



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: September 25, 2024 REPORT NO. HO-24-042  
HEARING DATE: October 2, 2024  
SUBJECT: 4165 WILSON AVENUE, Process Three Decision  
PROJECT NUMBER: [PRJ-1087442](#)  
OWNER/APPLICANT: AEM1 ENTERPRISES INC., Owner/ Robert Bateman, Applicant

### SUMMARY

Should the Hearing Officer approve a Map Waiver to convert a two-story duplex and one single-dwelling unit into three condominiums and to waive the requirement to underground existing overhead utilities at 4165 Wilson Avenue within the City Heights neighborhood of the Mid-City Community Plan area?

### Proposed Action:

1. APPROVE Map Waiver No. PMT-3243933 including a waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On April 8, 2024, the [City Heights Community Planning Group](#) voted 13-0-7 to recommend approval of the proposed project with no conditions (Attachment 7).

Environmental Impact: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 21, 2024, and the opportunity to appeal that determination ended on April 5, 2024 (Attachment 6).

### BACKGROUND

The project site is located at 4165 Wilson Avenue (Attachments 1 and 2). The 0.14-acre site is zoned RM-1-2 and is designated Residential - Multiple (RM) Unit in the [Mid-City Community Plan](#). The site is located within an urban, developed residential neighborhood, surrounded by a mix of single and multi-dwelling development. The graded flat lot was previously developed with a single-dwelling unit. The site has access from Wilson Avenue to the west and an improved alleyway along the east.

The site is immediately surrounded by single-dwelling and multi-dwelling units. There is an elementary school on the opposite side of Wilson Avenue, approximately 300 feet to the south. The site is served by existing utilities that are suitable for the site, is appropriately served by emergency services, and does not create an additional burden on the services required for the community.

## DISCUSSION

### Project Description:

The project requires a Map Waiver per SDMC Section [125.0120](#) -to convert a two-story duplex with a three car garage and one single-dwelling unit into condominiums. It requires a Process Three, Hearing Officer decision with appeal rights to the Planning Commission. According to the San Diego Municipal Code (SDMC) sections [125.0123](#) and [125.0440](#), the decision maker may approve a Map Waiver if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the Land Development Code. Staff has reviewed the proposed project and determined that it complies with both the Subdivision Map Act and the requirements of the Land Development Code and has provided draft findings in support of this determination in the accompanying Resolution.

The project also has requested a waiver of the requirement to underground existing overhead utilities. The applicant has provided documentation demonstrating that the project qualifies for a waiver per SDMC section [144.0242\(c\)\(1\)\(B\)](#), Waiver of the Requirements to Underground Privately Owned Utility Systems and Services Facilities, because the conversion involves a short span of the overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility. The Map Waiver complies with all other applicable development regulations.

The units are being constructed by right in accordance with the San Diego Municipal Code (SDMC) Base Zone regulations and construction permits issued on February 1, 2021 as part of Project Nos. [PTS-0666775](#) and [PTS-0625688](#). The project complies with all applicable development regulations and no deviations to the applicable land development regulations are proposed with the exception of the requested waiver of the requirement to underground existing overhead utilities.

The [Mid-City Community Plan's](#) vision is to provide a diverse array of affordable housing types that cater to a full range of families and living styles. A recommendation in the Neighborhood Conservation element (page 96), encourages new market rate housing construction in a variety of types, sizes and costs to meet the needs of residents in all socio-economic brackets. The proposed project is converting a two-story duplex and one single-dwelling unit into three condominiums for ownership opportunities and meets the purpose and intent of the both of the policies above.

### Conclusion:

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with the SDMC and the Land Development Code. The project conforms to the Mid-City Community Plan and meets the requirements of the Subdivision Map Act. Staff has provided draft findings and conditions in support of approval (Attachment 4 and 5) and recommends the Hearing Officer APPROVE Map Waiver No. PMT-3243933.

ALTERNATIVES

1. Approve Map Waiver No. PMT-3243933 and the waiver of the requirement to underground existing off-site overhead utilities, with modifications;
2. Deny Tentative Map Waiver No. PMT-3243933 and the waiver of the requirement to underground existing off-site overhead utilities, if the findings required to approve the project cannot be affirmed.

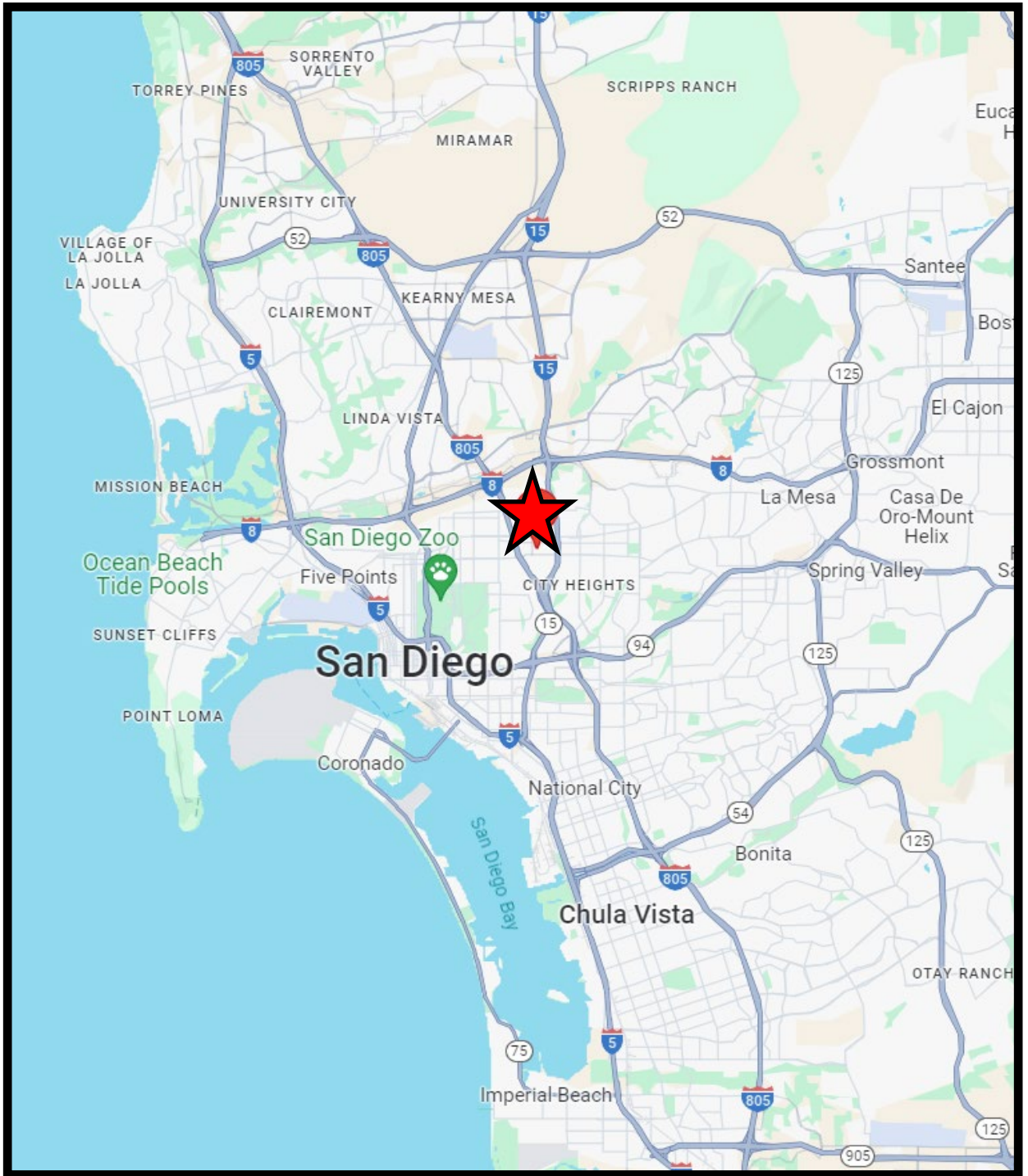
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'May Rollin', is written over a solid horizontal line.

May Rollin  
Development Project Manager  
Development Services Department

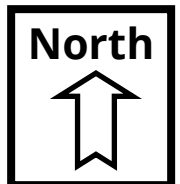
Attachments:

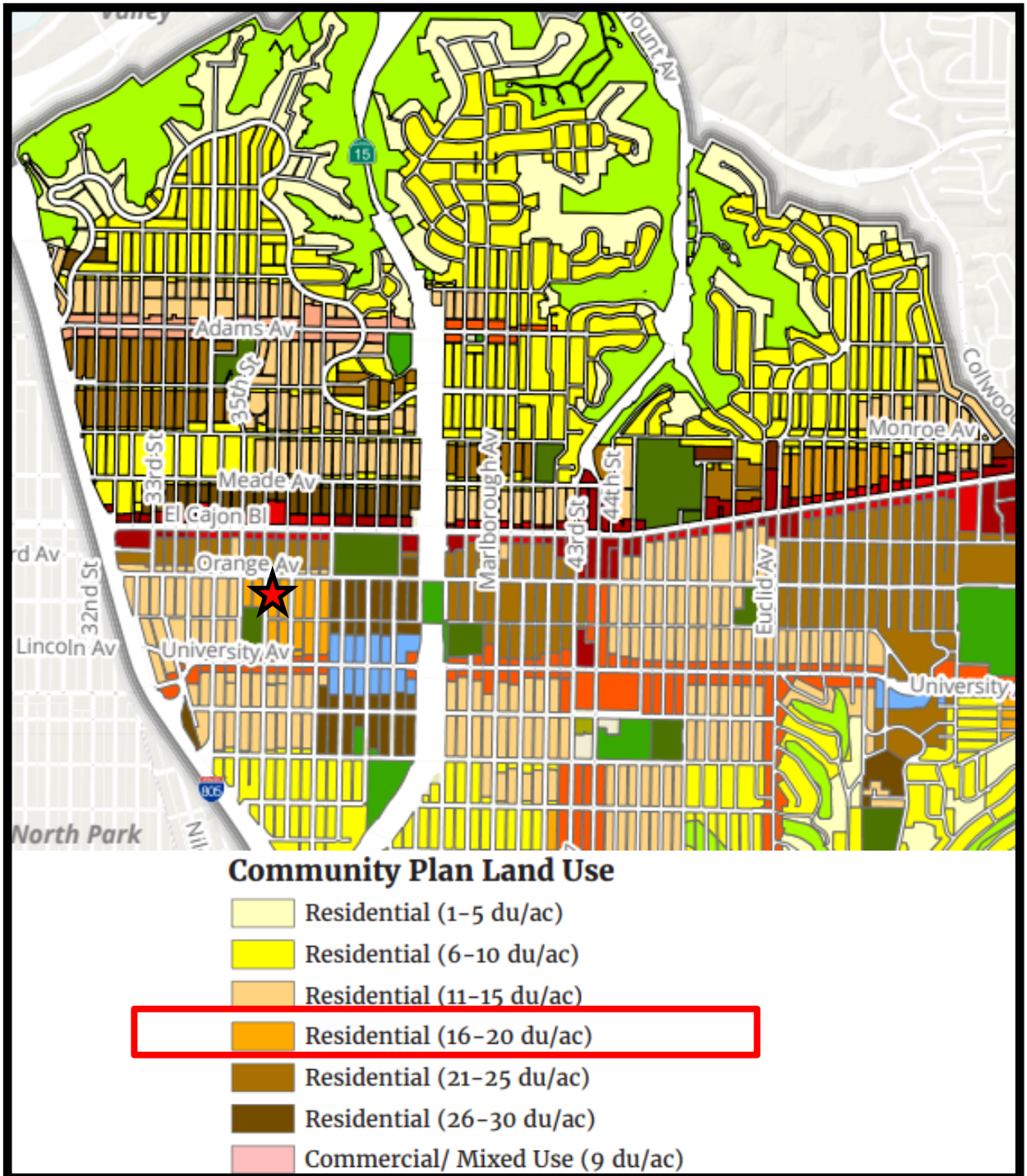
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Map Waiver Conditions
6. Environmental Exemption
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Map Waiver Exhibit



## Project Location

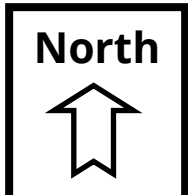
4165 Wilson Avenue  
Project No. PRJ-1087442



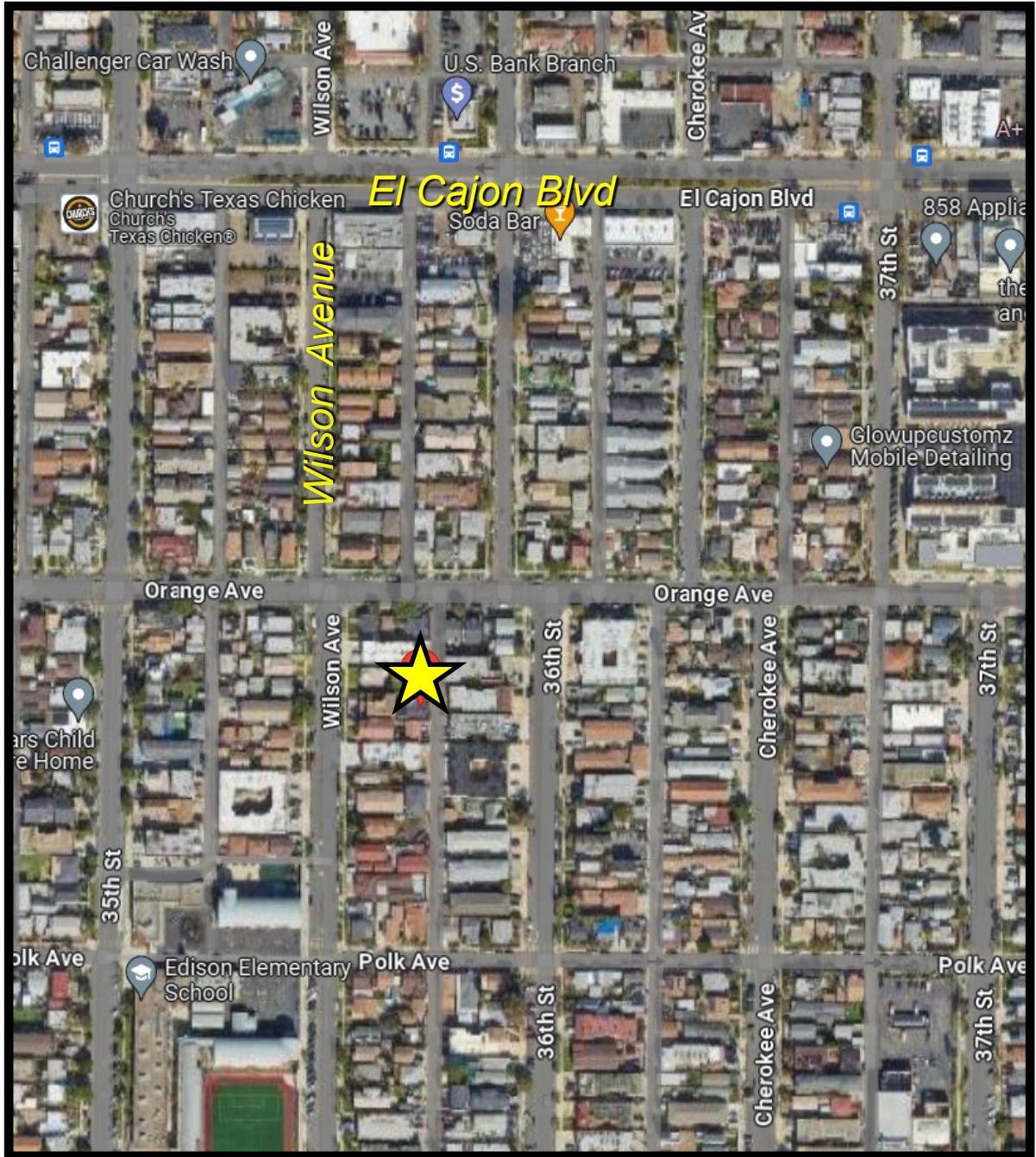


## Land Use Plan

4165 Wilson Avenue  
Project No. PRJ-1087442

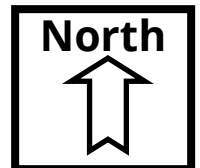






## Aerial Photo

4165 Wilson Avenue  
Project No. PRJ-1087442



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS  
AND APPROVING MAP WAIVER NO. PMT-3243933 FOR  
**4165 WILSON AVENUE - PROJECT NO. PRJ-1087442**

WHEREAS AEM1 ENTERPRISES INC., A FLORIDA CORPORATION, Owner and Subdivider, and ROBERT J. BATEMAN, Surveyor, submitted an application with the City of San Diego for Map Waiver No. PMT-3243933 to waive the requirement for a Parcel Map for convert a two-story duplex and one single-dwelling unit into three condominiums. The 0.14-acre site is located at 4165 Wilson Avenue in the RM-1-2 base zone, Airport Land Use Compatibility Overlay Zone (San Diego International Airport), Airport Influence Area (Review Area 2 for SDIA), and the FAA Part 77 Noticing Area. The site is also within the Parking Standards Transit Priority Area, Sustainable Development Area, Transit Area Overlay Zone, and Transit Priority Area, within the Mid City Community Plan area. The property is legally described as: THE SOUTHERLY 10 FEET OF LOT 6; ALL OF LOT 7 AND THE NORTHERLY 10 FEET OF LOT 8, BLOCK 8 OF SUBDIVISION OF LOTS 20 THROUGH 50 INCLUSIVE, BLOCK "N", TERALTA, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1000, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 18, 1906; and

WHEREAS, on March 21, 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 Guidelines Section 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 section 112.0520; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, the project consists of converting a two-story duplex and one single-dwelling unit into three condominiums currently under construction for which Certificates of Occupancy have not been issued; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is (3) three; and

WHEREAS, the request to waive the undergrounding of existing overhead utilities has been determined to be appropriate pursuant to San Diego Municipal Code section 144.0242(c)(1)(B), as the conversion involves a short span of overhead facility (less than one full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, on October 2, 2024, the Hearing Officer of the City of San Diego considered Map Waiver No. PMT-3243933, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 and 144.0240 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-3243933:



**Findings for Map Waivers– San Diego Municipal Code (SDMC) 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 Map Waiver is on a 0.14-acre site located at 4165 Wilson Avenue. The project proposes to convert a two-story duplex and one single- dwelling unit into three condominiums currently under construction ([Project No. 0666775](#)) and to waive the requirements to underground existing overhead utilities.

The [Mid-City Community Plan's](#) vision is to provide a diverse array of affordable housing types that cater to a full range of families and living styles. A recommendation in the Neighborhood Conservation element (page 96), encourages new market rate housing construction in a variety of types, sizes and costs to meet the needs of residents in all socio-economic brackets. The proposed project will convert a two-story duplex and one single-dwelling unit into three condominiums for ownership opportunities and meets the purpose and intent of the both of the policies above. Therefore, the proposed subdivision and its design or improvement are 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 project is a subdivision and no additional development is requested. The project requests a waiver of the requirement to underground overhead utilities in accordance with SDMC section 144.0242(c)(1)(B). The conversion involves a short span of overhead facility (less than one full block in length) and would not represent a logical extension to an underground facility. The Map Waiver complies with all other applicable development regulations.

The project conforms to the subdivision regulations of San Diego Municipal Code (SDMC) Chapter 14, Article 4, Division 2, including Lot design and vehicular access. No deviations are requested. The project is also subject to the Condominium Conversion Regulations of SDMC Chapter 14, Article 4, Division 5. The project complies with the development regulations of the applicable RM-1-2 base zone, including but not limited to minimum lot size, setbacks, floor area ratio, height, and parking requirements. The project does not affect, nor does it propose any deviations from the building permit under [Project No. 0666775](#) previously approved and permitted by the City of San Diego. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

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

The site was previously developed with a single-dwelling home. The site is currently under construction as a duplex and one single-dwelling unit. The site is a previously graded flat lot.

The site has access from Wilson Avenue on the west and an improved alleyway along the east. The site is served by existing utilities that are suitable for the site, is appropriately served by emergency services, and does not create an additional burden on the services required for the community. The project continues a land use that is compliant with the Land Development Code. The site is immediately surrounded by single-dwelling and multi-dwellings. There is an elementary school on the opposite side of Wilson Avenue approximately 300 feet to the south. 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 infill project site is located in an urban developed area surrounded by existing development. No additional development is proposed with this Map Waiver. The site does not contain Environmentally Sensitive Lands as defined by SDMC Section 113.0103 nor is it within or adjacent to the Multi-Habitat Planning Area. Therefore, the design of 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 improvement will not be detrimental to the public health, safety, and welfare.**

The project proposes to convert a two-story duplex and one single-dwelling unit into three condominiums. The Map Waiver does not involve any physical change to the buildings under construction which were previously permitted. The developed project site is served by existing utilities and access to the site is provided from Wilson Avenue and an improved alley.

The Map Waiver was reviewed and determined by staff to be in compliance with the Municipal Code and Subdivision Map Act. The Map Waiver includes conditions and corresponding exhibits of approval that include undergrounding any new service run to any new or proposed structures within the subdivision; maintenance of all landscape improvements shown on the approved plans consistent with the Landscape Standards in a disease, weed, and litter free condition at all times; and obtaining an Encroachment Maintenance and Removal Agreement from the City Engineer for landscaping/irrigation and street trees in the Wilson Avenue right-of-way.

The project has been designed to comply with all applicable Federal, State and local policies including the California Subdivision Map Act and the City of San Diego Land Development Code. The project will not affect or conflict with the Americans with Disabilities Act (ADA) standards in terms of the surrounding area's pedestrian mobility and accessibility. The project will provide a new 20-foot-wide driveway with visibility triangles to City Standard. Therefore, the design of the project or the type of improvements will not be detrimental to 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 proposed project site does not contain any easements acquired by the public at large, and no new dedications are proposed. Pedestrian access to the site is provided from Wilson Avenue and the site may also be accessed from the alleyway. Vehicular access is provided through the site from a single driveway located on 4165 Wilson Avenue serving the three units. Therefore, the design of the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed project.

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

The project site is currently under construction and complies with all current codes and Title 24 Standards. It is located in a developed urban neighborhood and the underlying zone provides opportunities through building materials, site orientation, architectural treatments, placements and selection of plant materials to provide, to the extent feasible, for future passive or natural heating and cooling opportunities.

The site is within a developed neighborhood with existing infrastructure. The design of the buildings has taken into account the best use of the land and ensures adequate natural light and air movement between the structures. The structures under construction are of similar height to the structures on site previously, as well as similar in height to existing surrounding structures.

Future development must comply with all applicable building and zoning reviews and requirements, including setbacks, and building materials, site orientation, architectural treatments, and landscaping to provide for future passive or natural heating and cooling opportunities in the dwelling units. Therefore, the design of the project 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 project site is currently under construction and is within a Residential Multiple Unit zone. It is not anticipated to have employment or housing impacts beyond those which have already occurred. The site is served by existing public infrastructure including public transit in the immediate area, the proximity of shopping, essential services, and recreation in the nearby developed urban area. The condominium conversion is not anticipated to have an adverse impact on the housing needs of the region, in fact the project is providing for more home ownership opportunities in the area. Impacts on environmental resources would be avoided because the site is located in a developed, urban neighborhood and does not contain nor is adjacent to such resources. Therefore, there would be no additional demand for public services or available fiscal and environmental resources associated with the

conversion of dwelling units (under construction) to condominium ownership. 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.

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-3243933, including the waiver of the requirement to underground existing offsite overhead utilities, is hereby granted to AEM1 ENTERPRISES INC., A FLORIDA CORPORATION, subject to the attached conditions which are made a part of this resolution by this reference.

By \_\_\_\_\_  
May Rollin  
Development Project Manager  
Development Services Department

ATTACHMENT: Map Waiver Conditions  
Internal Order No. 11004543



## ATTACHMENT 5

HEARING OFFICER  
CONDITIONS FOR MAP WAIVER NO. PMT-3243933  
**4165 WILSON AVENUE PROJECT NO. PRJ- 1087442**  
ADOPTED BY RESOLUTION NO. \_\_\_\_\_ ON October 2, 2024

### **GENERAL**

1. This Map Waiver will expire on October 16, 2027.
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. Prior to the Map Waiver expiration date, a parcel map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.
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 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**

6. 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.
7. 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.

## ATTACHMENT 5

8. 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.
9. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days after approval of a parcel map for the proposed conversion, in conformance with Subdivision Map Act section 66427.1(a)(2)(D).
10. 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)).
11. 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)).
12. 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.
13. 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.

### **ENGINEERING**

14. 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.
15. The Subdivider shall construct and complete all the required public improvements, per project number (PTS-647464, Wilson Ave ROW), satisfactory to the City Engineer.
16. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement for any private improvements, including landscape and irrigation in the right-of-way (ROW), satisfactory to the City Engineer.

## ATTACHMENT 5

17. The Subdivider shall obtain a plumbing permit for any installation of appropriate private back flow 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.
18. The Subdivider shall prepare a Declaration of Covenants, Conditions and Restrictions (CC&Rs) for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
20. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

### **MAPPING**

21. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
22. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
23. Every Parcel Map 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.
24. A lot consolidation parcel map shall be filed at the County Recorder's office prior to the expiration of the map waiver, a detailed procedure of survey shall be shown on the parcel map and all property corners shall be marked with durable survey monuments.

## ATTACHMENT 5

### LANDSCAPE/BRUSH MANAGEMENT

25. Prior to issuance of any construction permit for grading, 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, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.
26. Prior to issuance of any construction permit 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.
27. Prior to issuance of any construction permit for building (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per SDMC §142.0403(b)(6).
28. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.'
29. 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.
30. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

### 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,



## ATTACHMENT 5

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

**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 Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**Project Title / Number:** 4165 Wilson / PRJ-1087442

**State Clearinghouse No.:** N/A

**Project Location-Specific:** 4165 Wilson Avenue, San Diego, CA 92104

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

**Description of nature and purpose of the Project:** Tentative Parcel Map Waiver for a condominium conversion and a lot consolidation parcel map. The 0.14-acre lot, located at 4165 Wilson Avenue, is zoned Residential-Multiple Unit (RM-1-2) and designated as Residential in the Mid-City: City Heights Community Plan. The project is also within the Sustainable Development Areas, Complete Communities Mobility Choices, Central Urbanized Planned District, Airport Land Use Compatibility Overlay Zone, Transit Area Overlay Zone, Parking Standards Transit Priority Area, Transit Priority Area, Affordable Housing Parking Demand, ALUCP Airport Influence Area, FAA Part 77 Noticing Area, within Council District 9. (LEGAL DESCRIPTION: BLK 8 LOT 8 S 10 FT LOT 6 & ALL LOT 7 & N 10 FT of MAP NO. 001000).

**Name of Public Agency Approving Project:** City of San Diego

**Name of Person or Agency Carrying Out Project:** Robert Bateman, 7028 Convoy Court, San Diego, CA 92111 (619) 417-8362.

**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: Section 15332, In-Fill Development Projects  
 Statutory Exemptions:  
 Other:

**Reasons why project is exempt:** The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15332, In-Fill Development Projects; and where the exceptions listed in Section 15300.2 would not apply. CEQA Guideline Section 15332, In-Fill Development Projects consists of projects characterized as in-fill development meeting the conditions described in this section:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

**The site is not included on any list compiled pursuant to Government Code Section 65962.5 for hazardous waste sites.**

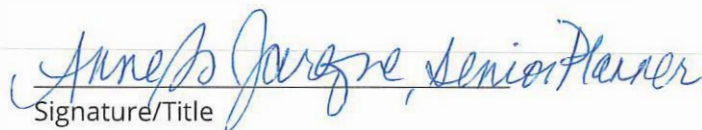
**Lead Agency Contact Person:** Kristy J. Blodgett

**Telephone:** (619) 236-7788

**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.

  
Signature/Title


April 8, 2024  
Date

**Check One:**

- Signed by Lead Agency  
 Signed by Applicant

Date Received for Filing with County Clerk or OPR:

[Click here to complete and submit this form online](#)

Page 3		City of San Diego · Information Bulletin 620		May 2020
		<b>City of San Diego Development Services</b>		<b>Community Planning Committee Distribution Form</b>
Project Name: 4165 Wilson Ave			Project Number: PRJ-1087442	
Community: City Heights Area Planning Committee				
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at <a href="https://aca.accela.com/SANDIEGO">https://aca.accela.com/SANDIEGO</a>.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>				
<input type="checkbox"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny				
# of Members Yes 13		# of Members No 0		# of Members Abstain 7
Conditions or Recommendations:				
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)				
NAME:				
TITLE:			DATE:	
<i>Attach additional pages if necessary (maximum 3 attachments).</i>				

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.

DS-5620 (08-18) ONLINE FORM



## City Heights Area Planning Committee

- [Home](#)
- [Our Info](#)
- [Discussions](#)
- [Calendar](#)
- **[Pages & Links](#)**

- [Meet Your Neighbors](#)

### Minutes February-April 2024

C.H.A.P.C. draft minutes for April 8, 2024


1. Chairman Marcellus Anderson gaveled the meeting to order at 6:34PM and called the roll. A majority of the seated members formed a quorum.
2. Corrections to the minutes of March 4, 2024 were noted.
3. The Chairman thanked members departing the Committee for their diligent service to the Committee and Community.
4. The Chairman seated newly elected Committee members.
5. The agenda were approved unanimously.
6. The mayor's staff member reported the status of City initiatives.
- 7 – At the request of a member of the public there was a discussion about the venue for Committee meetings. The Chairman will look into the matter and report to the Committee.
- 8.1 Mr. Henry Sanchez representing Mr. Harraq Amar offered a presentation about converting three units at 4165 Wilson Avenue from rental apartments to condominium units for sale. After discussion, Edwin offered and Alex seconded a motion to recommend approval. The Committee voted 13/0/7 and the motion passed.
- 8.2 The Chairman reported openings in the Mid-city Communities Plan update Committee. After discussion, Patty nominated David who declined the nomination. Jim nominated Patty who accepted the nomination. Alex nominated himself. Evihn nominated himself. The Chairman called for an election. Patty received 8 votes. Aled received 4 votes. Evihn received one vote. The chairman appointed Patty as the representative.

8.3 The chairman announced the formation of an Officer Search Sub-committee and solicited volunteers. David and Patty volunteered and were appointed.

9. The Chairman opened a discussion about holding Committee meetings in-person or electronically, or both. The Committee discussed the matter. The Chairman will make and announce a decision.

10. There was no Committee comment.

11. The Chairman adjourned the meeting at 7:33PM.

	<b>City of San Diego Development Services</b> 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1>Ownership Disclosure Statement</h1>	<b>FORM</b>
			<b>DS-318</b>
			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:** 4165 Wilson Avenue Map Waiver **Project No. For City Use Only:** \_\_\_\_\_

**Project Address:** 4165 Wilson Avenue \_\_\_\_\_

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

Corporation  Limited Liability -or-  General - What State? CA Corporate Identification No. 202036610800

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: AEM 1 ENTERPRISES INC., A FLORIDA CORPORATION  Owner  Tenant/Lessee  Successor Agency

Street Address: 5365 AZTEC DRIVE, #43

City: LA MESA State: CA Zip: 91941

Phone No.: 619-573-0289 Fax No.: \_\_\_\_\_ Email: amarharrag@gmail.com

Signature:  Date: 09/22/22

Additional pages Attached:  Yes  No

**Applicant**

Name of Individual: AEM 1 ENTERPRISES INC., A FLORIDA CORPORATION  Owner  Tenant/Lessee  Successor Agency

Street Address: 5365 AZTEC DRIVE, #43

City: LA MESA State: CA Zip: 92037

Phone No.: 619-573-0289 Fax No.: \_\_\_\_\_ Email: amarharrag@gmail.com

Signature:  Date: 09/22/22

Additional pages Attached:  Yes  No

**Other Financially Interested Persons**

Name of Individual: \_\_\_\_\_  Owner  Tenant/Lessee  Successor Agency

Street Address: \_\_\_\_\_

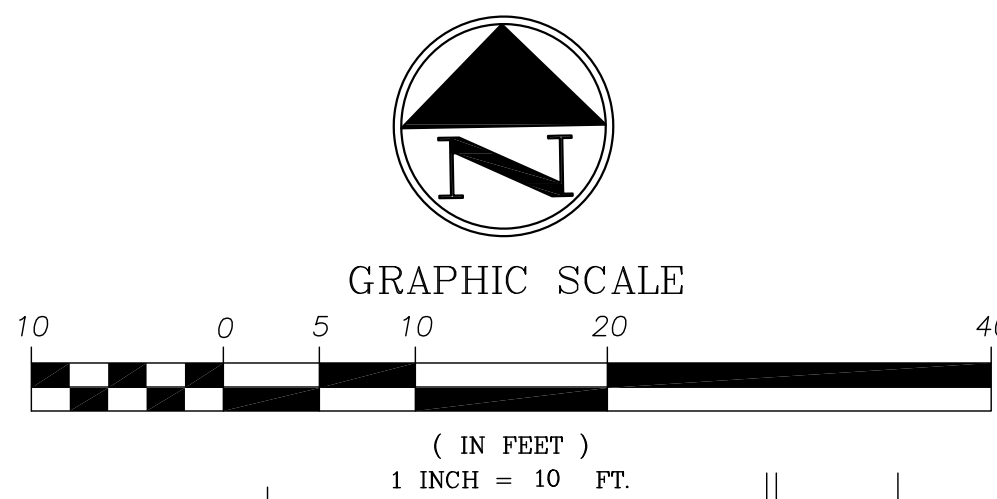
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_

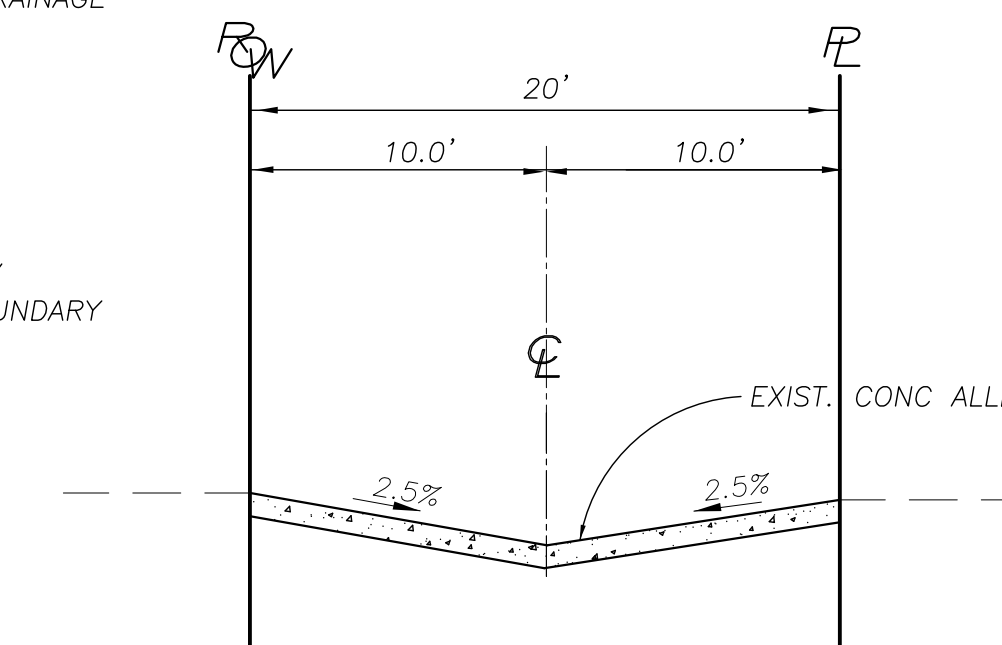
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Additional pages Attached:  Yes  No

# Map Waiver No. 4165 Wilson Avenue, Project No. 1087442



- LEGEND:**
- INDICATES FOUND MONUMENT PER CR 25558
  - ⊕ INDICATES GAS METER
  - ⊖ INDICATES ELECTRIC METER
  - ⊗ INDICATES WATER METER
  - ⊕ INDICATES FIRE HYDRANT
  - ⊗ INDICATES WATER GATE VALVE
  - ⊗ INDICATES ELECTRICAL VAULT
  - ⊕ INDICATES UTILITY POLE
  - CS INDICATES CONCRETE SURFACE
  - TC INDICATES TOP OF CURB
  - FL INDICATES FLOWLINE
  - P INDICATES FINISHED FLOOR
  - G INDICATES GRAVEL
  - INDICATES WOOD/PLASTIC FENCE
  - ① INDICATES PARKING SPACE
  - INDICATES DIRECTION OF DRAINAGE
  - INDICATES SEWER LATERAL
  - INDICATES WATER SERVICE
  - INDICATES SEWER LINE
  - INDICATES WATER LINE
  - INDICATES WALL
  - INDICATES PROPERTY LINE/TENTATIVE MAP WAIVER BOUNDARY



PROFESSIONAL LAND SURVEYOR:  
SAN DIEGO LAND SURVEYING & ENGINEERING, INC.  
7028 CONVOY COURT  
SAN DIEGO, CALIFORNIA 92111 (858) 565-8362  
DRAWING NO. Wilson Ave 4165 MW.dwg



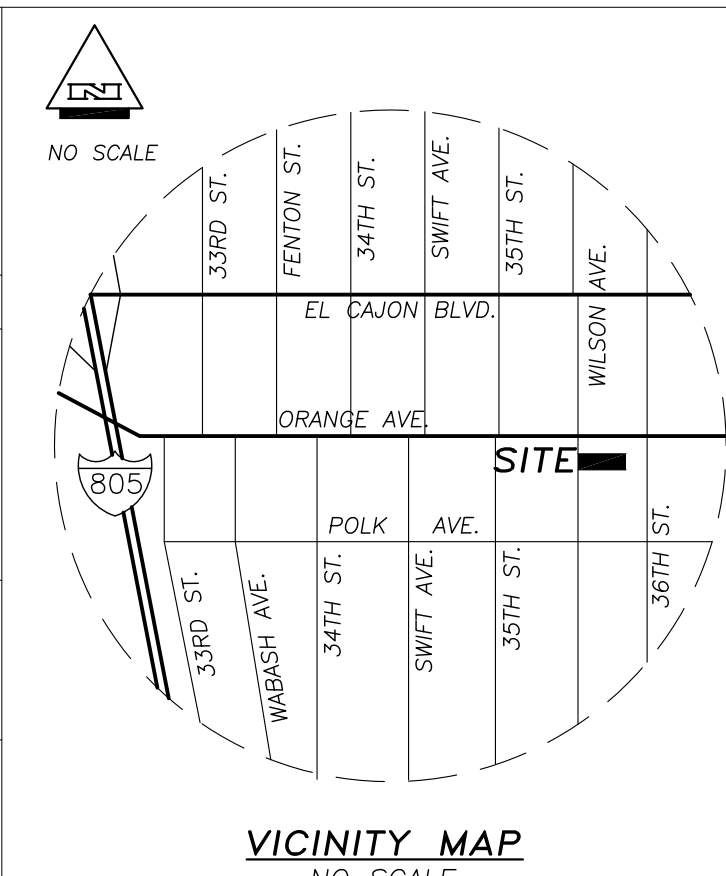
*Robert J. Bateman*  
ROBERT J. BATEMAN, P.L.S. 7046  
4/11/2024 DATE

Prepared By:  
SAN DIEGO LAND SURVEYING AND ENGINEERING, INC.  
7028 CONVOY COURT  
SAN DIEGO, CA 92111-1017  
PHONE: 858-565-8362  
FAX: 858-565-4354 EMAIL: rbateman@sdse.com

Basis of Bearings:  
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EASTERLY RIGHT OF WAY OF WILSON AVENUE AS SHOWN ON PARCEL MAP NO. 20410, I.E. N 00°59'39" E

Benchmark:  
SOUTHEAST BRASS PLUG  
ORANGE AVENUE & CHEROKEE AVENUE  
ELEVATION= 376.961 M.S.L.

Project Legal Description:  
THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:  
  
THE SOUTHERLY 10 FEET OF LOT 6; ALL OF LOT 7 AND THE NORTHERLY 10 FEET OF LOT 8, BLOCK 8 OF SUBDIVISION OF LOTS 20 THROUGH 50 INCLUSIVE, BLOCK "N", TERALTA, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1000, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 18, 1906.



Project Soil Condition: Existing developed site.

Source of Topography:  
Field survey by San Diego Land Surveying on 4/12/2022

Project Permits Required:  
Map Waiver  
Lot Consolidation Parcel Map

Project Data:  
Number of Stories: 2  
Proposed use: Residential  
Existing use: Residential  
Zone Designation: RM-1-2  
Central Urbanized Planned District  
Mid-City: City Heights  
Year of Construction: 2022 (Under Construction)

LAMBERT COORDINATES:  
NAD 27 = 214-1733 NAD 83 = 1854-6293  
A.P.N. 447-332-05-00

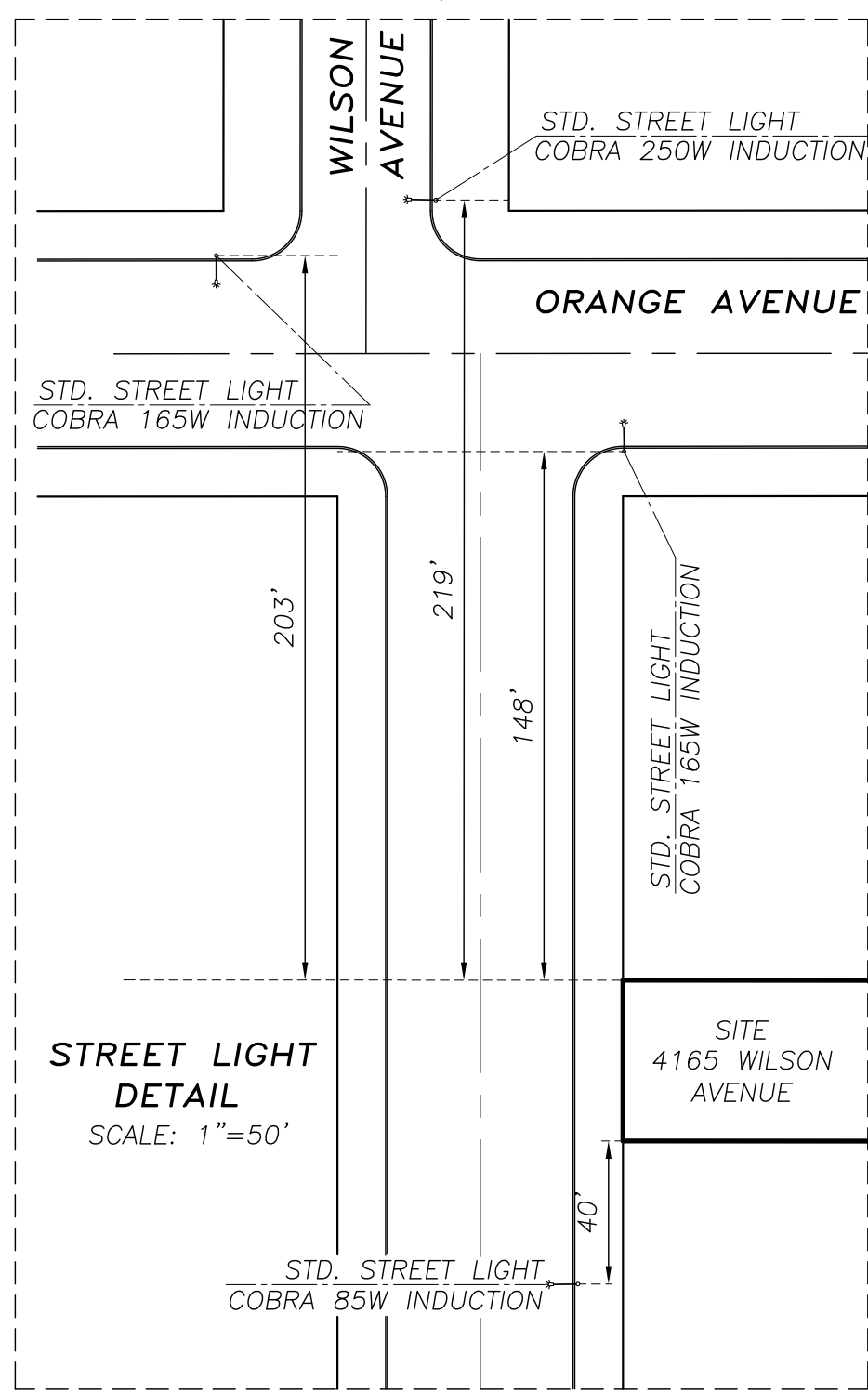
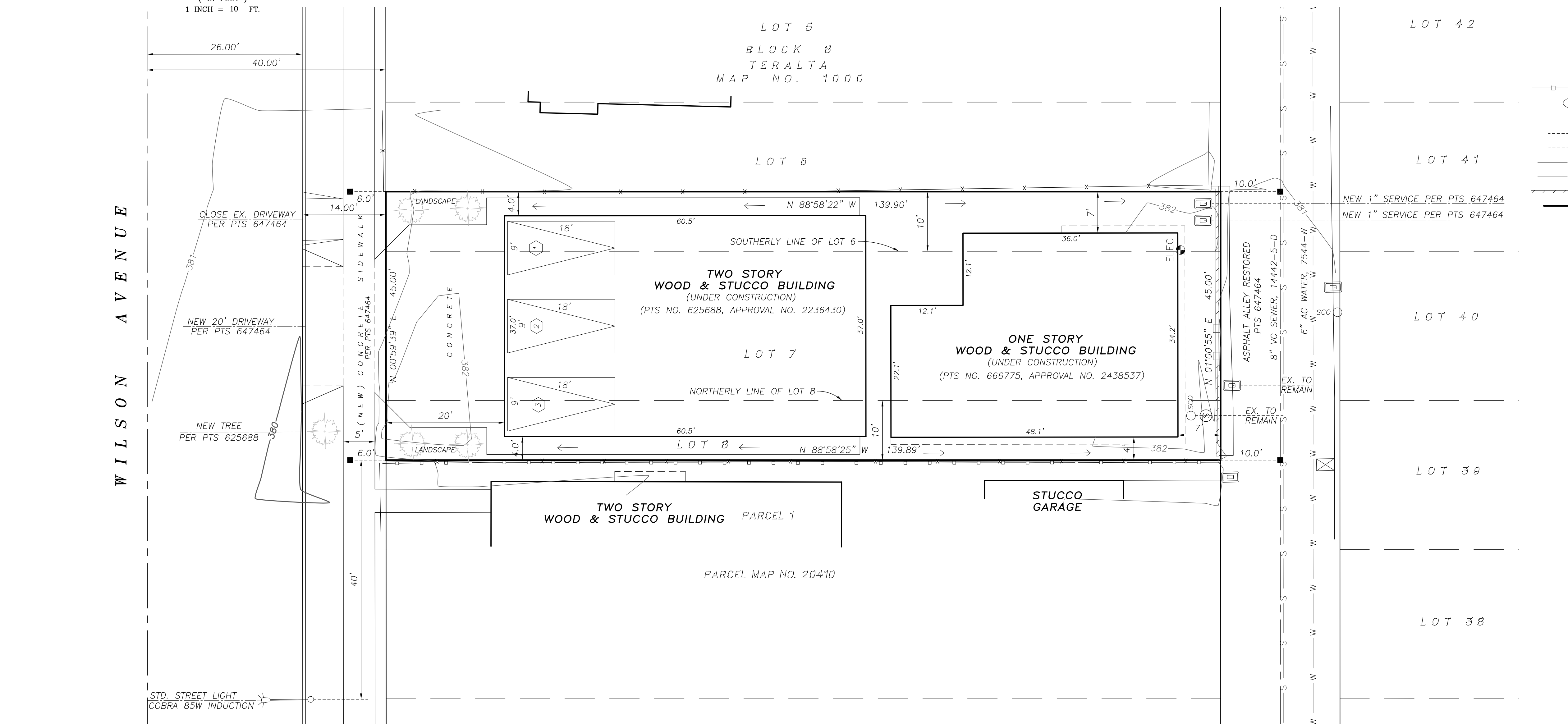
Project Name:  
4165 WILSON AVENUE

Project Address:  
4165 Wilson Avenue  
San Diego, CA 92104

Project Owner:  
AEM 1 Enterprises Inc.  
4165 Wilson Avenue  
San Diego, CA 92104

Sheet Title:  
Tentative Map Waiver No. \_\_\_\_\_  
Project No. 1087442

Scale: 1" = 10'  
Original Date: March 8, 2023  
Revised: September 12, 2023  
Revised: February 23, 2024



**CITY OF SAN DIEGO DEVELOPMENT SUMMARY**

- SUMMARY OF REQUEST:**  
CONVERT THREE RESIDENTIAL DWELLING UNITS TO CONDOMINIUMS AND FILE A LOT CONSOLIDATION PARCEL MAP.
- STREET ADDRESS:** 4165 WILSON AVENUE  
N E W SIDE BETWEEN ORANGE AVENUE AND POLK AVENUE
- SITE AREA:**  
TOTAL SITE AREA (GROSS): (6,296 SF) (0.1445 AC.)  
NET SITE AREA: (6,296 SF) (0.1445 AC.)
- DENSITY: (RESIDENTIAL)**  
MAXIMUM NO. DWELLING UNITS ALLOWED PER ZONE: 3  
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 3  
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 0  
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 3
- YARD/SETBACK** MINIMUM  
FRONT: 15'  
STREET SIDE YARD: 10'  
INTERIOR SIDE YARD: 5'  
REAR YARD: 7.6'
- PARKING:**  
PARKING CRITERIA:  
 RESIDENTIAL  COMMERCIAL  INDUSTRIAL  
 MIXED USE  OTHER

TYPE OF UNIT	NUMBER OF TYPE	PARKING REQUIRED PER UNIT	TOTAL PER TYPE
3 BR UNIT	3	0	3
TOTAL REQUIRED BY ZONE			0
TOTAL PROVIDED ON-SITE			3

**UNIT AREAS**

TYPE OF UNIT	NUMBER OF TYPE	SQUARE FOOTAGE PER UNIT
3 BR UNIT (UNIT 1)	1	1,742
3 BR UNIT (UNIT 2)	1	1,742
3 BR UNIT (UNIT 3)	1	1,444
TOTAL	3	4,928

**ZONING INFORMATION**

EXISTING AND PROPOSED ZONE: RM-1-2  
COMMUNITY PLAN NAME: MID-CITY; CITY HEIGHTS  
OVERLAY ZONES:  
TRANSIT AREA  
TRANSIT PRIORITY AREA  
AIRPORT LAND USE COMPATIBILITY OVERLAY ZONE  
AIRPORT INFLUENCE AREA  
SUSTAINABLE DEVELOPMENT AREA  
CENTRAL URBANIZED PLANNED DISTRICT (CUPD)

**MAPPING NOTE:**

A LOT CONSOLIDATION PARCEL MAP SHALL BE FILED AT THE COUNTY RECORDER'S OFFICE PRIOR TO THE EXPIRATION OF THE MAP WAIVER, IF APPROVED. A DETAILED PROCEDURE OF SURVEY SHALL BE SHOWN ON THE PARCEL MAP AND ALL PROPERTY CORNERS SHALL BE MARKED WITH DURABLE SURVEY MONUMENTS.

**EXISTING IMPROVEMENTS**

SEWER DRAWING NO. 14442-5-D  
WATER DRAWING NO. 7544-W

**EXISTING & PROPOSED EASEMENTS:**

NONE

**DEVELOPMENT NOTES:**

- THIS TENTATIVE MAP WAIVER PROPOSES TO CONVERT THREE RESIDENTIAL DWELLING UNITS TO CONDOMINIUMS AND FILE A LOT CONSOLIDATION PARCEL MAP, AS DEFINED IN CALIFORNIA CIVIL CODE SECTION 4125. IF APPROVED, A LOT CONSOLIDATION PARCEL MAP SHALL BE FILED AT THE COUNTY RECORDER'S OFFICE PRIOR TO THE EXPIRATION OF THE MAP WAIVER, IF APPROVED. A DETAILED PROCEDURE OF SURVEY SHALL BE SHOWN ON THE PARCEL MAP AND ALL PROPERTY CORNERS SHALL BE MARKED WITH DURABLE SURVEY MONUMENTS.
- NUMBER OF EXISTING LOTS = 1 WHOLE, PORTIONS OF 2 NUMBER OF PROPOSED LOTS = 1
- THE SUBDIVIDER SHALL PREPARE CC&R'S FOR THE OPERATION AND MAINTENANCE OF ALL PRIVATE WATER AND SEWER FACILITIES THAT SERVE OR TRAVERSE MORE THAN A SINGLE CONDOMINIUM UNIT OR LOT.
- THE NEAREST BUS STOP IS LOCATED AT UNIVERSITY AVENUE AND WILSON AVENUE, 0.22 MILES FROM SITE (1,146 FEET).

**OWNER/DEVELOPER:**

AEM 1 ENTERPRISES INC., A FLORIDA CORPORATION

AMAR HARRAG, PRESIDENT

**UTILITY TABLE:**

UTILITY	OVERHEAD	UNDERGROUND
CATV		X
ELECTRIC		X
GAS		X
TELEPHONE		X

