

RESOLUTION NUMBER R- 306457

DATE OF FINAL PASSAGE DEC 14 2010

RESOLUTION CALLING A PUBLIC HEARING TO DETERMINE WHETHER THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE REQUIRES THE FORMATION OF THE SUNSET CLIFFS BOULEVARD (CORONADO AVE. TO NEWPORT AVE.) SURCHARGE FUNDED UNDERGROUND UTILITY DISTRICT.

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" further governs the undergrounding of 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 district [District] be formed:

- Portion of Lots 25 and 26 with a southwest side having an offset of ± 88 feet from the centerline of Coronado Av. in Block 47 of Map OCEAN BEACH, Subdivision Map No. 279.
- Lots 23 through 26 in Block 48 of Map OCEAN BEACH, Subdivision Map No. 279.
- Lots 23 through 26 in Block 49 of Map OCEAN BEACH, Subdivision Map No. 279.
- Lots 21 through 26 in Block 50 of Map OCEAN BEACH, Subdivision Map No. 279.
- Lots 21 through 30 in Block 51 of Map OCEAN BEACH, Subdivision Map No. 279.

- Lot 1 in Block 52 of Map OCEAN BEACH COMMERCIAL DEVELOPMENTS, Subdivision Map No. 5730.
- Lots 25 and 26 in Block 52 of Map OCEAN BEACH, Subdivision Map No. 279.
- Lots 1 through 4 in Block 34 of Map OCEAN BEACH, Subdivision Map No. 279.
- Portion of Lots 46 through 48 with an offset of ± 66 feet from the westerly corner of Lot 48 in Block 34 of Map OCEAN BEACH, Subdivision Map No. 279.
- Portion of Lots 45 through 48 from the southerly corner of Lot 48 with an offset of ± 130 feet from the centerline of Sunset Cliffs Blvd. in Block 34 of Map OCEAN BEACH, Subdivision Map No. 279.
- Portion of Lots 1 and 2 with an offset of ± 30 from the westerly corner of Lot 1 of Map ROS 2287.
- Lots 1 through 4 and Lots 45 through 48 in Block 33 of Map OCEAN BEACH, Subdivision Map No. 279.
- Lots 1 through 4 and Lots 45 through 48 in Block 36 of Map OCEAN BEACH, Subdivision Map No. 279.
- Portion of Lots 1 and 2 with an offset of ± 30 feet from the westerly corner of Lot 1 in Block 35 of Map OCEAN BEACH, Subdivision Map No. 279.
- Portion of Lots 1 through 4 with an offset of ± 100 feet from the easterly corner of Lot 1 in Block 35 of Map OCEAN BEACH, Subdivision Map No. 279.
- Portion of Lots 45 through 48 with an offset of ± 100 feet from the westerly corner of Lot 48 in Block 35 of Map OCEAN BEACH, Subdivision Map No. 279.
- Portion of Lots 46 through 48 with an offset of ± 55 feet from the easterly corner of Lot 48 in Block 35 of Map OCEAN BEACH, Subdivision Map No. 279.
- Lot 1 of Map SUNSET CLIFFS BOULEVARD CONDOMINIUMS, Subdivision Map No. 14073.
- Lots 1 through 4 and Lots 45 through 48 in Block 37 of Map OCEAN BEACH, Subdivision Map No. 279.

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

- SUNSET CLIFFS BOULEVARD between line extending northwesterly with an offset of ± 48.98 feet from northeast corner of Lot 48 in Block 38 of Map SUNSET CLIFFS BOULEVARD CONDOMINIUMS, Subdivision Map No. 14073 & line extending southeasterly from the south corner of Lot 24 in Block 53 of Map OCEAN BEACH, Subdivision Map No. 279.
- NEWPORT AVENUE between lines extending northeasterly from the northeast corner of Lot 25 in Block 52 & northeasterly from the northeast corner of Lot 45 in Block 33 of Map OCEAN BEACH, Subdivision Map No. 279.
- Alley between offset lines ± 66 feet in Block 52 and ± 130 feet in Block 33 of Map OCEAN BEACH, Subdivision Map No. 279 from the centerline of Sunset Cliff Blvd.
- NIAGARA AVENUE between offset lines ± 180 feet and ± 80 feet from the centerline of Sunset Cliffs Blvd in Blocks 34, 33, 51 and 52 of Map OCEAN BEACH, Subdivision Map No. 279.
- Alley between lines extending southwesterly from the northwest corner of Lot 30 in Block 51 of Map OCEAN CITY, Subdivision Map No. 279 & southwesterly from the southwest corner of Lot 45 in Block 34 of Map OCEAN CITY, Subdivision Map No. 279.
- NARRAGANSETT AVENUE between line extending northeasterly from the northeast corner of Lot 27 in Block 50 & an offset line ± 85 feet from the centerline of Sunset Cliffs Blvd. in Block 35 of Map OCEAN BEACH, Subdivision Map No. 279.
- Alley between offset lines from centerline of Sunset Cliffs Blvd. of ± 80 feet in Block 35 and ± 130 feet in Block 50 of Map OCEAN BEACH, Subdivision Map No. 279.
- DEL MONTE AVENUE between offset lines from centerline of Sunset Cliffs Blvd. of ± 80 feet in Blocks 49 and 50 & ± 130 feet in Blocks 35 and 36 of Map OCEAN BEACH, Subdivision Map No. 279.
- Alley between offset lines from centerline of Sunset Cliffs Blvd. of ± 80 feet in Block 49 and ± 130 feet in Blocks 36 of Map OCEAN BEACH, Subdivision Map No. 279.
- SANTA CRUZ AVENUE between offset lines from centerline of Sunset Cliffs Blvd. of ± 80 feet in Block 49 and ± 130 feet in Blocks 36 of Map OCEAN BEACH, Subdivision Map No. 279
- Alley between offset lines from centerline of Sunset Cliffs Blvd. of ± 80 feet in Block 48 and ± 130 feet in Blocks 37 of Map OCEAN BEACH, Subdivision Map No. 279.

- CORONADO AVENUE between offset lines from centerline of Sunset Cliffs Blvd. of ±80 feet in Block 47 and 48 & ±130 feet in Blocks 37 and 38 of Map OCEAN BEACH, Subdivision Map No. 279.

WHEREAS, Exhibit Attachment SUNSET CLIFFS BOULEVARD (CORONADO AVE. TO NEWPORT AVE.) Map, and Exhibit Attachment GENERAL BOUNDARY DESCRIPTION FOR THE SUNSET CLIFFS BOULEVARD (CORONADO AVE. TO NEWPORT AVE.) UNDERGROUND UTILITY DISTRICT Legal Description, depicts the above District 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 JAN 25 2011, 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

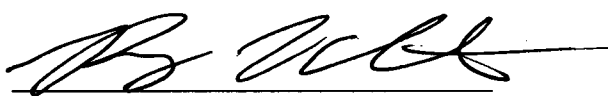
for supplying electric, communication, community antenna television or similar or associated service in the Districts described above.

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. 206474 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.

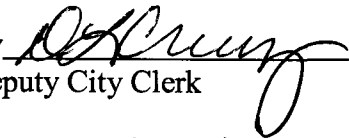
APPROVED: JAN GOLDSMITH, City Attorney

By 
Ryan Kohut
Deputy City Attorney

RK:cfq
11/09/10
Or.Dept:E&CP
ProLaw 2010-02669

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC. 7 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12.14.10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor