

RESOLUTION NUMBER R- 299732

ADOPTED ON OCT 05 2004

WHEREAS, Dano Pegasus, L.L.C., Applicant/Subdivider, and Hunsaker & Associates, Inc., Engineer, submitted an application to the City of San Diego for a Tentative Map, Rezone, Planned Development Permit, Conditional Use Permit, Drainage Easement Vacation, Slope Easement Vacation, and Street Vacation Easement; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on October 5, 2004; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration LDR No. 6861; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 6861, on file in the office of the City Clerk, has 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.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Pegasus, Project No. 6861.

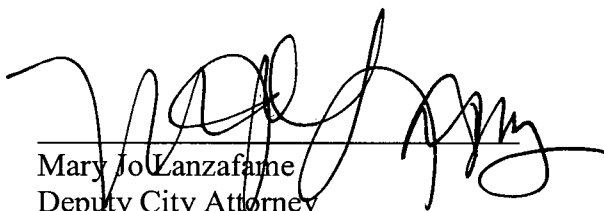
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
09/15/04
Or.Dept:DSD
R-2005-299

EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
PEGASUS PROJECT
TENTATIVE MAP, REZONE, PLANNED DEVELOPMENT PERMIT,
CONDITIONAL USE PERMIT, DRAINAGE EASEMENT VACATION,
SLOPE EASEMENT VACATION, AND STREET VACATION EASEMENT
LDR No. 6861 Project No. 6861

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. The City of San Diego, Engineering and Capital Projects Department and the Development Services Department are jointly responsible for ensuring that this Program is carried out. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 6861) shall be made conditions of Tentative Map, Rezone, Planned Development Permit, Conditional Use Permit, Drainage Easement Vacation, Slope Easement Vacation, and Street Vacation Easement as may be further described below.

GENERAL

After project approval by the Decisionmaker and prior to issuance of any discretionary approval(s), the applicant shall pay a fee of \$1,100.00 to the Development Project Manager in Development Services Department to cover the City's costs associated with implementation of the Mitigation, Monitoring and Reporting Program (MMRP).

Prior to the issuance of any engineering permits, the Assistant Deputy Director (ADD) of the Land Development Review Division (LDR) shall verify the following mitigation measures (Nos. 1 and 2) are noted on a separate sheet of the construction/grading plans submitted and included in the specifications under the heading *Environmental Mitigation Requirements*.

NOISE

The applicant shall mitigate interior and exterior noise impacts for the proposed project as follows:

1. Prior to the issuance of the building permit, staff shall verify the incorporation of sound attenuation measures as described in the *Noise Technical Report for the Pegasus Project*, prepared by RECON, dated July 2, 2003. Specifically, the plans shall indicate a solid four-foot-high attenuation barrier located along the edges of Pads 5 and 6 as shown on Exhibit A. The barrier shall be constructed of masonry block, wood frame with stucco, 0.5-inch-thick Plexiglas, 0.25-inch-thick plate glass, or other material with demonstrated ability to attenuate exterior noise levels at the ground floor to below 65 CNEL. If transparent barrier materials are used, no gaps shall be allowed between panels.
2. In addition, the construction plans shall specify mechanical ventilation and dual glazed windows for those structures or portions of structures where exterior noise

levels are expected to exceed 60 CNEL after construction of the noise barriers; specifically for the structures on Pads 1 and 3 through 7. Alternatively, the applicant may instead provide a second acoustical analysis prior to the issuance of building permits for the affected structures. This second analysis shall identify specific materials and elements to reduce interior noise levels to below 45 CNEL.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.