

RESOLUTION NUMBER R- 307723

DATE OF FINAL PASSAGE OCT 16 2012

A RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICTS ON 28TH ST., 31ST ST., 32ND ST., FANUEL ST. (PHASE III), HOWARD AVE., PARADISE VALLEY RD., TROJAN AVE., AND VIA DE LA VALLE, FINANCED PRIMARILY THROUGH SDG&E ANNUAL ALLOCATION FUNDS (RULE 20A - CASE 8209).

WHEREAS, by Resolution No. R- 307677, a public hearing was called for on OCT 08 2012, 2012 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 structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service within certain areas of the City of San Diego more particularly described as follows (the Districts):

28th Street (Island to Clay)

- Lots 1, 2, 9 and 10, Block 11, Map 29 together with 28th Street and J Street closed and vacated to public use
- Lots 1, 2 and 10, Portion Lot 9, Block 20, Map 29 together with 28th Street and J Street closed and vacated to public use
- Portions Lots 26, 46 through 50, Lots 27 through 45, Block 51, Map 178 together with 28th Street
- Portions Lots 23 through 25, Block 13, together with Lot 26 and portion Lot 25, Block 13, Map 208 opened to public use as 28th Street and the unnamed alley
- Portions Lots 18 and 19, Lots 22 through 24, Block 1, Map 981 together with L Street and the unnamed alley
- Portions Lots I, H and G, Block 1, Map 208 together with 28th Street, L Street and the unnamed alley
- Lots A, B and C, Portions Lots G through L, Block 6, Map 208 together with 28th Street and L Street
- Lots 21 through 23, Block 2, Map 981 together with L Street, Imperial Avenue, 28th Street and the unnamed alley

- Portions Lots G through L, Block 7, Map 208 together with 28th Street and Imperial Avenue
- Lots 19 through 23, Block 3, Map 981 together with 28th Street, Imperial Avenue and the unnamed alley
- Portions Lots J through L, Block 12, Map 208 together with 28th Street
- Lots 13, 14, 19, 20 and 35, Portions Lots 15 through 18, Block 317, Map 379 together with 28th Street
- Lots 21 through 24, Block 1, Map 969 together with 28th Street and Valley Place
- Lots 25 through 28, Block 320, Map 281 together with 28th Street, Valley Place and Webster Avenue
- Lots 23 and 24, Portions Lots 25 and 26, Block 319, Map 281 together with Webster Avenue, 28th Street and the unnamed alley
- Lots 25 through 28, Block 315, Map 379 together with 28th Street, Sampson Street and Everett Street
- Portions Lots 1 through 4, Block 314, Map 379 together with 28th Street, Clay Street and Sampson Street

**31st Street (Distribution)
Market to L St**

- Lots 22 through 28, Block 99, Map 927 together with 31st Street, Island Avenue and the unnamed alley
- Lots 1, 2, 47 and 48, Block 112, Map 927 together with 31st Street, Island Avenue and the unnamed alley
- Lots 21 through 26, Portions Lots 27 and 28, Block 100, Map 927 together with 31st Street, Island Avenue, J Street and the unnamed alley
- Lots 1 through 48, Block 111, Map 927 together with 31st Street, the unnamed alley and J Street both closed and vacated to public use
- Lots 1 through 24, Lot 48 and portion Lot 47, Block 110, Map 927 together with 31st Street, K Street, the unnamed alley and J Street closed and vacated to public use
- Lots 12 and 13 and a portion Lot 14, Block 101, Map 927 together with 31st Street, J Street, K Street and the unnamed alley
- Lots 19 through 30, Block 102, Map 435 together with 31st Street, K Street, L Street and the unnamed alley
- Lots 1, 2, 47 and 48, Block 109, Map 435 together with 31st Street, K Street, L Street and the unnamed alley
- Lots 23 through 26, Portions Lots 27 and 28, Block 103, Map 435 together with L Street, K Street and the unnamed alley
- Lots 1, 2, 47 and 48, Portion Lot 3 Block 108, Map 435 together with L Street, K Street and the unnamed alley

**32nd Street
Market St to F St**

- Lots 25 through 28, Block 113, Map 982 together with 32nd Street.
- Lots 1 through 5, Lots 45 through 48, Block 113, Map 547 together with 32nd Street, G Street and the unnamed alley.

- Lots 1 through 6, Lots 47 and 48, Block 114, Map 547 together with 32nd Street, G Street and the unnamed alley.
- Lot 24, Block 127, Map 547 together with 32nd Street, and the unnamed alley.
- Lots 17 through 24, Block 127, Map 167 together with the unnamed alley.
- Parcel 1, Parcel Map 13675 together with G Street closed and vacated to public use.
- Parcel 1, Parcel Map 14458.

Fanuel Street (Phase III)
(Grand Av to Pacific Beach Dr / Bay)

- Lots 21 through 23, Block 255, Map 854 together with Fanuel Avenue, Thomas Avenue and the unnamed alley
- Lots 37 through 40, Block 254, Map 854 together with Fanuel Avenue, Thomas Avenue and the unnamed alley
- Lots 17 through 23, Block 266, Map 854 together with Fanuel Avenue, Thomas Avenue, Reed Avenue and the unnamed alley
- Portions Lots 1 through 4, Portions Lots 37 through 40, Block 267, Map 854 together with Fanuel Avenue, Thomas Avenue, Reed Avenue and the unnamed alley
- Parcel 1, Parcel Map 20158 together with Fanuel Avenue and the unnamed alley
- Parcel 1, Parcel Map 13340 together with Fanuel Ave and Reed Avenue
- Portions Lots 17 through 20, Lots 21 and 22, Block 289, Map 946 together with Oliver Avenue, and the unnamed alley
- Lots 1 through 4, Lots 37 and 40, Block 288, Map 923 together with Fanuel Avenue, Oliver Avenue, Reed Avenue and the unnamed alley
- Lots 18 through 22, Block 300, Map 946 together with Oliver Avenue, Pacific Beach Drive and the unnamed alley
- Lots 1 through 3, Lots 21 through 32, Lots 35 through 40, Block 301, Map 923 together with Fanuel Avenue, Gresham Street, Pacific Beach Drive and the unnamed alley
- Parcel 1, Parcel Map 18788 together with Pacific Beach Drive and the unnamed alley
- Lots 34 through 40, Block 302, Map 923 together with Gresham Street and Pacific Beach Drive
- Portion of Lot 94, Map 1864 together with Pacific Beach Drive, Riviera Drive and Gresham Street
- Portions Lots 87 and 89, Lots 85, 86, 88, Map 1864 together with Gresham Street, Pacific Beach Drive, Fanuel Street and La Palma Street
- Lots 83 and 84, Map 1864 together with Fanuel Street and Pacific Beach Drive
- Lots 32 through 34, Map 1834 together with Fanuel Street
- Lot 35, Map 1864 together with Fanuel Street and La Palma Street

Howard Avenue
Park Blvd to Texas St

- Lots 12 through 15, Portions Lots 16 and 17, Block 131, Amended Map of University Heights; by d'Hemecourt together with Howard Avenue, Georgia Street and the unnamed alley

- Parcels 1 and 2, Parcel Map 20818 together with Howard Avenue, Georgia Street and the unnamed alley
- Lots 20 and 21, Portion Lot 22, Block 130, Amended Map of University Heights, by d'Hemecourt together with Howard Avenue, Florida Street and the unnamed alley
- Lots 18 through 21, Portion Lot 17, Block 129, Amended Map of University Heights, by d'Hemecourt together with Howard Avenue, Florida Street, Alabama Street and the unnamed alley
- Lots 18 through 22, Portions Lots 16 and 17, Block 128, Amended Map of University Heights, by d'Hemecourt together with Howard Avenue, Alabama Street, Mississippi Street and the unnamed alley
- Lots 1 through 26, Block 127, Amended Map of University Heights, by d'Hemecourt together with Howard Avenue, Mississippi Street, Louisiana Street and the unnamed alleys closed and vacated to public use
- Lots 13 through 19, Block 126, Amended Map of University Heights, by d'Hemecourt together with Howard Avenue, Louisiana Street and the unnamed alley
- Lot 2, Map 6200 together with Howard Avenue and the unnamed alley
- Lots 1, 2, 46, 47 and 48, Block 147, Amended Map of University Heights, by d'Hemecourt together with Howard Avenue, Louisiana Street and the unnamed alley
- Lots 41 through 48, Block 146, Amended Map of University Heights, by d'Hemecourt together with Howard Avenue, Louisiana Street and the unnamed alley
- Lot 1, Map 14226 together with Howard Avenue and the unnamed alley
- Lots 1 and 2, Block 145, Amended Map of University Heights, by d'Hemecourt together with Howard Avenue and Alabama Street and the unnamed alley
- Lots 1 and 48, Portions Lots 2, 3, 46 and 47, Block 144, Amended Map of University Heights, by d'Hemecourt together with Howard Avenue, Alabama Street, Florida Street and the unnamed alley
- Lots 1, 2, 46 through 48, Block 143, Amended Map of University Heights, by d'Hemecourt together with Howard Avenue, Florida Street, Georgia Street and the unnamed alley
- Lots 1, 41 through 48, Block 142, Amended Map of University Heights, by d'Hemecourt together with Howard Avenue, Georgia Street and the unnamed alley

**Paradise Valley Road
Potomac St to Parkland Wy**

- All of Paradise Valley Road west of Potomac Street to the westerly limit of the 25' water easement along the westerly boundary of Map 9881

**Trojan Avenue
54th St to 56th St**

- Parcel 1, Parcel Map 11841 together with 54th Place
- Lots 16 through 19 and Lots 34 through 37, Map 2754 together with Trojan Avenue, 54th Place, Bernardine Place and Sharron Place
- Portions Lots 10 and 11, Map 734 together with Trojan Avenue and Sharron Place

**Via de la Valle
Highland Ct to Via de la Valle**

- All of Via De la Valle within the Southwest Quarter of the Southwest Quarter of Section 1, Township 14 South, Range 4 West, San Bernardino Base and Meridian

WHEREAS, notice of such hearing has been given by the City 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; NOW, THEREFORE,

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

1. The City Council hereby finds and determines that creation of the above described Districts is in the general public interest because in each District: such undergrounding will avoid or eliminate an unusually heavy concentration of overhead facilities; the street or road or right of way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; the street or road or right of way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; or the street, road, or right of way is considered an arterial street or major collector.

2. The City Council hereby finds and determines that 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 within the Districts set forth above and that pursuant to Chapter VI, Article One, Division Five of the San Diego Municipal Code, the above Districts are hereby declared to be underground utility districts

in the City of San Diego, and any maps and document referred to above are hereby incorporated as a part of this resolution.

3. The Mayor or his designee is hereby authorized to establish schedules (District Schedules) for the underground conversion of all poles, overhead wires, and associates structures in each District.

4. The Mayor or his designee is hereby instructed to notify, within fifteen calendar days of the effective date of adoption of the District Schedule, all affected Utility Companies and all Affected Persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, of the provisions of the District Schedule, of the date by which all poles and related overhead structures shall be removed, and of the applicable date by which all work required to convert the facilities shall be accomplished. The Mayor or his designee shall further notify said affected persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code that if they desire to continue to receive electric, communication, community antenna television or similar or associated service they shall permit installation of all necessary facility changes on their premises, or provide such changes at their own expense, so as to receive underground service from the supplying utility company's relocated underground lines, subject to applicable rules, regulations and tariffs of the respective utility company on file with the Public Utilities Commission of the State of California (as of the date of adoption of this resolution) and subject to all other applicable requirements of State law and City ordinances.

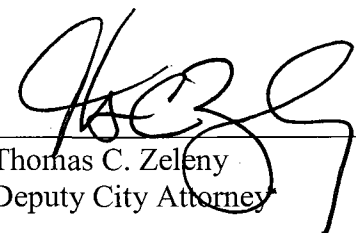
5. The Mitigated Negative Declarations (MNDs), Project Nos. 215186 and 240865, on file with the Office of the City Clerk, have been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.),

and that the final MND, together with any comments received during the public review process has been reviewed and considered by this City Council in connection with approving the Districts, and that this declaration reflects the independent judgment of the City of San Diego as Lead Agency.

6. That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Programs, or alterations to implement the changes to the Districts as required by the City Council in order to mitigate or avoid significant effects on the environment.

7. That the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Districts.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Thomas C. Zeleny
Deputy City Attorney

TCZ:cfq
9/4/2012
9/26/2012 Corr.
Or.Dept: Trans.
Document Number: 431987

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 08 2012.

ELIZABETH S. MALAND
City Clerk

By *Mary Jimenez*
Deputy City Clerk

Approved: 10.16.12
(date)

J.S.
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor