

ORDINANCE NUMBER O- **19929** (NEW SERIES)

DATE OF FINAL PASSAGE FEB 16 2010

AN ORDINANCE REZONING 0.19 ACRES LOCATED AT 6237 MONTEZUMA ROAD, WITHIN THE COLLEGE AREA COMMUNITY PLAN, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RM-1-1 ZONE INTO THE RM-3-9 ZONE, AS DESCRIBED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0406; AND REPEALING ORDINANCE NO. O-18451 N.S. (NEW SERIES), ADOPTED DECEMBER 9, 1997, OF THE ORDINANCES OF THE CITY OF SAN DIEGO TO THE EXTENT IT CONFLICTS WITH THIS REZONE.

WHEREAS, Aztec Court, LLC submitted an application to rezone 0.19 acres located at 6237 Montezuma Road from the existing RM-1-1 zone to the RM-3-9 zone to facilitate development of the site for multi-family residential use for the Aztec Court Apartments Project No. 165908; and

WHEREAS, the City Council may approve a zoning or rezoning action whenever public necessity or convenience, the general welfare, or good zoning practice justifies the action; and

WHEREAS, rezoning the existing RM-1-1 zone (Low Medium Residential) to RM-3-9 zone (High Residential) is justified because it will facilitate the development of multi-family residential development adjacent to San Diego State University, which may serve to reduce the current shortage of student housing and implement the objectives of the General Plan and College Area Community Plan; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the

decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW, THEREFORE,

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

Section 1. That 0.19 acres located at 6237 Montezuma Road, and legally described as Lot 191 of Collwood Park Unit No. 2, according to Map thereof No. 2495, filed August 12, 1948 together with that portion of the south six feet of Montezuma Road adjoining said Lot 191 on the north as closed to public use by Resolution No. 184453, recorded August 6, 1965, as File No. 141427, Official Records, within the College Area Community Plan, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4282, filed in the office of the City Clerk as Document No. OO- **19929**, are rezoned from the RM-1-1 zone into the RM-3-9 zone, as the RM-3-9 (Residential-Multiple Unit) Zone described and defined by San Diego Municipal Code Chapter 13, Article 1, Division 4.

Section 2. That Ordinance No. O-18451 N.S. (New Series), adopted December 9, 1997, of the ordinances of the City of San Diego, is repealed to the extent it conflicts with the rezoned uses of the land.


Section 3. That this action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 4. That a full reading of this ordinance is dispensed with prior to passage, since a written or printed copy was made available to the City Council and the public a day prior the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Section 6. That permits shall not be issued for development that is inconsistent with this ordinance unless complete applications for the permits were submitted to the City prior to the effective date of this ordinance.

APPROVED: JAN GOLDSMITH, City Attorney

By 

Nina M. Fain
Deputy City Attorney

NMF:js
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Or.Dept: DSD
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