

RESOLUTION NUMBER R- 306460

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 30TH STREET (OCEANVIEW BLVD. TO K ST.) 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:

- Lots 25 and 26 in Block 331; Portion of Lot 27 and 28 with a south side offset of ±40 feet from the north side of Lot 28 in Block 331; Lots 21 through 26 in Block 330; and Lot 23 through 27 in Block 329 and Lot 24 through 27 in Block 328 of Map CHOATE S ADD E 1/2 PL 1159, Subdivision Map No. 156.
- Lots 1 through 4 in Block 79; Lots 45 through 48 in Block 79; and Lots 1 through 3 in Block 78; and Lots 47 and 48 in Block 78 of Map POWER SUBS, Subdivision Map No. 190.
- Lots 1 through 11 and Portion of Lot 12 with a west side offset ±20 feet from Lot 11 in Block 321; Lots 48 and 49 in Block 321; Lots 1, 2, 47 and 48 in Block 322; Portion of

Lots 3 and 4 with a north side offset ± 70 feet from south side of Lot 3 in Block 322; Portion of Lot 1 with a west side offset of ± 25 feet from the east side of Lot 1 in Block 323; Portion of Lots 1 through 3 with a north side offset of ± 60 feet from the north side of Lot 3 in Block 323; Lots 47 and 48 in Block 323; Lot 1 and Portion of Lot 2 with west side offset of ± 5 feet from the west side of Lot 1 in Block 324; and Lots 45 through 48 in Block 324 of Map REED & DALEY S ADD, Subdivision Map No. 281.

- Lots 47 and 48 in Block 78; Lots 1, 2, 47 and 48 in Block 77; and Lots 1 through 12 and Portion of Lot 13 with a west side offset ± 20 feet from Lot 12 in Block 321 of Map SEAMAN & CHOATE S ADD, Subdivision Map No. 300.
- Lots 1, 2, 47 and 48 in Block 102; Lots 1 through 3, 47 and 48 in Block 103; Lots 1, 2, 45 through 48 in Block 104 ; and Lots 1 through 6 in Block 105 of Map CENTRAL PARK, Subdivision Map No. 435.

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

- 30TH STREET between lines extending westerly from the northeast corner of Lot 1 of Block 79 in Map POWERS SUB, Subdivision Map No. 190 and westerly from the southeast corner of Lot 48 of Block 324 in Map REED & DALEY S ADD, Subdivision Map No. 281
- Alley between offset lines ± 130 feet in Block 79 of Map POWER SUB, Subdivision Map No. 190 and ± 80 feet in Block 102 of Map CENTRAL PARK, Subdivision Map No. 435 from the centerline of 30th St.
- L STREET between offset lines ± 105 feet in Blocks 78 and 79 of Map POWER SUB, Subdivision Map No. 190 and ± 80 feet in Blocks 102 and 103 of Map CENTRAL PARK, Subdivision Map No. 435 from the centerline of 30th St.
- Alley between offset lines ± 80 feet in Block 78 of Map SEAMAN & CHOATES ADD, Subdivision Map No. 300 and ± 105 feet in Block 103 of Map CENTRAL PARK, Subdivision Map No. 435 from the centerline of 30th St.
- IMPERIAL AVENUE between offset lines ± 80 feet in Block 78 of Map POWER SUB, Subdivision Map No. 190 and ± 80 feet in Block 103 of Map CENTRAL PARK, Subdivision Map No. 435 from the centerline of 30th St.
- Alley between offset lines ± 80 feet in Block 77 of Map SEAMAN & CHOATES ADD, Subdivision Map No. 300 and ± 80 feet in Block 104 of Map CENTRAL PARK, Subdivision Map No. 435 from the centerline of 30th St.
- COMMERCIAL STREET between offset lines ± 80 feet in Blocks 77 and 321 of Map SEAMAN & CHOATES ADD, Subdivision Map No. 300 and ± 130 feet in Blocks 104

and 105 of Map CENTRAL PARK, Subdivision Map No. 435 from the centerline of 30th St.

- VALLEY PLACE between offset line ± 75 feet in Blocks 77 and 321 of Map REED & DALEYS ADD, Subdivision Map No. 281 and centerline of 30th St.
- Alley between offset line ± 130 feet in Blocks 331 of Map CHOATES ADD E 1/2 PL1159, Subdivision Map No. 281 and centerline of 30th St.
- WEBSTER AVENUE between offset lines ± 75 feet in Blocks 321 and 322 of Map REED & DALEYS ADD, Subdivision Map No. 281 and ± 80 feet in Blocks 330 and 331 of Map CHOATES ADD E 1/2 PL1159, Subdivision Map No. 156 from the centerline of 30th St.
- Alley between offset lines ± 100 feet in Block 322 of Map REED & DALEYS ADD, Subdivision Map No. 281 and ± 80 feet in Block 330 of Map CHOATES ADD E 1/2 PL1159, Subdivision Map No. 156 from the centerline of 30th St.
- CLAY AVENUE between offset lines ± 55 feet in Block 323 of Map REED & DALEYS ADD, Subdivision Map No. 281 and ± 80 feet in Block 329 of Map CHOATES ADD E 1/2 PL1159, Subdivision Map No. 156 from the centerline of 30th St.
- Alley between offset lines ± 100 feet in Block 323 of Map REED & DALEYS ADD, Subdivision Map No. 281 and ± 80 feet in Block 329 of Map CHOATES ADD E 1/2 PL1159, Subdivision Map No. 156 from the centerline of 30th St.
- FRANKLIN AVENUE between northerly offset lines ± 50 feet west of the northeast corner of 20' Street Closing in Block 324 of MAP REED & DALEY S ADD, Subdivision Map 281 and northeast corner of Lot 24 in Block 328 of MAP CHOATE S ADD E $\frac{1}{2}$ PL 1159, Subdivision Map 156.
- Alley between offset lines ± 80 feet in Block 324 of Map REED & DALEYS ADD, Subdivision Map No. 281 and ± 55 feet in Block 328 of Map CHOATES ADD E 1/2 PL1159, Subdivision Map No. 156 from the centerline of 30th St.

WHEREAS, Exhibit Attachment 30TH STREET (OCEANVIEW BLVD. TO K ST.) Map, and Exhibit Attachment GENERAL BOUNDARY DESCRIPTION FOR 30TH STREET (OCEANVIEW BLVD. TO K ST.) 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/ROWE
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