING STREET)

NO. SCALE

TYPE OF UNIT	NUMBER OF TYPE	PARKING REQUIRED PER UNIT	TOTAL PER TYPE
1 BR UNIT	1	0	2
3+ BR UNIT	3	0	6
TOTAL REQUIRED BY ZONE			0
TOTAL PROVIDED ON-SITE			8


TYPE OF UNIT	NUMBER OF TYPE	SQUARE FOOTAGE PER UNIT
1 BR UNIT	1	672
3 BR UNIT	3	1,422
TOTAL	4	4,938

UTILITY	OVERHEAD	UNDERGROUND
CATV		X
ELECTRIC		X
GAS		X
TELEPHONE		X

ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT
FOR PRIVATE DRIVEWAY AND SEWER LATERAL RECORDED
OCTOBER 11, 2021 AS INSTRUMENT NO. 2021-0708019
OF OFFICIAL RECORDS.

MAP 1978, CR 45611, ROS 14942, 14028-11-L

[illegible]

COVER SHEET - DISCRETIONARY PERMIT:		
ADDRESS:	TMW NO.: PMT-33112330 1876, 1878, 1880 & 1882 ELM AVENUE	
The City of SAN DIEGO 	DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEET	PROJECT NO. 1122086 SHEET TITLE: TM WAIVER