

(O-97-37)

ORDINANCE NUMBER O- 18368 (NEW SERIES)

ADOPTED ON DEC 10 1996

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING ORDINANCE NO. O-16921 (NEW SERIES), ADOPTED AUGUST 3, 1987, BY RECLASSIFYING A 30-ACRE SITE (NORTH CREEK SITE) LOCATED ON THE SOUTH SIDE OF IMPERIAL AVENUE BETWEEN 40TH STREET AND 45TH STREET AS SHOWN ON MAP DRAWING C-878K1, IN THE MOUNTAIN VIEW NEIGHBORHOOD OF THE SOUTHEAST SAN DIEGO COMMUNITY PLANNING AREA, IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, FROM THE CURRENT SOUTHEAST SAN DIEGO SF-5000 (SINGLE FAMILY RESIDENTIAL) ZONE TO THE SOUTHEAST SAN DIEGO SF-5000 OR CT-2 (SINGLE FAMILY RESIDENTIAL OR COMMERCIAL CENTER) ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 103.1700 THROUGH SECTION 103.1708.

WHEREAS, the Planning Commission, after due notice as required by law, held a public hearing on the application of the Southeastern Economic Development Corporation ("SEDC") to rezone the subject property under Zone Change, No. 96-0338, in conjunction with an application for the amendment of the Southeast San Diego Community Plan, CP No. 350395 and an amendment of the City of San Diego General Plan and Progress Guide, GPA No. 350395; and

WHEREAS, the Planning Commission, after due notice as required by law, held a public hearing on the application of SEDC for an amendment to the Southeast San Diego Community Plan, CP No. 350395 and the City of San Diego General Plan and Progress Guide, GPA No. 350395, in conjunction with a request for a change of zone, Zone Change, No. 96-0338; and

WHEREAS, the subject property is identified as an approximately thirty (30) acre site located on the south side of Imperial Avenue between 40th Street and 45th Street as shown on the Map Drawing C-878K1, in the Mountain View Neighborhood of the Southeast San Diego Community Planning Area, in the City of San Diego, State of California, and is currently designed with a Residential designation in the Land Use Element of the City of San Diego General Plan and Progress Guide; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the applications on November 14, 1996, and, at the conclusion thereof, adopted Resolution No. 2314-PC, approving and recommending City Council approval of the application to rezone the above-referenced property from SF-5000 (Single Family Residential) to CT-2 (Commercial Center), to amend the Southeast San Diego Community Plan, CP No. 350395, from single family residential to commercial with respect to the subject property; and to amend the City of San Diego General Plan and Progress Guide, GPA No. 350395, from single family residential to commercial with respect to the subject property, subject to certain conditions; and

WHEREAS, after due notice as required by law, a public hearing was held by the City Council on November 26, 1996, and December 10, 1996, and all interested persons were given an opportunity to be heard; and

WHEREAS, it appears to the City Council that the change of zone, the amendment of the Southeast San Diego Community Plan, and the amendment of the City of San Diego General Plan and Progress Guide, as recommended by the Planning Commission, is in the public interest and should be approved subject to the following changes:

1. That the thirty (30) acre site located on the south side of Imperial Avenue between 40th Street and 45th Street as shown on Map Drawing C-878K1, in the Mountain View

Neighborhood of the Southeast San Diego Community Planning Area, in the City of San Diego, State of California, be rezoned from SF-5000 (Single Family Residential) to SF-5000 (Single Family Residential) or CT-2 (Commercial Center; and

2. That the City of San Diego General Plan and Progress Guide be amended with respect to the subject property from single family residential to single family residential or commercial; and

3. That the Southeast San Diego Community Plan be amended with respect to the subject property from single family residential to single family residential or commercial; and

WHEREAS, pursuant to the foregoing recitations, the following findings are made:

(a) All necessary preliminary proceedings have been held covering the proposed zoning of the subject property hereinafter described; that due notice has been given to the property owners, and that opportunity has been afforded to all interested persons to be heard both for and against the proposed zoning, in hearings before the Planning Commission and the City Council; and

(b) The proposed zoning of the subject property hereinafter described is in the public interest; the change of zone will, in conjunction with the amendment of the Southeast San Diego Community Plan and the City of San Diego General Plan and Progress Guide and all their respective conditions, control the specific kind and intensity of residential or commercial development permitted on the subject property; and the public welfare and good zoning practice justifies the change of zone; and

(c) The proposed zone reclassification will not be detrimental to the public welfare nor to the property of other persons located in the vicinity thereof; the change of zone with all its conditions will not adversely affect the Southeast San Diego Community Plan and the City of San

Diego General Plan and Progress Guide, as approved in the related amendment to the Southeast San Diego Community Plan, CP No. 350395 and the City of San Diego General Plan and Progress Guide, GPA No. 350395; the change of zone with all its conditions will not be inconsistent with the existing neighborhood around the subject property; and

(d) The change of zone with all its conditions will control the specific kind and intensity of residential or commercial uses permitted on the subject property; provide an aesthetic reuse of property which has had a history of misuse detrimental to the immediately surrounding neighborhood; and provide for mitigation of the loss of needed community recreational facilities;

NOW, THEREFORE,

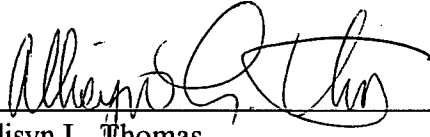
BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the property consisting of an approximately thirty (30) acre site located on the south side of Imperial Avenue between 40th Street and 45th Street as shown on Map Drawing C-878K1, in the Mountain View Neighborhood of the Southeast San Diego Community Planning Area, in the City of San Diego, State of California, described as set forth in Exhibit A, attached hereto and incorporated by reference herein, is hereby rezoned from SF-5000 (Single Family Residential) to SF-5000 (Single Family Residential) or CT-2 (Commercial Center). Map Drawing No. C-878K1 of the City of San Diego, included in San Diego Municipal Code section 103.1708, is hereby amended to show such reclassification and rezoning, and the portion of the map as amended is hereby made a part of the map.

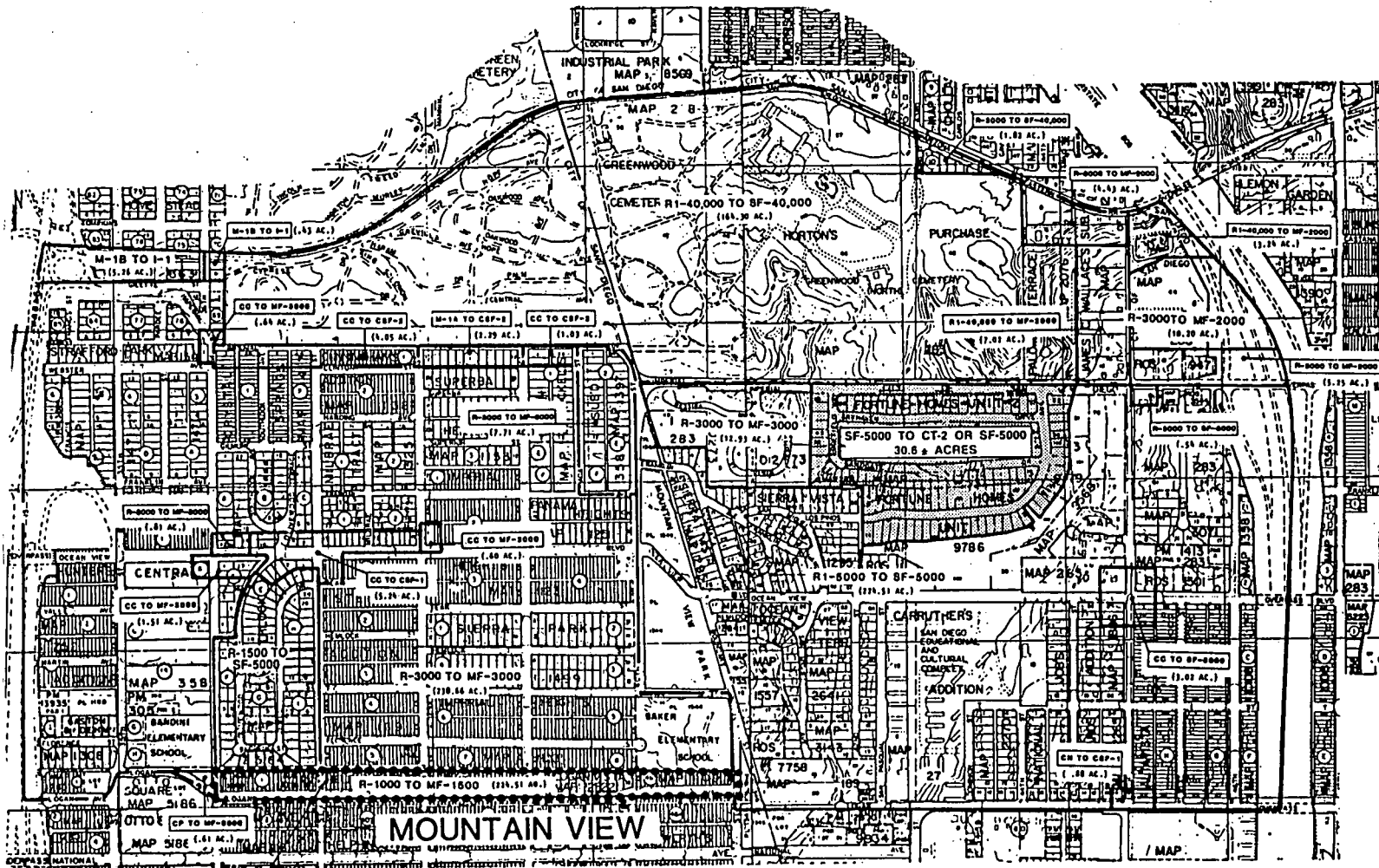
Section 2. That Ordinance No. O-16921 (New Series), adopted August 3, 1987, of the ordinances of The City of San Diego, shall be and is repealed insofar as it conflicts herewith.

Section 3. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its passage of this ordinance and shall be published in the newspaper by the City Clerk.

APPROVED: JOHN W. WITT, City Attorney

By   
Allisyn L. Thomas  
Deputy City Attorney

ALT:lc  
11/21/96  
Or.Dept:SEDC  
Case No.96-0338  
O-97-37  
Form=o.inlot



**MOUNTAIN VIEW SPECIFIC CRITERIA**  
 AREA SHOWN IS A "SPECIAL CHARACTER MULTIPLE-FAMILY  
 NEIGHBORHOOD" SUBJECT TO THE CRITERIA STATED IN SECTION  
 103.1706-M. REZONED TO MF-3000 EFFECTIVE 4-10-90. SEE B-3944 PAGE 2.

18363

### EXHIBIT A

SOUTHEAST SAN DIEGO PLANNED DISTRICT ORDINANCE		
ORD. NO. _____	BEFORE _____	REQUEST CT-2 OR SF-5000
EFF. DATE ORD. _____	EFF. DATE ZONING _____	AREA 30.6 ACRES
ZONING SUBJECT TO _____	MAP NAME _____	CASE _____
PLAN. COMM. RECOMMENDATION _____	CITY PLANNING DIRECTOR _____	CITY OF SAN DIEGO
CITY COUNCIL _____	CITY PLANNING DIRECTOR _____	C-878K