

RESOLUTION NUMBER R- 01467

DATE OF FINAL PASSAGE MAY 22 2006

WHEREAS, on November 3, 2004, William Lyon Homes, Inc. submitted an application to the City of San Diego for a tentative map, site development permit for environmentally sensitive lands, planned development permit, community plan amendment and rezone for the Levanto project; and

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

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the issue was heard by the City Council on MAY 22 2006; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 51049; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 51049, 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

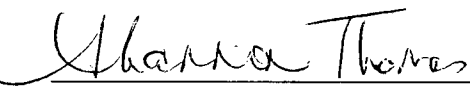
contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a tentative map, site development permit for environmentally sensitive lands, planned development permit, community plan amendment and rezone for the Levanto project.

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: MICHAEL J. AGUIRRE, City Attorney

By   
Douglas K. Humphreys  
Deputy City Attorney

DKH:pev  
03/13/06  
Or.Dept:DSD  
R-2006-774  
MMS #3095  
ENVIRONMENTAL – MND 11-01-04

## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM

TENTATIVE MAP,  
SITE DEVELOPMENT PERMIT for Environmentally Sensitive Lands,  
PLANNED DEVELOPMENT PERMIT,  
COMMUNITY PLAN AMENDMENT, and REZONE  
Project No. 51049

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. 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. 51049) shall be made conditions of the TENTATIVE MAP, SITE DEVELOPMENT PERMIT for Environmentally Sensitive Lands, PLANNED DEVELOPMENT PERMIT, COMMUNITY PLAN AMENDMENT, and REZONE from CV-1-1 to RM-2-4 as may be further described below.

#### GENERAL

1. Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, the Assistant Deputy Director (ADD) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading Environmental Requirements: "Levanto project is subject to a Mitigation, Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the Mitigated Negative Declaration 51049."

#### NOISE

1. Prior to the issuance of any Building Permits, the applicant shall submit building plans showing that the residential unit balconies and patios which have a line of sight to the Interstate 8 freeway and Waring Road are provided with a noise attenuation barrier (wall) of at least seven feet in height. This condition shall apply to all required balconies exposed to noise levels above 65 dBA CNEL as detailed in the noise study (April 22, 2005). Use of transparent materials (i.e. acrylic panels, glass) is permissible to maintain views as are sealed enclosures with opening partitions. But in all cases, these alternative barriers shall be constructed to the noise attenuation equivalent of a solid masonry wall that would

reduce the exterior noise level of this private exterior space to 65 dB(A) CNEL or below. If glass is used, the noise barrier shall be constructed of solid material with a minimum glass thickness of ½ inch with no-gapping.

2. Prior to the issuance of any Building Permits, the applicant shall submit an acoustical study to Development Services identifying sound transmission loss requirements for building elements exposed to exterior noise levels exceeding 60 dB (A) CNEL, in order to achieve an interior 45 dB(A) CNEL, to the satisfaction of the City Engineer. If the interior 45 dB(A) CNEL limit can be achieved only with the windows closed, the residential unit design shall include mechanical ventilation that meets applicable Uniform Building Code (UBC) requirements. Specific acoustical treatments for windows and/or door may be required.

Passed by the Council of The City of San Diego on MAY 22 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

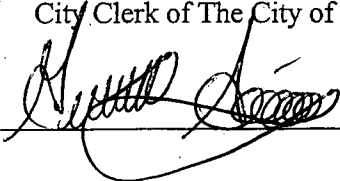
Date of final passage MAY 22 2006

AUTHENTICATED BY:

JERRY SANDERS  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R-01467