

RESOLUTION NUMBER R- 305038

DATE OF FINAL PASSAGE JUL 09 2009

A RESOLUTION CALLING A PUBLIC HEARING TO DETERMINE WHETHER THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE REQUIRES THE FORMATION OF 30th STREET, PHASE IIIA (JUNIPER STREET TO ASH STREET), AND PHASE IIIB (A STREET TO K STREET) SURCHARGE FUNDED UNDERGROUND UTILITY DISTRICTS AND CONSIDERATION OF THE MITIGATED NEGATIVE DECLARATION

WHEREAS, Chapter VI, Article 1, Division 5 of the San Diego Municipal Code establishes a procedure for the creation of underground utility districts and requires as an initial step in such procedure the holding of a public hearing to determine whether the public health, safety or general welfare requires removal of poles, overhead wires and associated structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service in any such district; and

WHEREAS, Council Policy 600-8, "Underground Conversion of Utility Lines by Utility Company" defines the Council Policy for undergrounding utilities; and

WHEREAS, in accordance with Chapter VI, Article 1, Division 5 of the San Diego Municipal Code and Council Policy 600-8, it has been recommended that the following underground utility districts [Districts] be formed:

The 30TH STREET PHASE IIIA (JUNIPER TO ASH) UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

- Lots 1 through 5 and 20 through 24 and closed street adjacent to said Lots in Block 5; Lots 20 through 24 and closed street adjacent to said lots in Block 6; Lots 13 through 24 and closed streets adjacent to said Lots in Block 40; Lots 1 through 24 and closed streets adjacent to said Lots in Block 41; Lots 1 through 12 and portion Lots 13 through 24 and closed streets adjacent to said Lots in Block 42; Lots 13 through 24 and closed streets adjacent to said lots in Block 43; Lots 13 through 24 and closed streets adjacent to said Lots in Block 50; Lots 3 through 14 and portion Lots 13 through and closed streets adjacent to said Lots in Block 51 of Map SEAMAN & CHOATES SUBDIVISION, Subdivision Map No. 264.

- Lots 3 through 6 in Block 5; Lots 7 through 10 in Block 6; Lots 7 through 11 in Block 13; Lots 1 through 6 in Block 14; Lots 1 through 6 in Block 23; Lots 7 through 11 and Portion Lot 12 in Block 24 of Map SOUTH PARK ADDITION, Subdivision Map No. 623.
- Portion Lots 3, 4, 7 and 8 in Block 52; Lots 19 through 21 and Portion Lots 22 through 24 in Block 53; Lots 13 through 24 in Block 60; Portion Lots 1 through 7 in Block 61; Portion Lots 3, 4 and All of Lots 5 through 12 in Block 62; Lots 13 through 24 in Block 63 of Map SEAMAN & CHOATES ADDITION SWQ PUEBLO LOT 1138, Subdivision Map No. 631.
- Portion Lots 1, 6 and 7 and closed streets adjacent to said lot in of Map CHRISTENSENS SUBDIVISION, Subdivision Map No. 779.

Said district shall also include the following public rights of way:

- ASH STREET from its intersection with Dale St. to its intersection with 30th St.
- 30TH ST. from its intersection with Ash St. Northerly to a line parallel to and +/- 50 feet from Juniper St.
- BEECH STREET between a line +/- 100 feet West of 30th St to a line +/- 100 feet East of 30th St.
- CEDAR STREET between a line 50 feet West of 30th St. to a line +/- 110 feet East of 30th St.
- DATE STREET between a line 50 feet West of 30th St. to a line +/- 124 feet East of 30th St.
- ELM STREET between a line 100 feet West of 30th St. to a line +/- 188 feet East of 30th St.
- FIR STREET between a line 100 feet West of 30th St. to a line +/- 110 feet East of 30th St.
- HAWTHORN STREET from its intersection with 30th St. to a line +/- 50 feet West of 30th St.
- IVY STREET between a line 100 feet West of 30th St. to its intersection with Fern St.
- JUNIPER STREET from its intersection with 30th St. to a line +/- 100 feet West of 30th St.

The 30TH STREET PHASE IIIB (A ST. TO K ST.) UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

- Lots 2 through 4 in Block 4; Lots 5 through 8 in Block 6; Lots 7 through 12 and closed street adjacent to said Lot in Block 14; Lots 2 through 9 in Block 15; Lots 1 through 6 and Portion Lots 7 and 8 in Block 16; Lots 7 through 12 and closed street adjacent to said Lot in Block 17 of Map HOITTS ADDITION, Subdivision Map No. 29.
- Lots 1 through 5, Portion Lot 6, Lots 9 through 12, Lots 36 through 40 and Portion Alley closed adjacent to said Lots in Block 83; Portion Lots 38 through 42 and 45 through 48 in Block 84; Lots 1, 2 and Portion Lot 3 and Alley adjacent said Lots and Portion Lots 45 through 48 in Block 85; Lots 1 through 4 and Lots 47 and 48 in Block 86; Lots 1 through 6 and Lots 45 through 48 and Alley adjacent to said Lots in Block 87; Lots 46 through 48 and Alley adjacent to said Lots in Block 88; Lots 1 through 6 and Lots 45 through 48 in Block 89 and Alley adjacent to Lots 1 through 4; Portion Lot 28, Lots 29 through 33 and Portion Lot 34 in Block 91; Lots 17 through 24 and Portion Lots 25 through 28 in Block 92; Lots 21 through 28 and Alley adjacent to said Lots in Block 93; Lots 21 through 28 and Alley adjacent to said Lots in Block 94; Lots 22 through 29 and Alley adjacent to said Lots in Block 95; Lots 22 through 24 and Alley adjacent to said Lots in Block 96; Lots 25 through 28 and street closed adjacent to said Lots and Alley adjacent to said Lots in Block 97 of Map MORSES SUBDIVISION OF PUEBLO LOT 1150 & PORTION PUEBLO LOT 1151, Subdivision Map No. 547.
- Lot 1 of Map HILLTOP SUBDIVISION, Subdivision Map No. 5357.

Said district shall also include the following public rights of way:

- 30TH ST. from its intersection with K St. Northerly to its intersection with A St.
- J STREET between a line +/- 100 feet West of 30th St. to a line +/- 100 feet East of 30th St.
- ISLAND AVENUE between a line 100 feet West of 30th St. to a line +/- 110 feet East of 30th St.
- G STREET from its intersection with 30 St. to a line +/- 100 feet East of 30th Pl.
- 30TH PLACE
- E STREET between a line +/- 50 feet West of 30th St to a line +/- 75 feet East of 30th St.
- C STREET between a line +/- 75 feet West of 30th St to a line +/- 100 feet East of 30th St.

- B STREET from the intersection of 30th St to a line +/- 100 feet East of 30th St.
- A STREET between a line +/- 150 feet West of 30th to a line +/- 200 feet East of 30th St.
- FERN STREET from the intersection of A St to a line +/- 75 feet North of A St.

WHEREAS, Exhibit Attachment 30TH STREET PHASE IIIA UNDERGROUND UTILITY DISTRICT Map, Exhibit Attachment GENERAL BOUNDARY DESCRIPTION FOR THE 30TH STREET PHASE IIIA UNDERGROUND UTILITY DISTRICT (Pages 1 to 2), Legal Description, Exhibit Attachment 30th STREET PHASE IIIB UNDERGROUND UTILITY DISTRICT (Sheets 1 through 2) Map, and Exhibit Attachment GENERAL BOUNDARY DESCRIPTION FOR THE 30TH STREET PHASE IIIB UNDERGROUND UTILITY DISTRICT (Pages 1 to 2) depict the above Districts with greater specificity; and

WHEREAS, notice of such hearing has been given by the Mayor to all affected property owners as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, and the utilities concerned in the manner and for the time required by law; and

WHEREAS, such hearing has been duly and regularly held and all persons interested have been given an opportunity to be heard; and

WHEREAS, a Mitigated Negative Declaration (attached hereto) has been prepared according to the California Environmental Quality Act of 1970 as amended ("CEQA"), and state and local guidelines and regulations adopted pursuant thereto; NOW, THEREFORE,

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

1. Notice is hereby given that a public hearing will be held by the Council of the City of San Diego on JUL 27 2009, at the hour of 2:00 p.m. in the Council Chambers of the City Administration Building, 202 C Street, San Diego, California, to determine whether the public health, safety or general welfare requires the removal of poles, overhead


wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service in the Districts described above.

2. At such hearing all persons interested shall be given an opportunity to be heard and said hearing may be continued from time to time as may be determined by the City Council. The decision of the City Council as to the formation of the District as described above shall be final and conclusive.

3. The City Clerk shall notify all affected persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code and each utility company concerned of the time and place of the hearing by following the procedure set forth in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code.

4. The City Council shall consider the information contained in the Mitigated Negative Declaration, Project No. 156596 and 156597 to determine if it has been completed in compliance with CEQA, and state and local guidelines and regulations adopted pursuant thereto, and that said Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency.

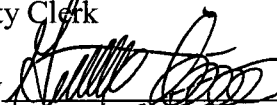
APPROVED: JAN GOLDSMITH, City Attorney

By 
Ryan Kohut
Deputy City Attorney

RK:sc
06/24/09
Or.Dept:E&CP
R-2009-1336

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 7/06/2009

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-9-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor